



**ZONING BOARD OF APPEALS
MINUTES OF MEETING, via Zoom**

March 30, 2021

Board Members Present: Li, Rose, Jr., Sitole

10 Irving Road: a petition by **Timothy and Dianne O'Connor** requesting a special permit for a pool, pool house, and pergola.

The Board held a public hearing on March 30, 2021, at 7:00 P.M., via Zoom video. The following members were present:

- Winifred I. Li, Acting Chair
- Alan D. Rose, Jr., Acting Secretary
- Sujit Sitole

Documents in the record include:

- 10 Irving Road Architectural drawings, RGFA, A1.01, A2.00, A9.00, prepared by MGa Marcus Gleysteen Architects, 8/18/20.
- 10 Irving Road Site Plan, prepared by Snelling & Hamel Associates, 12/14/20
- Town of Weston ZBA Decision, 10 Irving Road, 12/13/11
- Town of Weston ZBA Decision, 10 Irving Road, 8/13/19
- Town of Weston ZBA Decision, 10 Irving Road, 9/11/19
- 10 Irving Road hearing application exhibits, A-I, prepared by Attorney Elizabeth Nolan
- Letter from S. Polednak, 3/19/21
- Email from Johnson and Cullinane, 3/29/21

The subject site, 10 Irving Road, (the “Premises”) is located primarily in Single Family Residence District B, with the dwelling and approximately 75% of the lot (the northerly portion) in that district. Approximately 25% of the lot (the southerly portion) is sited in Single Family Residence District A.

The Premises is deficient in lot size (District A), street frontage, and width at street setback. The dwelling on the Premises is pre-existing, non-conforming because it extends into the street setback, the northerly side setback, and the southerly side setback. There is a shed sited entirely within the northerly side setback. Accordingly, the subject lot and dwelling both are nonconforming.

Dianne O'Connor, 10 Irving Road, owner (the "Petitioner") appeared before the Board with her attorney, Elizabeth Nolan and her architect, Marcus Gleysteen.

A previous ZBA hearing application for a pool, pool house, and pergola was submitted to the Board in June 2019, and was withdrawn without prejudice in September 2019. Ms. Nolan told the Board that the Petitioner is now requesting a special permit for a new design for a pool, pool house, and pergola. Ms. Nolan stated that the proposed pool, pool house, and pergola will all comply with Residential District A setback requirements and do not create any new non-conformities.

The Board noted that two letters from neighbors were received citing objections to the traffic and deliveries to the O'Connors' home. Ms. Nolan explained that due to the COVID pandemic, Ms. O'Connor had moved her business to her home, and had been receiving deliveries, but that since January she had moved her business out of her home. She also stated that the O'Connors have five children, so there are many cars that come and go from the property, but that they obey the speed limit and are respectful of the neighbors.

The proposed pool house will add 1,108 ft² to the existing home's 2,717 ft² of livable area. The resulting RGFA/lot area ratio would be 9.2%.

The Board noted that the Petitioner's request for a pool, pool house, and pergola on a pre-existing non-conforming lot (District A) with a non-conforming structure does not make any of the existing non-conformities greater, and does not add any new non-conformities. The pool, pool house, and pergola are all within the building envelope under the more restrictive dimensional requirements of District A. The Board also noted that the increased RGFA as a result of the pool house will not exceed 10% of the lot size.

Following due and open deliberation, the Board unanimously agreed that the proposed additions would not be substantially more detrimental to the neighborhood than the existing conditions. The special permit was granted.

42 Westcliff Road: a request by Giles Moore requesting a variance for a shed in the setback.

The Board held a public hearing on March 30, 2021, at 7:15 P.M., via Zoom video. The following members were present:

- Winifred I. Li, Acting Chair
- Alan D. Rose, Jr.
- Sujit Sitole, Acting Secretary

Documents in the record include:

- Plot Plan, 42 Westcliff Road, dated 2/17/21
- Shed location photographs, dated 2/17/21
- Town of Weston Board of Health approval dated 3/29/21

The subject site, 42 Westcliff Road, (the “Premises”) is located in Single Family Residence District A. The lot and Premises are conforming to the zoning requirements of District A. There are wetlands on the west side of the lot.

Giles Moore, 42 Westcliff Road, owner (the “Petitioner”) appeared before the Board to explain that he would like to place a shed, size 7’6” by 12’, in the rear of his house within the setbacks. Mr. Moore stated that there is no other feasible location on the lot to place the shed due to ledge and the topography of the lot. A large portion of the lot consists of wetlands or ledge.

The Board determined that they need more information to make a decision. The Board recommended Mr. Giles have an engineer or land surveyor prepare an updated plot plan showing the exact location of the proposed shed and/or to stake out the location of the proposed shed. The location of the shed should be accurately measured and the plot plan should be updated with the dimensions and distances from the home and lot lines of the proposed shed.

The Board agreed to conduct a site visit to evaluate the lot site conditions. The hearing was continued to April 28, 2021 at 6 pm at 42 Westcliff Road.

189 Merriam Street: a request by **David Connolly, DPC Properties LLC** requesting a special permit for an addition.

The Board held a public hearing on March 30, 2021, at 7:30 P.M., via Zoom video. The following members were present:

- Winifred I. Li, Acting Chair and Acting Secretary
- Alan D. Rose, Jr.

- Sujit Sitole

Documents in the record include:

- ZBA Petition Plan of 189 Merriam Street in Weston, MA, prepared by Connorstone Engineering Inc., Revised 2/17/21
- Proposed Sewage Disposal System, prepared by Connorstone Engineering, 1/21/21
- Plan of Land of 189 Merriam Street in Weston, MA, prepared by Connorstone Engineering Inc., 2/25/21
- House Renovation, 189 Merriam St., Drawings A1, A2, A3, A4, A5, and A6 [elevations and floor plans], prepared by Paul R. Lessard, 2/19/21
- House Renovation, 189 Merriam St., Drawing A2, prepared by Paul R. Lessard, 11/3/20, on which the petitioner or the petitioner's representative has made hand-drawn revisions
- Letter from George F. Connors, Counselor At Law, Northboro and Hopkinton, MA, to the Weston Zoning Board of Appeals, 2/25/21
- Memorandum from Town of Weston Historical Commission to John Field, 1/19/21

The subject site, 189 Merriam Street, (the "Premises") is located in Single Family Residence District C. The home was built in 1917, and is therefore under the purview of the Historical Commission. The lot is pre-existing nonconforming because it only has 90 feet of street frontage on Merriam Street in a district requiring 125 feet for lots created before 1997. Its width at the front setback also is deficient. The existing house is also nonconforming because it is located 8.6 feet from the northerly side lot line and approximately 15 feet from the rear, easterly lot line (District C requires 25 feet).

David Connolly (the "Petitioner") appeared before the Board with his team, including attorney George Connors and architect Paul Lessard.

Mr. Connolly stated that the current dwelling was constructed in 1917 and is located partially within the setbacks. There is a Town drain line, running roughly in an east-west direction, through the length of the lot. The house is north of the drain line. The septic system is to be sited between the house and the street, and north of the drain line. The existing detached garage south of the drain line is proposed to be removed.

Petitioner's original plans purportedly included an addition to the house and a new, detached garage in the rear of the Premises, but the plans given to the Board show a new attached garage on the street side of the house and addition. The Historical Commission approved plans for a similar addition to the house, but did not approve plans for a garage.

The Board noted that the RGFA calculations which were submitted have not been certified. The Board also would like to see RGFA/lot area ratios of the neighboring homes, for comparison and context. In addition, the Board requested that the Petitioner submit the drawings which the Historical Commission approved in January 2021.

The Board voted unanimously to continue the hearing to April 14, 2021 at 7:00 P.M.