



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

April 28, 2021

Board Members Present: Rose, Jr., Larocque, Sawyer

632 Wellesley Street: a hearing on a request by **Rob Shannon, Leyne and Shannon Inc.** for a special permit for an addition.

The following members were present:

- Alan D. Rose, Jr., Acting Chair and Acting Secretary
- Stephen J. Larocque
- Natalie B. Sawyer

Rob Shannon, (the “Petitioner”) appeared before the Board and requested a continuance to the hearing because the project was still being reviewed by the Planning Board.

The hearing was continued until May 12, 2021 at 6:45 pm.

186 Meadowbrook Road: a hearing on a request by **Kuldip Vaid & Anna Vaid** for an amendment to a special permit

The following members were present:

- Alan D. Rose, Jr., Acting Chair and Acting Secretary
- Stephen J. Larocque
- Natalie B. Sawyer

Documents in the record include:

- “Request for Amendment to Special Permit” package prepared by Wilchens, Cosentino, & Novins LLP, Wellesley, MA
- ZBA decision granting a variance for an addition dated 9/28/77
- ZBA decision granting a variance for a porch dated 10/21/85
- ZBA decision granting a variance for an addition dated 2/2/89
- ZBA decision granting a special permit with conditions dated 10/21/13
- ZBA decision denying an appeal of the interior demolition permit by the Planning Board dated 1/10/14
- ZBA decision denying an appeal of the Building Inspector’s issuance of a building permit by the Planning Board dated 1/29/14
- ZBA decision granting an amendment to the special permit dated 2/21/14
- Letter from the Planning Board to the Zoning Board of Appeals dated 11/20/13
- Letter from the Planning Board to the Zoning Board of Appeals dated 12/16/13
- Letter from J. White to Zoning Board of Appeals dated 12/13/13
- Memo from J. Field to Zoning Board of Appeals dated 4/27/21
- Email from J. White to Zoning Board of Appeals dated 4/28/21
- Email from J. Field to Zoning Board of Appeals dated 4/28/21
- 186 Meadowbrook Area Plans prepared by GCD Architects, Cambridge, MA, dated 12/1/20

The site, 186 Meadowbrook Road, Weston, Massachusetts (the “Premises”) is located in the Single Family Residential District A (SFRD A), and comprises 40,138 square feet in a district requiring a minimum of 60,000 square feet. The lot has 311 feet of street frontage, and similar width at street setback, in a district requiring a minimum of 200 feet. The lot is pre-existing, nonconforming. The dwelling is nonconforming due to the encroachment into the street, street centerline, and southerly lot sideline. The home encroaches into the south lot line setback, as it is 16 ft from the lot line in a district requiring 45 ft. The home also encroaches into the street zoning setbacks. The home is 32.1 ft from Meadowbrook Road, and 57.1 ft from the centerline of Meadowbrook Road in a district requiring 60 ft and 85 ft, respectively.

Appearing before the Board were Kuldip Vaid, owner of 186 Meadowbrook Road (the “Petitioner”) and Jonathan White, attorney for the Petitioner. Mr. White explained that a special permit was issued by the ZBA in 2013 for an addition to the dwelling. Mr. White explained that the permitting process at the time was difficult and drawn out. The Planning Board appealed both the demolition permit and the building permit. Mr. White stated that the Vaid’s made changes to the floor plan part way through the construction of the addition. According to the Petitioner, the builder, Atlas Contracting, told the Vaid’s that the changes would not require the Vaid’s to go back to the ZBA. The Vaid’s added a ceiling/floor to the living room, making room for two additional bedrooms. In addition, a laundry area and a breakfast room were also added to the originally approved design. One of the staircases was also

replaced with an elevator. Mr. White stated that all the work was done prior to 2018, when the final occupancy permit was issued. The Voids are trying to sell the Premises and their real estate broker and attorney have advised them to petition the ZBA for an amended special permit covering the unapproved changes.

John Field, Weston's Building Inspector appeared before the Board. He provided the Board with a signed letter from Atlas Contracting, dated 4/17/15 in which Atlas Contracting and the Voids agreed to keep the additional space above the installed living room ceiling unfinished and in-accessible for use. Mr. Vaid stated he had never seen this letter before but it was signed by Mrs. Vaid.

Mr. Field stated that a final building inspection for the addition occurred on 12/17/15, which resulted in a small punch list of items that weren't complete. There was still landscaping and stormwater work and a wetlands order of conditions work that was not complete, so a temporary occupancy permit was issued on 12/29/15. Town staff went back to the home in March 2016 to inspect a final punch list of items. This was the last time that Town staff went inside the home. The final Building Permit was issued much later in 2018. The Building Department was under the impression that nothing had changed on the interior since they issued the temporary occupancy permit, and were only finalizing the stormwater and conservation issues.

Mr. Field clarified that the Building Department requires certification that the home is built to the approved drawings, but does not require "as-built" drawings. Mr. Field also stated that the permitted home was a 3-bedroom house with an RGFA of 5,180 ft. The septic Title V was approved for 5 bedrooms and 11 rooms total. The home as-built is now 5 bedrooms with an RGFA of 7,985 ft².

Mr. Field stated that the Town has no record of approval for the installation of the elevator and that no inspections were done on the elevator by the Town. Mr. Vaid stated that the elevator has been certified by the State. The Board expressed concern about the construction work that was never inspected by Town staff on this property.

The Board noted that the RGFA/lot area of the permitted work was 12.9% and that the RGFA/lot area of the existing, as-built home is now 19.89%. The Board questioned whether, in order to approve an amendment to the special permit, they would have to conclude that the existing, as-built home would have been approved originally had it been presented to the Board. The Board members expressed concern about the large RGFA/lot area ratio, and the unapproved changes. The Board also expressed concern over the safety issues of the large portion of the addition that was never inspected and also the elevator that was not inspected by Town staff. The Petitioner requested to withdraw their application for an amended special

permit. The Board voted unanimously to allow the Petitioner to withdraw the application without prejudice.