



Minutes for Meeting

Zoning Board of Appeals, via Zoom

May 18, 2022 at 7:00 PM

Members present: Alan D. Rose, Jr., Stephen J. Larocque, Natalie B. Sawyer

68 Summer Street: a hearing on a request by Joseph F. Fournier, Jr., on behalf of Max and Paula Reece requesting a special permit for an addition.

The following members were present:

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

Documents in the record include:

- Proposed Plot Plan, 68 Summer Street, prepared by Rober Survey, 10/13/21
- First Floor Plan, 68 Summer Street, A1.01, prepared by JFF Design Architects & Planners, 3/4/22
- Second Floor Plan, 68 Summer Street, A1.02, prepared by JFF Design Architects & Planners, 3/4/22
- Roof Plan, 68 Summer Street, A1.03, prepared by JFF Design Architects & Planners, 3/4/22
- Elevations, 68 Summer Street, A2.01, prepared by JFF Design Architects & Planners, 3/4/22
- Elevations, 68 Summer Street, A2.02, prepared by JFF Design Architects & Planners, 3/4/22

- 3D Views, 68 Summer Street, A3.01, prepared by JFF Design Architects & Planners, 3/4/22

The subject site, 68 Summer Street, Weston, Massachusetts (the “Premises”) is located in the Single Family Residential District B. The home was built in 1925. The Premises is approximately 21,258 ft² of area, in a district requiring a minimum of 40,000 ft². The Premises has 74 feet of street frontage in a district that requires 150 feet of street frontage in lots created before 1997. The existing detached garage is 15 feet from the northerly lot line, and the existing home is 1.7 feet from the southerly lot line. District B requires a 35 foot setback from lot lines to be conforming. Both structures on the lot are existing non-conforming and the lot is non-conforming because it is undersized and too narrow.

Joseph Fournier, architect for the Petitioner, appeared before the Board to explain that the Petitioners are seeking to build an addition to join the existing detached garage with the main home, creating an entryway and mudroom and a second floor master bedroom suite. They are removing a bedroom on the first floor and replacing it with a playroom. The current existing RGFA of the property is 2,050 ft². The Petitioner is proposing to add 952 ft² to the home, resulting in a total of 3,002 ft², which would be approximately 14% RGFA/lot area ratio.

The Board noted that the Historical Commission has reached out and stated that they want to review this project prior to the ZBA hearing the case because the project involves removing some of the original 1925 siding.

The Board voted to continue the hearing in order to allow the Petitioner to gain approval from the Historical Commission for the proposal. The hearing was continued until June 28, 2022 at 7:00 PM via Zoom.

41 Oxbow Road: a hearing on a request by Jeffrey Zieba requesting a variance for the installation of a generator.

The following members were present:

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

Documents in the record include:

- ZBA Petition Plan, 41 Oxbow Road, prepared by Connorstone Engineering, Inc., dated 2/24/22
- Generac Guardian Series Generator cut sheets

The subject site, 41 Oxbow Road, Weston, Massachusetts (the “Premises”) is located in the Single Family Residential District D. The Premises is approximately 16,077 square feet of area, in a district requiring a minimum of 20,000 square feet. The Premises has 90 feet of street frontage in a district that required 100 feet of street frontage before 1997. The existing home is set back more than the required 30 feet from the streetline. The existing home sits within the building envelope. The lot is non-conforming due to lack of area and street frontage.

Jeff and Erica Zieba (the “Petitioners”) appeared before the Board explaining that they are proposing to locate a generator at the side of the home at a distance of 17 feet from the lot line. The Petitioners stated that other possible locations for the generator would interfere with their septic system, and that their lot slopes steeply so that not all sites would be suitable.

The Board voted to continue the hearing in order to give the Petitioner time to gather the necessary information for an alternate generator location. The hearing was continued until June 2, 2022 at 7:00 PM via Zoom.

7 French Road: a hearing on a request by Weston French LLC requesting an appeal to a Building Inspector’s decision.

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:

- Supplemental Explanation for Application for Hearing 7 French Road, submitted 5/11/22
- Letter from Jonathan A. White, Wilchins, Consentino & Novins to Attorney Sanders dated 5/11/22
- Letter from C. Dylan Sanders, Sugarman Rogers, to the ZBA, dated 5/17/22

- Memo from John Field to ZBA dated 5/18/22
- ZBA decision dated 8/26/21
- ZBA decision dated 9/11/20
- ZBA decision dated 7/2/18
- Notice of Violation letter from J. Field dated 3/21/22
- Email from J. Field dated 3/31/22

The subject site, 7 French Road, Weston, Massachusetts (the “Premises”) is located in the Single Family Residential District B (SFRD B), and comprises 54,358 square feet in a district which requires a minimum 40,000 square feet of area. The Premises has 120.05 feet of frontage and 148.7 feet of lot width at street setback, in a district requiring a minimum of 150 feet in width for both dimensions for lots created before 1997. This lot was created circa 1949. At that time, the Premises was zoned as Single Family Residential C, which required a minimum of 40,000 square feet, and 125 feet of frontage; there was no requirement for lot width at street setback. The Premises was rezoned to SFRD B in 1954.

There is a 20-foot wide drainage easement that bisects the Premises from the midsection of the easterly lot line to the southwest corner. Within this drainage easement is an intermittent stream, with an associated buffer zone, and a 100-year flood zone.

The Premises was improved by a dwelling constructed in 1953, which encroached into the setback from the street lot line. The Zoning Board of Appeals granted a variance and special permit in 2016 for a replacement dwelling. That dwelling was not constructed. The Zoning Board of Appeals granted a special permit with conditions in 2018 for a different replacement dwelling. In 2021, the Zoning Board of Appeals granted an amendment to the 2018 special permit.

On March 21, 2022, John Field, Town of Weston Building Inspector and Zoning Enforcement Officer, issued a Notice of Violation, Stop Work Order to Weston French LLC for the construction work being done on the Premises. The Notice of Violation stated that the work associated with tree cutting and the proposed driveway location may be in violation of the Zoning Board of Appeal’s special permit. Since the owner failed to provide proof that the work to date, especially the tree, stone and driveway work, is in compliance with the ZBA Special Permits, the Town ordered all work to stop on the site.

On March 31, 2022, John Field sent an email to the Petitioner granting limited work to continue on the site with the understanding that:

1) The work will only consist of steps necessary to make the house weather-tight, limited to rough framing, installing the roofing and sidewall coverings and installation of windows and exterior doors.

2) All work is at your risk until the Zoning Board of Appeals hears and adjudicates the stop-work order.

Appearing before the Board was Jonathan White, attorney for the Petitioner. Attorney White stated that the Petitioner mistakenly removed trees from the site that were in violation of conditions #4 and #5 of the 2018 special permit.

Conditions from the 2018 special permit:

4. The two trees on the sides of the newly proposed driveway shall be preserved. If either is damaged, the damaged tree shall be replaced with a 10 to 12-foot tall tree.

5. Trees between the new driveway (at the northeast) and 11 French Road shall be maintained.

Attorney White stated that he provided a proposal to the Board and to Attorney Dylan Sanders (representing Dr. Vincent Agnello, an abutting neighbor) to replace the trees. The Petitioner's remediation proposal suggests replacing the trees with five evergreen trees 12'-14' in height, and that the two trees along the sides of the proposed driveway would be replaced with 10-12' tall trees when construction on the site is finished.

Attorney Sanders stated that what is missing from the Petitioner's proposal is any measures to screen the new home from the road. He suggested that in addition to the required new plantings, the Petitioner should re-route the driveway to allow for more screening from the road.

The Board noted that the Petitioner would need to ask for an amendment to the 2018 special permit since the conditions of this special permit were violated and the proposed remediation plan will be different than what was in the 2018 special permit. The Board also noted that it is not in anyone's best interest to have this project sit and not be completed but that the Petitioner would need to file a new hearing application requesting an amendment to the 2018 special permit, showing all proposed screening and plantings.

John Fiske, 8 French Road, appeared before the Board to state that he believes a solution will be able to be worked out.

Following due and open deliberation, the Board, by unanimous decision, denied the appeal of

the Building Inspector's decision. The Stop Work Order issued on March 21, 2022 will remain in place pending review and approval of the Petitioner's application for an amendment to the special permit.

147 Sudbury Road: a continuation of a hearing on a request by Alissa Lenore Minehart requesting a special permit for a generator.

The following members were present:

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

Additional documents in the record include:

- Plan of Land Boundary Survey, 147 Sudbury Road, prepared by Circumspect Land Surveying, revised 5/18/22
- 147 Sudbury Road, Site Photos

The Petitioner appeared before the Board with a revised plan to locate the generator in the rear of the home, adjacent to the deck, and 40 feet from the side lot line. This new proposed location does not increase the existing non-conformity of 34.1 feet from the home to the side lot line.

Following due and open deliberation, the Board voted unanimously that the proposed new location of the generator as presented in the Petitioner's most recent plans submitted at the May 18, 2022 hearing would not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. The special permit was granted.