



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
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June 24, 2014

APPROVED MINUTES

Attending the meeting in the Selectmen's Meeting Room in Wayland Town Building were E. Michael Thomas, Eric Goldberg, Aida Gennis, Thomas White and Linda Segal. Norma Badger was in attendance to take minutes. Building Commissioner Jay Abelli also was in attendance.

Application of STEVEN LOCKE for any necessary approvals, special permits, variances, as may be required to renew the special permit granted in ZBA Decision #06-41 dated February 5, 2007 (Psychiatric Services) under the Town of Wayland Zoning By-Law Chapter 198 Sections 201, 203, 901.1.2 and 804-Table of Permitted Accessory Uses by Districts (Use #62). The property is located at 10 DEER RUN which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (14-15)

Panel hearing matter: Linda, Thom, Eric, Michael and Aida. Linda will write the decision. Mr. Locke the applicant, apologized that his previous approval had lapsed. Has had two previous approvals, and during the intervals, it has been 18 years and there have been no problems or complaints by neighbors. There are no traffic issues, only 2 cars at most times. Seeking approval for continuance to see patients in his home. Linda asked about the restricted area. Mr. Locke said it is an easement and contains no building.

Linda asked if it should be a new permit since it was lapsed. The applicant seeks no difference in conditions from the last permit, except increasing from 10 to 15-16 hours. No weekends or evenings, 8:00 a.m. – 8:00 p.m. Board and applicants agreed to 20 hours. No employees or signage, increase permit to 10 years.

No one commented from public. Eric motioned to grant a special permit to authorize the use of home office, consistent with prior decision 06-41 and change condition #3, extend to 20 hours per week and condition #5 from 5 to 10 years. Aida second. All in favor 5-0.

Application of MARISSA KIVETT for any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct a 20' x 24' detached garage) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 302, 401.1.2, 401.1.3, 1603, 1604.2, 703.2 and 801-Table of Dimensional Requirements (side yard). The property is located at 24 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (14-13)

Continued from June 10, 2014, no panel was set.

Panel hearing matter: Linda, Thom, E. Michael Thomas, Eric and Aida. Eric will write the decision.

The applicant Marissa Kivett explained that when they met at the first hearing, they found out they were in the zone 1 and needed to provide recommendations to avoid unintended impacts to the town's

water supply. Applicant met with DPW, spoke with the Town Planner and communicated with DEP. DPW provided protective recommendations in a letter to the Board dated May 28, 2014. DEP sent a letter dated May 21, 2014. Linda complimented the applicant on the job she did to research the zone 1 issue.. Applicant handed out plot plan.

E. Michael Thomas summarized the information: DEP said it had no jurisdiction and deferred to the Town, with suggestions. ConCom made recommendations, and DPW provided recommendations for construction in a Zone 1 based on DEP guidelines.

Eric asked about the Conservation issue about the drainage. Applicant said there will be no floor drains in the proposed garage. They will be planting various plants and drainage should not be an issue. Ken Nazarian, 6 Mainstone Road, said he will run it by the Conservation Administrator and see what he would suggest, but he believes everything drains towards the street, away from the pond and wellhead area. New revised septic plan and approval of that plan dated June 20, 2014 were submitted June 24, 2014.

E. Michael Thomas moved to find the application for a new garage will not be more nonconforming. Thom second. All in favor. Voted 5-0.

E. Michael Thomas moved that, because it is not more detrimental and will not be injurious to public health or safety, the Board grant a special permit to construct the garage as specified in revised site plan dated June 23, 2014 and received June 24, 2014 by BOH and drawing submitted with original application. Conditions: Constructed with original drawings and revised site plan, BOH approval and any other approvals and recommendations from town boards, and reference to the DPW recommendations.

Eric second. All in favor 5-0.

Other business:

225 Old Connecticut Path – (ZBA Decision 07-09)

Mark O'Hagan introduced himself and explained that he is the new owner of Craftsman Village Wayland LLC seeking ZBA's vote to transfer the Comprehensive Permit from Tripolis Circle LLC and notarization of that transfer. He also requested approval of several design changes. . O'Hagan explained to the board that he met some neighbors and would be ready to file for the demolition of house.

Mark explained this is required by Mass Housing, would be attached to regulatory agreement, is a standard form agreement and something the Housing asks for the board to sign. Linda asked who files it? It will be get submitted with the regulatory agreement and to Mass Housing and then filed and would get a copy back. The whole package would get submitted to Mass Housing and can supply a copy of the packet to the Board. E. Michael Thomas said he was informed by the Building Commissioner that Legal Counsel said it was ok, but Michael said it did not show any address and would like to reference that on the the signature form along with the special permit number. E. Michael asked the board if they would sign. Linda would recuse herself, concerned that the posted meeting notice lacked enough specificity. Thom, E. Michael Thomas and Eric signed the form as amended and Aida recused herself since she would notarize it.

Second item: Siding issue: Section 27d page 17 would like to change the siding to the wood siding and pvc trim. It is a cement composite. Thom and Eric both said they were ok with the material. Jay Abelli also agreed. Trim is a wood composite.

E. Michael Thomas moved to find this is not a substantial change. Aida second. All in favor.

Third item: Change the name of the property to Village Lane. No need to speak of this, gone through Building

Fourth item: Change the size of the building of the affordable units. Propose the loft area to be blocked off and unfinished, just storage, for the two affordables. The other homes will remain the same. Proposing loft area would be unfinished attic space, drywall with a door. First floor would be 4 feet smaller, everything stays same.

E. Michael Thomas said he has a hard time with the idea that the affordable are not the same as the other homes and thought that was part of the program, so they are not comparable to the marketable homes and would think this is a substantial change and would require a hearing and would like to get the feeling from the housing people. Mark O'Hagan said the permit said the outside would not change and it's not over the percentage in the law defining the "substantial" change. E. Michael Thomas said it would affect 30% of living space of the unit. Thom said it creates a space issue in a unit and as a board it changes the number of bedrooms inside a space. To him it seems odd not to finish that small amount of space and then would have to reconfigure the insulation and piping and seems odd to block off a unfinished space, understands the point but feels this is odd to seem that it is not insubstantial. Eric said he feels this is unfair to the affordable units and seems like it is being taken away from them as an option and why not finish the space and put it on a separate heating zone. The latter is not possible because that area is open. Linda said the outside you would be shrinking it a bit. Mark Ohagan said from the outside you would not be able to see the difference.

E. Michael Thomas said on other 40B projects they made sure that the affordable units were always the same and this project if you are changing would seem considered substantial and would like to see recommendations from Housing people. Aida said she feels it takes away and would not be counted as livable area.

Mark O'Hagan said he thinks these are really large homes and people buying have a modest amount to spend and the requested changes could cut down on their expenses.

, Eric asked if his other projects were 2600 sq ft. Thom said he understands where the applicant is coming from that in projects like this, buyers are looking for smaller units. Thom said he doesn't have a problem bringing this to the housing authority. Thom said he doesn't have a problem with the 4' but does not understand the unfinished attic.

Thom said the units are large and the housing economy is changing, not so big.

E. Michael Thomas moved to go with the finding of nonsubstantial due to the fact that Wayland Commons has affordable units with similar interior differences. Eric second. 4-1 Linda opposed.

Approval of ZBA Minutes: Have one ZBA member review the minutes within 7 days of receipt from office staff and put deadline for reviewing.

Possible Zoning By-Law Revisions:

Home occupation definition – Specifically articulated as use (says in definition but in case law it says different it says not specific would not be allowed (try to revise wording)

Annual vote for Chairman and Clerk. (E. Michael Thomas voted chair, Linda Segal for Clerk – All in favor 4-0. Clerk tasks not defined)

Update bylaw for newly added districts at recent town meetings,

Tear downs: 401.1 tear down / consider any fix to the tear down standards. Having a problem with the language, ZBA not ones to change the wording.

Earth Movement (example: the 40B project on Commonwealth Rd)

Parking Language Improvements – Planning Board

Aquifer Protection – Zone II is mentioned in by-law and not Zone I. Would like to address Zone I.

Floor Area Ratio

User Friendly Index

Planning board should go back to town meeting to get more money in budget for changes in by-law (Linda)

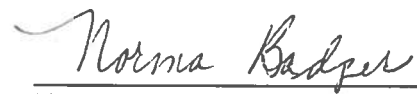
1602 (drafting issue) Need to remove one phrase from this. As written, multiple interpretations.

Michael will recast the list .

E. Michael Thomas will get list together and then distribute to Planning and make a date for a meeting to go over with them at one of our Zoning meetings.

Linda motioned to adjourn at 10:05 p.m. Aida second. All in favor.

August 26, 2014
Approval Date


Norma Badger, Dept. Assistant