



Minutes for Meeting

Zoning Board of Appeals, via Zoom

July 13, 2022 at 7:00 PM

Members present: Jane Fisher Carlson, Sujit Sitole, Natalie B. Sawyer

293 Boston Post Road: a hearing on a request by Gregory and Cathy Goldman requesting a variance to operate a business in an accessory structure.

The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Sujit Sitole
- Natalie B. Sawyer

The site in question, 293 Boston Post Road, Weston, Massachusetts (the “Premises”), is located in Single Family Residence District B and comprises approximately 122,000 square feet in a district which requires a minimum 40,000 square feet. The Premises have over 500 feet of frontage in a district requiring a minimum of 200 feet. The barn/carriage house (sometimes referred to herein as the “barn”) located on the property encroaches into the setbacks, as it is approximately 28 feet from the rear lot line in a district that requires a 35-foot setback.

Appearing before the Board were Cathy and Gregory Goldman, the owners of the Premises (the “Petitioners”), and their attorney, Jonathan White of Wilchins Cosentino & Novins, 20 William Street, Wellesley, Massachusetts. The Petitioners recently transferred their business, Millennium Group, Inc., to the barn/carriage house on their property. They understood that if they didn’t receive a variance, they would have to connect the barn to the house with a lengthy breezeway in order to conform to §V.B.1.e(i) of Weston’s Zoning By-law. The Goldmans’ business meets the required criteria under this section except that it is located in an accessory

structure and not in the Goldmans' residence itself. The Petitioners explained that, with a variance, they will be able to continue to use the barn as a business without constructing the breezeway.

Both the structures involved in this petition are historic in nature. The Petitioners' home was built in 1916 (previous dwellings burned down in 1791 and 1906); the barn/carriage house dates from before 1850. In a letter to the Board from the President of the Weston Historical Society, Pamela Wilkinson Fox, dated June 27, 2022, Ms. Fox writes, "...the carriage house...is one of the finest remaining examples in Weston of the large and elaborate outbuildings built by estate owners in the late 19th and early 20th century."

With regard to the required components of a variance in this case, Attorney White said that a literal enforcement of the bylaw, requiring a lengthy breezeway connecting the house and barn, would cause two hardships for the Petitioners. First, requiring an unsightly and inauthentic breezeway between the structures would reduce both their historic and aesthetic values. Second, he noted that although the cost of the breezeway would be relatively small in comparison to the amount the Petitioners have already spent on maintaining and upgrading the barn, such cost would still constitute a hardship.

Attorney White also noted that the grant of a variance would enhance the public good, due to the unique historic value of the Premises and its importance to the Town of Weston. Ms. Fox, who was present at the hearing, told the Board that the home and barn are part of the Boston Post Road Historic District and are therefore part of the National Register. She stated that the barn/carriage house is a very significant structure, both historically and in its Boston Post Road location, and noted that adding a breezeway between the residence and the barn would be detrimental to both the property and the Town. The Board noted that the Premises' location on the Boston Post Road serves as an important visual gateway to Weston Center.

As far as the topography of the land specifically affecting the Petitioners' home and barn, Attorney White explained that the property is unique topographically. The top of the foundation of the home is five feet higher than the top of the foundation of the barn, and previous dwellings were also built on the height of land. This unusual configuration may have been dictated by earlier flooding threats to the dwellings, since many other working farms of that era joined the barn to the farmhouse.

The Board discussed whether this case meets the high standards of granting a variance. The Board concluded that the hardship required to issue a variance exists since the residence and barn are historically significant, and requiring that they be joined by a breezeway would present a hardship for the community resulting in the alteration of a valuable Town asset. It was agreed

that this property is unique in its location on Boston Post Road at the entrance of the Town and that the parcel includes unique topographical characteristics which have dictated the separation between the dwelling and the barn.

Following due and open deliberation, the Board, by unanimous decision, granted a variance to allow the Petitioners to operate a business in their barn/carriage house. The Board found that many circumstances involving the Premises are unique. It determined that the barn is a significant historic structure. It is located prominently along the Boston Post Road and serves as part of the “gateway” to Weston Center. It is part of the Boston Post Road Historical District and on the National Register. In addition, the Premises include unique topographical characteristics that may have originally required separation of the residence and the barn, due to the threat of flooding. The Board also stated that Petitioners shall use their best efforts to maintain the historical characteristics of both the exterior and the interior of the barn. Considering all these circumstances, the Board determined that a variance allowing the Petitioners to operate their business in the detached barn/carriage house is warranted, that a literal enforcement of the bylaw would create a hardship, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weston Zoning By-law.

7 French Road: a hearing on a request by Weston French LLC requesting an amendment to a special permit.

The following members were present:

- Jane Fisher Carlson, Chair and Acting Secretary
- Sujit Sitole
- Natalie B. Sawyer

The site in question, 7 French Road, Weston, Massachusetts (the “Premises”) is located in Single Family Residence District B and comprises 54,358 square feet in a district which requires a minimum area of 40,000 square feet. The Premises have 120.05 feet of frontage and 148.7 feet of lot width at street setback in a district requiring a minimum of 150 feet of width for both dimensions for lots created before 1997. This lot was created around 1949. At that time, the lot was zoned as Single Family Residence 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 lot was rezoned to Single Family Residence District 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 are improved by a dwelling constructed in 1953, which encroaches into the setback from the street lot line. The Zoning Board of Appeals granted a variance and special permit for a replacement dwelling in 2016. That dwelling was not constructed. The Board granted a special permit with conditions in 2018 for a different replacement dwelling. In 2021, the Board granted an amendment to the 2018 special permit

Appearing before the Board was Mikhail Kuznetzov, representative of Weston French, LLC, (the "Petitioner"). The Board noted that the Petitioner has not yet received Conservation Commission approval for the change in the lot's proposed driveway design. The Conservation Commission hearing to review this change is scheduled for later in July. The Board explained that they do not generally hear cases before they have gone through all other necessary approvals from the Town's Boards and Commissions. The Board recommended that the Petitioner withdraw the application and resubmit a new application after receiving a decision from the Conservation Commission. The Petitioner agreed to withdraw the hearing application.

Following due and open deliberation, the Board, by unanimous decision, allowed the Petitioner to withdraw the application without prejudice.

70 Loring Road: a hearing on a request by Nathan & Lindsey Ott requesting an appeal to a Planning Board decision and to a Building Inspector's decision.

The following members were present:

- Jane Fisher Carlson, Chair
- Sujit Sitole
- Natalie B. Sawyer, Acting Secretary

Documents in the Record:

- Certificate of Action, Site Plan Approval, 8/2/13
- Certificate of Action Scenic Road Site Plan Approval Amendment, 4/12/22
- Letter from J. Field to N. Ott and L. Ott, 4/26/22
- Email from C. Boer, 2/1/22
- Letter from E. Ahlgren, 3/15/21
- Email from R. Costa, 6/9/20
- Email from C. Ritchie, 1/31/22

- Email from D. Knight, 11/30/19
- Email from H. Richie, 1/31/22
- Email from A. Bail, 1/30/22
- Email from E. Brooks, 1/30/22
- Email from K. Harding, 1/30/22
- Email from A. Cavan, 1/30/22
- Email from R. Huber, 1/31/22
- Email from B. Clark, 6/22/20
- Letter from J. Ivey, 3/14/21
- Email from P. Daunis, 1/30/22
- Email from P. Koenig, 1/30/22
- Email from C. Nicewicz, 1/31/22
- Email from A. Riedel, 10/22/20
- Letter from T. Roitfarb and B. Chick
- Email from N. Warren, 1/31/22
- Memo from A. Swain to J. Field, 9/28/15
- Letter from Transportation Data Corporation to Mr. & Mrs. Ott, 9/20/18
- Proposed Site Plan, prepared by Metrowest Engineering, Inc., 4/8/13
- Gregory Lombardi Design letter, 10/16/18
- Existing Conditions, 70 Loring Road, prepared by The Jillson Company, 3/22/18
- Site Grading Plan, 70 Loring Road, prepared by The Jillson Company, 2/2/20
- Site Grading Plan, 70 Loring Road, prepared by The Jillson Company, 2/2/22
- Site Locus Plan, 70 Loring Road, L1.00 prepared by Gregory Lombardi Design, Inc., 11/29/21
- Site Plan, 70 Loring Road, L1.01 prepared by Gregory Lombardi Design, Inc., 11/29/21
- Tree Removal Plan, 70 Loring Road, L1.02 prepared by Gregory Lombardi Design, Inc., 11/29/21
- Landscape Plan, 70 Loring Road, L1.03 prepared by Gregory Lombardi Design, Inc., 11/29/21
- Site Sections, 70 Loring Road, L1.04 prepared by Gregory Lombardi Design, Inc., 11/29/21
- Site Photos, 70 Loring Road, L1.05 prepared by Gregory Lombardi Design, Inc., 11/29/21
- Site Locus Plan, 70 Loring Road, L1.00 prepared by Gregory Lombardi Design, Inc., 2/2/22
- Site Plan, 70 Loring Road, L1.01 prepared by Gregory Lombardi Design, Inc., 2/2/22
- Tree Removal Plan, 70 Loring Road, L1.02 prepared by Gregory Lombardi Design, Inc., 2/2/22
- Landscape Plan, 70 Loring Road, L1.03 prepared by Gregory Lombardi Design, Inc., 2/2/22
- Site Sections, 70 Loring Road, L1.04 prepared by Gregory Lombardi Design, Inc., 2/2/22
- Site Photos, 70 Loring Road, L1.05 prepared by Gregory Lombardi Design, Inc., 2/2/22
- Letter from J. Gerrity to The Planning Board, 8/11/21
- Memo from Gregory Lombardi Design, 3/10/22

The subject site, 70 Loring Road, Weston, Massachusetts (the “Premises”) is located in the Single Family Residential District B (SFRD B), and comprises approximately 58,810 square feet in a district which requires a minimum 40,000 square feet of area. The Premises has over 150 feet of frontage in a district requiring a minimum of 150 feet on lots created before 1997. The home is located entirely outside the zoning setbacks.

Nathan and Lindsey Ott (the “Petitioners”) seek authority to relocate their driveway from Loring Road to Meadowbrook Road. In connection with relocating the driveway through a presently wooded area (the “Wooded Area”), the Petitioners seek to undertake associated tree removal, grading and retaining wall construction work. The current Loring Road driveway location has served the Premises since the construction of the current residence and, prior to that, the previous residence. The requested Meadowbrook Road driveway relocation has been reviewed and denied three times by the Planning Board: in 2013 as part of the original Certification of Action on the site plan approval; in 2015 in determination on request to amend the Certificate of Action; and in 2022 in determination on a request to amend the Certificate of Action. The Planning Board’s 2022 written determination (the “2022 PB Determination”) was issued on April 6, 2022 and notes that, at the time of the original 2013 Certificate of Action, the driveway to Meadowbrook Road was an issue for the Planning Board because of the significant site disturbance, and that the Planning Board remained concerned that the additional site disturbance, including removal of mature trees and additional grading in the Wooded Area were impacts that were not warranted. The instant request to this Board is an appeal of (i) the 2022 PB Determination denying the driveway relocation, as well as (ii) the Building Inspector’s denial of the Petitioners’ building permit to construct the retaining walls needed for the driveway relocation.

Johanna Schneider and Donna Mizrahi, attorneys for the Petitioners, appeared before the Board to present the Petitioners’ request. Ms. Schneider summarized the background of the prior requests to relocate the driveway, and informed the Board that, at the time of the prior denial, the relocation was opposed by the Weston Roads Trust (which owns Meadowbrook Road), but that the Weston Roads Trust now assents to the relocation. Ms. Schneider also highlighted that the Petitioners believe the driveway relocation will increase safety of outside play by their children, and that several residents of the Town of Weston have submitted letters in support of the Petitioners.

Joseph Skorupa, landscape architect for the Petitioners, presented the proposal for screening and retaining walls for the proposed driveway on Meadowbrook Road. The proposal includes planting 38 new trees and 55 new shrubs. Approximately 20 trees will have to be removed to

create the new proposed driveway and there will be a grade change of approximately 12'.

The Board noted that, during the Planning Board's recent review, they stated concern with the site disturbance and preservation of trees. The Zoning Board also noted that the Planning Board's stated concern that nothing significant had changed since the denial of the project back in 2015 to reverse their decision. The Board agreed that they had hoped to hear from someone from the Planning Board during this hearing.

The Board agreed to conduct a site visit to gain more information about the proposed driveway relocation; and identified for the Petitioners that they were particularly seeking information to inform their assessment of the Standards and Criteria for Site Plan Approval, as set forth in the Zoning Bylaws, Section XI, Part F, including:

1. The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:
 - ...
 - b. Preserve natural or historic features;
 - ...
 - e. Minimize tree, vegetation and soil removal, blasting and grade changes;
 - ...

The Board voted unanimously to meet at 70 Loring Road for a site visit on July 19, 2022 at noon and to continue the discussions of the application on July 25, 2022 at 7pm via Zoom.