



Minutes for Meeting

Zoning Board of Appeals, via Zoom

August 9, 2022 at 7:00 PM

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

**10 North Road:** a hearing on a request by James V. Anza requesting a commercial/special permit and 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:

- Hearing application with written submission dated 7/5/22
- Email from L. Stantial dated 6/20/22
- Enforcement letter from R. Como dated 4/14/22
- ZBA decision dated 7/11/22

The subject site, 10 North Avenue (the "Premises"), is located in Single Family Residence District B. The lot is conforming as it has adequate acreage and enough street frontage to conform to the Zoning District B. However, structures on the property are located too close to the rear lot line to conform with the zoning setbacks. The house is pre-existing non-conforming.

James V. Anza (the "Petitioner") appeared before the Board with his Attorney Nicole James. Ms. James explained that there are two parts to the Petitioner's business: farming/agricultural

and a landscape business, and only the landscaping activities need to be permitted. The Petitioner stated that he has been running the same business since 2001 at 10 North Avenue. The Petitioner used a decibel reader to measure the level of noise in various locations. On the property line using the loudest equipment on-site, the decibel reader is less than the street noise. The Town Bylaw Section V.B.5 governs commercial storage for activity primarily in the Town. Mr. Anza's business is primarily with Weston residents and he also works for the Town. He stated that approximately 85% of his customers are in Weston.

The Petitioner stated that the violation letter is not valid because the same business use has been going on for more than 10-years. However, the Petitioner is seeking a commercial storage permit because the Town has asked him to do so, and because Anza believes that this may resolve the issues with the Town. The Board asked for a list of the Petitioner's customers and more information on the Butera case which is similar to this case.

The Board voted unanimously to continue this hearing until August 18, 2022 at 7 pm via Zoom.

**70 Black Oak Road:** a hearing on a request by Jonathan Klandrud on behalf of Prashanth Palakurthi requesting a special permit for an accessory use structure.

The following members were present:

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

Documents in the record include:

- Caretaker's Cottage, 70 Black Oak Road, Existing & Demo Floor Plan & Elevations, D1.1, prepared by Erik Grunigen Architects, 3/15/22.
- Caretaker's Cottage, 70 Black Oak Road, Proposed Floor Plan & Elevations, A1.1, prepared by Erik Grunigen Architects, 3/15/22.
- Caretaker's Cottage, 70 Black Oak Road, Window, Door Schedule and Types, A2.1, prepared by Erik Grunigen Architects, 3/15/22.
- 70 Black Oak Road, Site Development Plan, C-1.0, prepared by wsp, 3/25/22.

The subject site, 70 Black Oak Road, Weston, Massachusetts (the "Premises") is located in the Single-Family Residence District A, and comprises over 145,000 square feet of area in a district

requiring a minimum of 60,000 square feet. The Premises has 240 feet of street frontage, in a district requiring a minimum of 200 feet for lots created prior to 1997. The lot and Premises are conforming.

Appearing before the Board was Jonathan Klandrud, general contractor for owner Prashanth Palakurthi (the "Petitioner"). Mr. Klandrud explained that the owner has been in the home for about 5 years and since that time the existing garage had been used as a storage facility for property equipment. The Petitioner would like to convert the garage into a caretaker's cottage for someone to live there and take care of the grounds.

Each of the nine requirements set forth in Section VI.G of the Zoning By-laws for an accessory apartment was reviewed with the Petitioner. Based upon the representations of the Petitioner, the Board determined that all nine of the accessory apartment requirements have been met, but that the Petitioner had not yet submitted written approval from the Board of Health. The Petitioner stated he has received approval from the Board of Health and will submit written approval to the Board.

Following due and open deliberation, the Board, by unanimous decision, granted a special permit for the proposed accessory apartment substantially as shown on the documents submitted for this hearing conditioned upon: (i) receipt of approval from the Board of Health [an email from the Board of Health approving the caretaker's cottage was subsequently received]; and (ii) the accessory apartment is to be used as a caretaker's cottage, and is not approved for use as a rental unit.

The Board of Appeals determined that the proposed accessory apartment would not be substantially more detrimental to the neighborhood than the existing home

**68 Summer Street:** a continuation of 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

Additional documents in the record:

- Email from J. O'Connell, City of Cambridge Water Department dated 7/18/22
- Letter from Historical Commission dated 7/5/22
- Email from D. Kaplan, City of Cambridge Water Department dated 7/27/22

Joseph Fournier appeared before the Board. The Petitioner completed their meetings with the Historical Commission, which recommended some changes to back doors.

The Petitioner met with The City of Cambridge Water Department, and both parties agreed to work together regarding the proximity of the Stony Brook Reservoir. There is an existing footpath on the property to the reservoir, and the City of Cambridge will assist the owner in placing plantings in that area to prevent use of the footpath. The City of Cambridge was also concerned with the possible use of pesticides. The Petitioner had not used any pesticides in that area of the property. The City of Cambridge Water Department issued an email in support of the proposed project.

Two-story addition will house a master suite on the second floor, an entry room, and new access to the basement. The proposal will remove a bedroom on the first floor which will be converted to a playroom. The addition does not encroach any further into the setbacks than the existing structures.

Following due and open deliberation, the Board voted unanimously to grant a special permit substantially as shown on the plans submitted to the ZBA as amended post review of the Historical Commission. It was determined that the Petitioner's proposal would not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.