



Minutes for Meeting

Zoning Board of Appeals, via Zoom

September 20, 2022 at 7:30 PM

Members present: Jane Fisher Carlson, Winifred I. Li, Natalie B. Sawyer

11 Hemlock Road: a hearing on a request by Alan and Virginia Simmons requesting a special permit for a garage addition.

The following members were present:

- Jane Fisher Carlson, Chair
- Winifred I. Li, Acting Secretary
- Natalie B. Sawyer

Documents in the record include:

- Two sets of Architectural Drawings, 11 Hemlock Road, prepared by Lincoln Architects, 5/27/22, one set submitted 8/9/22 with the application and a second set submitted 9/20/22
- Three context photos submitted by the petitioner, A. Simmons
- Proposed Site Plan, 11 Hemlock Road, prepared by John R. Hamel, 5/12/22
- ZBA decision filed 4/9/04
- Email from M. Nurczynski, 9/2/22
- Letter from J. Plank, 9/12/22
- Email from J. Wilson, 9/15/22
- Letter from R. Barno & L. Montgomery, 9/15/22
- Letter and exhibits from G. Steele & W. Livingston, 9/18/22

The subject site, 11 Hemlock Road, is located in Single Family Residence District B. The lot is non-conforming as it has 21,020 ft² in a district requiring 40,000 ft². The lot has approximately

30 feet of street frontage, in a district that requires 150 feet for lots existing before May 1997. The existing home and existing garage both encroach into the lot side line setbacks. The existing garage is located approximately 2 feet from the lot side line. The district requires a setback of 35 feet from the lot line. The lot and house are pre-existing non-conforming. The ZBA issued a variance in 2004 that permitted the building of an addition to the home.

Alan Simmons (the "Petitioner") and his architect, Daniel Quaille of Lincoln Architects, 1 Mount Vernon Street, Winchester, MA, presented the proposed design. The Petitioner explained that the plan is to demolish the existing garage and build a new two-story garage in the same place as the existing garage, although the new garage would have a larger footprint and an additional story. The second floor of the proposed garage would be a multi-use/exercise/storage room. The Board asked why the Petitioner did not consider moving the proposed garage away from the lot line and more inside the building envelope. Mr. Quaille stated that due to the septic system and trying to preserve the view from the back of the home, the Petitioner preferred to keep the garage in the same location.

The Board also noted that the plans show a bathroom in the proposed structure. The Petitioner stated that the current septic system can handle another bathroom.

Michael Nurczynski, 8 Hemlock Road, appeared before the Board to state his support for the project and he feels it would fit in well with the neighborhood.

Attorney Jonathan White, representing Grant Steele and Wendy Livingston, 15 Hemlock Road, appeared before the Board. Mr. White stated that his clients do not want to see a second floor on a garage that is so close to the property line shared with his clients' abutting property; his clients are opposed to the increase of mass and RGFA so close to the lot line.

Mr. White asked whether this case should be a variance request for a new structure instead of a special permit for a replacement structure. A short discussion ensued. The Board concluded it would not be necessary to resolve this question because the project did not pass even the more lax standard for a special permit.

The Board recognized that the subject lot is smaller than the other lots in the neighborhood. The existing RGFA/lot area ratio is 19%. With the proposed addition, this ratio would increase to almost 24%, which would be a much larger ratio than is found on the other lots in the neighborhood.

The Board determined that the proposed two-story structure would be substantially more detrimental to the neighborhood than the current garage because the proposal would increase the mass of the garage and the RGFA outside the building envelope and very close to the

property line. Following due and open deliberation, the Board voted, by roll-call, unanimously to deny the request for a special permit.

70 Black Oak Road: a hearing on a request by Jonathan Klandrud on behalf of Prashanth Palakurthi requesting a variance for a multi-use structure.

The following members were present:

- Jane Fisher Carlson, Chair
- Winifred I. Li
- Natalie B. Sawyer, Acting Secretary

Documents in the record include:

- Proposed Plot Plan, 70 Black Oak Road, PROP-1, prepared by RJO'Connell & Associates, Inc., 2/25/22
- Juju Studio and Pool House, 70 Black Oak Road, Title Sheet, T1.1, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Basement Plan, A1.0, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, First Floor Plan, A1.1, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Second Floor Plan, A1.2, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Exterior Elevations, A2.1, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Exterior Elevations, A2.2, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Roof Plan, A3.1, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Building Sections, A4.1, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Building Sections, A4.2, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Building Sections, A4.3, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Window, Door Types and Schedules, A5.1, prepared by Erik Grunigen Architects, 3/15/22
- Juju Studio and Pool House, 70 Black Oak Road, Structural Notes, S0.0, prepared by Erik Grunigen Architects, 11/12/21

- Juju Studio and Pool House, 70 Black Oak Road, Foundation Plan, S1.0, prepared by Erik Grunigen Architects, 11/12/21
- Juju Studio and Pool House, 70 Black Oak Road, First Floor Framing Plan, S1.1, prepared by Erik Grunigen Architects, 11/12/21
- Juju Studio and Pool House, 70 Black Oak Road, Second Floor Framing Plan, S1.2, prepared by Erik Grunigen Architects, 11/12/21
- Juju Studio and Pool House, 70 Black Oak Road, Attic Floor Framing Plan, S1.3, prepared by Erik Grunigen Architects, 11/12/21
- Juju Studio and Pool House, 70 Black Oak Road, Roof Framing Plan, S1.4, prepared by Erik Grunigen Architects, 11/12/21
- Juju Studio and Pool House, 70 Black Oak Road, Foundation Sections and Details, S2.0, prepared by Erik Grunigen Architects, 11/12/21
- Juju Studio and Pool House, 70 Black Oak Road, Framing Sections and Details, S3.0, prepared by Erik Grunigen Architects, 11/12/21
- ZBA decision dated 9/6/22

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 Erik Grunigen, architect for owner Prashanth Palakurthi (the “Petitioner”). Mr. Grunigen explained that the Petitioner is proposing building a two-story, 2520 square foot structure on the property that would be fully conforming with the zoning setback requirements. The Petitioner lives in the main home and this accessory structure would be both a pool house on the first floor and a recording studio on the second floor for the Petitioner’s wife, a professional singer. Mr. Grunigen stated that they have already received Board of Health approval and stormwater approval from the Town. The Petitioner requires a variance from the requirement of Section V.B.1(e)(1), which (amongst other criteria) requires an occupation conducted by a person residing in the dwelling, to be “conducted totally within the dwelling, and not in an accessory structure.” Pursuant to the Section V.A.1 of the Zoning By-Laws, no building or structure may be erected for any use not expressly allowed in the district in which the building or structure is located.

The Petitioner represented that the studio would be used for his wife to conduct “practice runs” and that a business would not be run at the location. The Board asked how many people

would be working at the studio at one time. The Petitioner stated that most of the time it would only be his wife and himself, but that “once in a while we might get a musician or two.”

The Board noted the large size of the recording studio and that the architectural drawings include a stage, concert room, concert lounge, dance floor, kitchen, and two bathrooms; which does not seem to align with the description of the intended use of the building

The Board discussed which section of the Weston By-law would be applicable in this situation and if the Board has jurisdiction of this case. The Petitioner is seeking a variance from Section V.B.1(e)(1). Specifically, the Petitioner seeks a variance from the requirement that the occupation is conducted within the main dwelling and not in an accessory structure. Alternatively, Section V.B.6 of the Weston by-law references artist studios which are allowed with a Special Permit from the Board of Selectmen with Site Plan Approval.

The Board asked the Petitioner to provide a written representation for the record of the recording studio’s intended uses. The Board voted unanimously to continue the hearing until Friday, September 23, 2022 at noon via Zoom.

Vote to authorize the ZBA Chair to sign Settlement Agreement

The Board voted unanimously to allow the ZBA Chair to sign the settlement agreement for the Powell v. Weston case.