



Minutes for Meeting

Zoning Board of Appeals, via Zoom

July 25, 2022 at 7:00 PM

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

70 Loring Road: a continuation of 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

Additional Documents in the Record:

- Revised hearing submittal package dated 07/22/22

Johanna Schneider, attorney for the Petitioners, appeared before the Board, providing a summary of the proposed project and noting the additional information that was provided at the Board's request, including calculations of the width of the proposed clearing and work through the Wooded Area. The total width of the proposed driveway opening on Meadowbrook Road is 36'. The average width of the limits of work through the Wooded Area is 42'. The length of the proposed retaining wall along the driveway would be 53' from the corner at the motor court to the end of wall. The wall will begin at a little over 3.5' at the motor court, 2' at the half point and end into grade at the far end. The Petitioners also provided an Arborist's Report and, upon inquiry to the landscape architect, agreed that there were no identified pests or diseases in the Wooded Area, and that the Arborist's Report did not indicate any imminent decline of the trees in the Wooded Area rated as in "fair" condition.

Imai Aiu, Weston Town Planner, addressed the Board. He stated that a similar proposal came to the Planning Board in 2013 which was a new driveway in approximately the same location as what the Petitioners are proposing. The project was denied by the Planning Board. In 2015, the Planning Board was again asked for the same change in driveway location. The Planning Board again found it did not meet the criteria for Site Plan Approval. The Planning Board found that the proposal was significantly impactful and that the landscape and ecosystem will change. The Planning Board reviewed the Petitioners' proposal, and found that there were no new conditions from the first two times for which the proposal was denied. The Planning Board felt that because there is an existing driveway that wouldn't need to be remediated and the owners have reasonable use of the driveway, the Planning Board found no compelling reason to overturn the previous Planning Board's decision. The Planning Board did consider letters of support from abutters.

After consideration of the information provided by the Petitioners' and their professionals, as well as the direct observations of the Board at the July 22, 2022 site visit; the Board agreed that the proposed driveway relocation is not consistent with the Standards and Criteria set forth in Section XI, Part F of the Zoning Bylaws and, in particular 1.b and 1.e. The Board noted that it had carefully considered the safety argument raised by the Petitioners, but did not find any unique safety issue specific to the existing driveway.

After due and open deliberations, the Board voted unanimously to deny the petition related to 70 Loring Road requesting a reversal of the Planning Board's denial to amend the 2013 Certificate of Action. The Board also denied the secondary request in the petition related to 70 Loring Road requesting the Board to reverse the Building Inspector's decision to deny a building permit.