



Minutes for Meeting

Zoning Board of Appeals, via Zoom

March 21, 2023 at 7:00 PM

Members present: Winifred I. Li, Stephen J. Larocque, Wendy Kaplan Armour

490 Concord Road: a hearing on a request by Nuong Bui and Hong Linh Ho Duc requesting a special permit for an addition.

The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Wendy Kaplan Armour
- Laura Mintz

Documents in the record include:

- 490 Concord Road, Proposed Site Plan, prepared by Snelling & Hamel Associates, 1/10/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-00, 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-01, 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-02, 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-03, 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-04, 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-05, 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-06,

- 1/4/23
- 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-07, 1/4/23
 - 490 Concord Road, Architectural Drawing, prepared by Spruhan Engineering P.C., A-08, 1/4/23
 - 490 Concord Road, Structural Drawing, prepared by Spruhan Engineering P.C., S-001, 1/12/23
 - 490 Concord Road, Structural Drawing, prepared by Spruhan Engineering P.C., S-002, 1/12/23
 - 490 Concord Road, Structural Drawing, prepared by Spruhan Engineering P.C., S-003, 1/12/23
 - 490 Concord Road, Structural Drawing, prepared by Spruhan Engineering P.C., S-004, 1/12/23
 - 490 Concord Road, Structural Drawing, prepared by Spruhan Engineering P.C., S-005, 1/12/23
 - Email from K. Pawluczzonek BOH approval, 3/21/23
 - Zoning Board of Appeals decision, 1/7/99
 - Zoning Board of Appeals decision, 3/12/21

The site in question, 490 Concord Road, Weston, Massachusetts (the “Premises”), is located in Zoning Residence District A and comprises 40,050 square feet in a district that requires a minimum of 60,000 square feet. The lot has 150 feet of frontage in a District requiring a minimum of 200 feet for lots created prior to 1997. The lot is nonconforming due to its size and street frontage. The home is a preexisting nonconforming dwelling due to its extension into the street line and side lot setbacks.

The owners of the Premises, Nuong Bui and Hong Linh Ho Duc (the “Petitioners”) addressed the Board explaining that they would like to build a family room addition to their home, add an enclosed porch, and add a deck with a pergola on the second floor of their home.

The main portion of the proposed addition consists of extending the first floor of the house towards the existing detached garage on the north side of the dwelling. The Zoning Board of Appeals (ZBA) had previously approved a breezeway between the two structures in 1999, but this was never built.

An abutter, Scott Niemann of 484 Concord Road, Weston, Massachusetts, appeared before the Board to state that he supports the main addition to the home, but does not support the second-floor deck on the west side of the dwelling. He noted that the proposed deck, which would be 13.4 feet from the southerly lot line, would project an additional four feet into the setback than the preexisting nonconforming home (17.4 feet from the lot line). There are new

trees on the Niemanns' property intended to provide screening.

The Petitioners stated they would be willing to decrease the size of the second-floor deck. The Board said that they would like to see a smaller deck in order to reduce the added mass of the home, particularly since the deck extended significantly into the setback. The Board hoped that the Petitioners would work with the Niemanns to create a plan that satisfied both parties. The Board noted that they would need a revised plot plan, revised architectural drawings, and revised elevation drawings.

The Board voted unanimously to continue the hearing until May 2, 2023 at 7:00 PM via Zoom.

78 Tyler Road: a hearing on a request by Brendan Collins requesting a special permit for an addition.

The following members were present:

- Jane Fisher Carlson, Chair
- Wendy Kaplan Armour, Acting Secretary
- Laura Mintz

Documents in the record include:

- 78 Tyler Road, Existing Conditions, prepared by Spruhan Engineering, P.C., sheet 1 of 2, 9/7/22
- 78 Tyler Road, Existing Conditions, prepared by Spruhan Engineering, P.C., sheet 2 of 2, 9/7/22
- 78 Tyler Road, Title Page, prepared by GMT Home Designs, Inc., A0.0, 2/2/23
- 78 Tyler Road, General Notes, prepared by GMT Home Designs, Inc., A0.1, 2/2/23
- 78 Tyler Road, Existing RGFA Calculations, prepared by GMT Home Designs, Inc., A0.4, 2/2/23
- 78 Tyler Road, Proposed RGFA Calculations, prepared by GMT Home Designs, Inc., A0.5, 2/2/23
- 78 Tyler Road, Existing Foundation Plan, prepared by GMT Home Designs, Inc., A1.1, 2/2/23
- 78 Tyler Road, Existing First Floor Plan, prepared by GMT Home Designs, Inc., A1.2, 2/2/23
- 78 Tyler Road, Existing Second Floor Plan, prepared by GMT Home Designs, Inc., A1.3, 2/2/23
- 78 Tyler Road, Existing Roof Plan, prepared by GMT Home Designs, Inc., A1.4, 2/2/23

- 78 Tyler Road, Proposed First Floor Plan, prepared by GMT Home Designs, Inc., A1.5, 2/2/23
- 78 Tyler Road, Proposed Second Floor Plan, prepared by GMT Home Designs, Inc., A1.6, 2/2/23
- 78 Tyler Road, Proposed Roof Plan, prepared by GMT Home Designs, Inc., A1.7, 2/2/23
- 78 Tyler Road, Existing and Proposed Front Elevation, prepared by GMT Home Designs, Inc., A2.1, 2/2/23
- 78 Tyler Road, Existing and Proposed Left Elevations, prepared by GMT Home Designs, Inc., A2.2, 2/2/23
- 78 Tyler Road, Existing and Proposed Rear Elevation, prepared by GMT Home Designs, Inc., A2.3, 2/2/23
- 78 Tyler Road, Existing and Proposed Right Elevations, prepared by GMT Home Designs, Inc., A2.4, 2/2/23
- 78 Tyler Road, Existing Sections “A” and “B”, prepared by GMT Home Designs, Inc., A3.1, 2/2/23
- 78 Tyler Road, Window and Door Schedule, prepared by GMT Home Designs, Inc., A4.1, 2/2/23
- 78 Tyler Road, Interior Renderings, prepared by GMT Home Designs, Inc., A5.1, 2/2/23
- 78 Tyler Road, Exterior Renderings, prepared by GMT Home Designs, Inc., A5.2, 2/2/23
- ZBA Decision 8/23/1995
- ZBA Decision 9/13/2002

The site in question, 78 Tyler Road, Weston, Massachusetts (the “Premises”), is located in Zoning Residence District B. The home, built in 1939, is a preexisting, nonconforming structure, due its encroachment on the street setback. The home is 41.7 feet from Tyler Road in a district requiring a minimum of 50 feet. It was the subject of two prior grants for variances in 1995 and 2002.

Brendan Collins (the “Petitioner”) appeared before the Board along with Glen Travis of GMT Home Designs, Inc. The Petitioner is proposing to enlarge the upstairs bedrooms and widen the staircase. The existing RGFA/lot area ratio is 10.3%. The proposed addition would bring this ratio to 10.85%. The Petitioner is proposing to widen the stairs, reduce the riser height, and add a landing to make the stairs safer and in compliance with current building codes. The Petitioner is also seeking to enlarge the two attic bedrooms upstairs by raising the ceiling height which is currently 6’6”. The footprint of the home will remain the same, with the extra square footage coming from incorporating some of the attic space into living space.

The Board questioned whether the Board of Health had approved the project. It was

determined that since the project increases the square footage of the home, a Title V septic system inspection is necessary. The Petitioner stated that the inspection is scheduled to happen this week. The Board voted unanimously to continue the hearing until after the Title V septic system inspection is complete and approval from the Board of Health is received. The hearing was continued until April 4, 2023 at 12:00 PM via Zoom.