



Minutes for Meeting

Zoning Board of Appeals, via Zoom

September 26, 2023 at 7:00 PM

Members present: Wendy Kaplan Armour, Laura Mintz, Tristan Colangelo

74 Orchard Avenue: a hearing on a request by Antonella Walker requesting an extension to a special permit.

The following members were present:

- Wendy Kaplan Armour, Acting Chair
- Laura Mintz
- Tristan Colangelo, Acting Secretary

Documents in the record:

- Letter from A. Walker dated 8/21/23
- Certificate of Action RGFA Site Plan Approval 7/26/21
- ZBA decision 9/9/21
- ZBA decision 11/17/20
- Email from H. Kelly dated 9/15/23

The subject site, 74 Orchard Avenue, (the “Premises”), is a non-conforming lot in Residential District A. The site has 45,888 ft² in a district that requires 60,000 ft² of area. The site has approximately 164.5 ft of street frontage on Orchard Avenue (250 ft required), but has more than 250 ft of street frontage on Tamarack Road. The previous home on the lot, which has been demolished, was non-conforming. It was approximately 42.2 ft from Orchard Avenue. District A requires a minimum of 60 ft from the street sideline. The previous home had a shed that was

10.2 feet from the side lot line and a garage that was 26.4 feet from the side lot line, both of which were non-conforming, as a 45-foot setback is required.

Antonella Walker (the “Petitioner”) appeared before the Board to state that she is seeking an extension to the special permit that was issued on 9/9/21 to build a new home. She stated that her husband passed away approximately one month after receiving the special permit and that put everything on hold.

The Board noted that they had received an email from abutter Hugh Kelly in support of granting the extension.

Following due and open deliberation, the Board voted unanimously to grant a two-year extension to the special permit for a new home originally issued 9/9/21. The Board also noted that all of the original conditions in the special permit and in the Planning Board’s Certificate of Action RGFA Site Plan Approval are re-imposed with this extension.

12 Westland Road: a hearing on a request by Charlotte Yates on behalf of Paige Yates regarding an appeal to the building inspector’s decision.

The following members were present:

- Wendy Kaplan Armour, Acting Chair and Acting Secretary
- Laura Mintz
- Tristan Colangelo

Documents in the record:

- Hearing application with plot plan sketch and letter from Petitioner submitted 8/30/23
- Letter from R. Como, Town of Weston, 7/11/23
- Letter with photos from S. Kakes, 9/12/23
- Memo from J. Field, Building Inspector and Zoning Enforcement Officer, Town of Weston, 9/26/23

The subject site, 12 Westland Road, (the “Premises”), is a non-conforming lot in Residential District C. The lot has approximately 120 ft of street frontage in a district that requires 125 ft of

frontage on lots prior to 1997. The existing home is also non-conforming as it encroaches in the westerly setbacks.

Charlotte Yates (the "Petitioner") appeared before the Board to explain why she is appealing the Notice of Violation letter issued by the Town of Weston on 7/11/23. The Petitioner stated that she had originally believed that the letter was in reference to strictly the small 8'x8' chicken coop on her property. She stated that this coop is on wheels and is intended to be moved occasionally. However, since receiving the memo from John Field dated 9/26/23 regarding the violation, she now understands the violation letter is in reference to the chicken coop and the chicken run, which is a fenced in area where the chickens can roam outside of the coop. The Petitioner stated that the run is made of wooden planks with chicken wire surrounding it and that part of it is covered by metal sheeting to prevent predators and rain from getting in to the area. She does not believe it should be considered a structure.

John Field, Town of Weston Building Inspector and Zoning Enforcement Officer, told the Board that according to the Town of Weston Bylaws, the chicken run is a structure. The Town's definition of a structure states that any assemblage of materials in a fixed location can be considered a structure. He believes that all the parts of the chicken coop and run – the coop, the run with the roof, and the run without the roof is so large that it cannot be easily moved without tools and a lot of effort and is considered a structure. In addition, the height of the chicken run fencing is 7.5', which is not allowed under the bylaws. All fences over 6 feet in height are considered structures. Mr. Field stated that he believes that since this is considered a structure, it needs to be within the zoning setbacks for the property and would require a building permit.

Stephen Kakes, 194 Merriam Street, appeared before the Board to state that the chicken coop and run are approximately 36 feet long and are located approximately 1.5 feet from his property line. He stated that the fence shown in the submitted photos is his fence and is located on his property. He stated that he feels that the chicken coop and structure is a detriment to the use of his property.

Andrew Chase, 198 Merriam Street, appeared before the Board to state that he has experienced noise and odor issues with the chickens.

The Petitioner stated that she had put plastic covering over the chicken run to help mitigate the odors.

Following due and open deliberation, the Board, by unanimous roll-call vote, denied the appeal of the Building Inspector's letter dated 7/11/23. It was decided that in order to avoid fees and fines accrued due to the zoning violation, the Petitioner shall be allowed until 10/31/23 to

remove the entire structure (chicken coop and run, as described by Ms. Yates and referenced by the Building Inspector's memo of 9/26/2023) from the zoning setbacks. If the removal work is not completed by 10/31/2023, fees and fines will be imposed. The Petitioner was advised to work with the Building Department on getting any necessary permits for a new proposed location of the chicken coop/structure.