



Minutes for Meeting

Zoning Board of Appeals, via Zoom

June 26, 2023 at 7:00 PM

Members present: Winifred I. Li, Wendy Kaplan Armour, Tristan Colangelo

**7 Columbine Road:** a hearing on a request by Pete Ferrero on behalf of Randall Davis and Dana Lynn Penney requesting a special permit for a generator and condensing units in the setbacks.

The following members were present:

- Winifred I. Li, Acting Chair
- Wendy Kaplan Armour
- Tristan Colangelo, Acting Secretary

Documents in the record:

- ZBA decision dated 6/22/21
- ZBA decision dated 10/19/22
- 7 Columbine Road, Proposed Site Plan, prepared by Snelling & Hamel Associates, 8/15/22
- 7 Columbine Road, Proposed Site Plan, prepared by Snelling & Hamel Associates, 4/20/23
- Generac Generator cut-sheet, 22kW generator
- Carrier Condenser cut-sheet, 24ANB748A003
- Carrier Condenser cut-sheet, 24ABC624A003

The site is located in Residential District C, with a home built in 1950. The lot is conforming, but the home encroaches into the setbacks. The existing garage is 23.6 feet from the lot line in a district that requires 25 feet. Variances were issued in 1978 and 1986 for additions to the home and special permits were issued in 2021 and 2022 for an addition to the home.

Dana Nichols, Assistant Project Manager and Heather Souza, Architect for the project, appeared before the Board. Mr. Nichols explained that renovations on the home are being done now and there are three existing non-conforming outdoor utilities on the south side of the home. The Petitioner is proposing to upgrade two of the three of these utilities. They are proposing to upgrade the 10kW generator to a 22kW generator, which would be in the approximate same location as the existing generator, and no closer to the lot line than the existing generator. They are also proposing to replace an air conditioning condensing unit with a new unit and locate it closer to the home and further away from the lot line than the existing condensing unit. The third unit, an air conditioning condenser, will remain as-is.

The Board inquired about the sound levels of the new equipment versus the existing equipment. Mr. Nichols stated that the equipment specifications show that the new 22 kW generator produces 67 dB at 23 feet at full load versus the existing 10 kW generator which produces 70 dB at 23 feet at full load. The new air conditioning condenser is rated at 76 dB versus the existing condenser at 73 dB. The Board noted, however, that this is the unit that will be moved closer to the home and away from the lot line.

Mr. Nichols also stated that the existing location for the condenser is not compliant with the building code because it is less than three feet from the generator. This new layout will bring the units into compliance.

Mr. Nichols stated that the owners of 7 Columbine Road got a verbal acknowledgement from the owners at 15 Columbine Road in support of the proposed layout of utilities.

The Board noted that the Petitioner's request for a special permit for utilities in the setback would not be substantially more detrimental to the neighborhood than the existing non-conforming utilities. Following due and open deliberation, the special permit was granted for utilities in the setbacks as shown on the Proposed Site Plan dated 4/20/23.

**126 Pine Street:** a hearing on a request by Meredith and David Noe requesting a variance for a shed located in the setbacks.

The following members were present:

- Winifred I. Li, Acting Chair
- Wendy Kaplan Armour, Acting Secretary
- Tristan Colangelo

Documents in the record:

- 126 Pine Street, Topographic Site Plan, prepared by VTP Associates Inc., 10/6/22
- 126 Pine Street, Topographic Site Plan, prepared by VTP Associates Inc., 10/11/22
- 126 Pine Street, Weston Stormwater Management Permit, issued 8/25/22, amended 10/14/22
- Shed Shop Drawing, Classic Cape Storage Building, The Barn Yard
- 126 Pine Street, Subsurface Sewage Disposal System, prepared by M.J. Dimodica Exc., 8/16/22
- Email from K. Pawluczzonek, Weston Board of Health, 5/1/23
- Letter from H. Dong, 118 Pine Street, 6/4/23

The site is located in Residential District A, with a home built in 1964. The lot is non-conforming, as it has an area of 59,852 ft<sup>2</sup> in a district that requires 60,000 ft<sup>2</sup> of area. The existing home encroaches into the setbacks, as it is 58.5 feet from Pine Street in a district requiring a 60-foot setback.

Meredith and David Noe (the “Petitioners”), appeared before the Board to explain their request for a variance for a shed located approximately 6 feet from the lot line. They explained that they recently did a large landscaping project that required a stormwater management permit and they were planning on adding the 10-foot by 12-foot shed in the proposed location. They cannot change any grading on the lot due to the stormwater management permit to locate the shed in a different spot. They explained they have a corner lot and that topography is challenging, and there are wetlands on the lot.

The Board noted that the Site Plan shows the neighbor’s tennis court is actually on their property. The Petitioners said they discovered this when purchasing the home and there is now an easement for the portion of the tennis court on their property.

The Board discussed possible other locations for the shed that would be less non-conforming, as the Board felt that 6 feet from the lot line is too close. The Board would ideally like to see the proposed shed at least 18 feet from the lot line. The Petitioners agreed to come back before the Board with a revised plan from the landscapers showing a new location for the shed that is further from the lot line.

The Board voted unanimously to continue the hearing until August 8, 2023 at 7 PM via Zoom