



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

TOWN BUILDING  
41 COCHITUATE ROAD  
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**JULY 8, 2014**  
**ZONING BOARD OF APPEALS**  
**APPROVED MINUTES**

Attending the hearing were Chair, E. Michael Thomas, Members Eric Goldberg, Thomas White, Aida Gennis and Associate Member Linda Segal. Associate Member, Shaunt Sarian arrived at 8:28 p.m. Norma Badger was in attendance to take minutes.

First hearing started at 8:20 p.m.

**Case #1:** Application of Andrew & Elizabeth Love for any necessary approvals, special permit, and/or variance as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (demolish existing garage, construct a new 2-car garage with unheated and unfinished space above) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2 and 401.1.3.2. The property is located at 2 EDEN ROAD which is in a SINGLE RESIDENCE DISTRICT, (14-16)

Members hearing the matter were Linda Segal, E. Michael Thomas, Eric Goldberg, Thomas White and Aida Gennis. Thom White will write the decision.

Aaron Socrat, Architect, represented the applicants; Andrew & Elizabeth Love. Aaron Socrat explained to the board that the applicants went to the Board Of Health for approval of this project and the space above the garage has to be used as unfinished space not heated; the room will just be for storage. The applicants had to file a deed restriction for the Board of Health for this reason. Arraon explained that the current garage is rotting and since the garage needs replacement the applicants would like build the new garage with a new mudroom and stairs to go up to the storage area above the garage. Aaron also explained to the board that by doing this they will be moving the garage and correcting a fault, and now it will conform to the current setback on the side. Now this will conform on all setbacks. E. Michael Thomas asked about the room count. The board members were confused about the deed restriction and why the BOH was limiting it to a number of rooms. Aaron Socrat explained that the Board of Health could only approve that number of rooms with the existing septic system, would ask for relief now from the Zoning Board for finishing the room above the garage and then get BOH later. Eric Goldberg said they could not approve something that the BOH is restricting. Linda Segal mentioned the narrative of the application said the applicants were asking for the rec room above the garage but as the Zoning Board they cannot approve what the BOH has not approved. Aaron Socrat agreed to initial and change the wording on the plans for the room above the garage to be unheated and unfinished.

E. Michael Thomas moved to find that although the proposal will increase the existing nonconformity, the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. The proposal is not against the public interest, nor will it be detrimental or offensive because of noise, vibration,

smoke, gas, fumes, odor, dust or other objectionable features and will not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety and thus meets the requirements of the zoning bylaws. Eric Goldberg seconded the motion. All in favor 5-0. E. Michael Thomas moved to grant the special permit in described in plans dated 5/28/2014 and as amended and initialed dated 7/8/14 concerning the rec room be changed to storage space unheated and unfinished and subject to plans and conditions set and comply with all other municipal boards and agencies having jurisdiction. Linda Segal suggested the space above the attic be unheated and unfinished and to put deed restriction in narrative of decision. Linda Segal seconded the motion. Vote: All in favor. 5-0

**Case #2:** Application of James & Suzanne Tiberii for any necessary approvals, special permit, and/or variance as may be required to change, alter, extend a pre-existing, nonconforming structure by more than 20% (demolish existing front stairs and landing, construct new front entry way) under the Town of Wayland Zoning By-Laws, Chapter 198, Sections 201, 203, 401.1.2, 401.1.3.2 and 1604.2. The property is located at 12 PRISCILLA PATH which is in a Single Residence District and Aquifer Protection District. (14-17)

Members hearing the matter were Shaunt Sarian, Aida Gennis, Eric Goldberg, Thomas White and E. Michael Thomas. Eric Goldberg will write the decision.

The applicants, James & Suzanne Tiberii, explained what they would like to do and the project would be to put a roof over their stairs, landing to construct a new entry way. The applicants explained they had come before the board in 1996 which at that time they added over the 20%. So this project puts them over once again and that is why they are here in front of the board.

Linda Segal asked about the plans and there mentioned there was no narrative and would like to know exactly what the project is. Mr. Tiberii read the narrative. He said they would just like to demolish existing front stairs and landing and construct new front entry way because it does get dangerous in the winter and with the ice and bad weather this will make safer on the steps, landing and walkway. Thomas White said it has to be at least 70-80', does not see an issue with it.

E. Michael Thomas asked if anyone from the public would like to comment: No one from the public commented.

Motion: E. Michael Thomas moved that the board reach a finding that although the proposal will increase the existing nonconformity, the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. The proposal is not against the public interest, nor will it be detrimental or offensive because of the noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and it will not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety and thus meets the requirements of the zoning bylaws. Thom White seconded the motion. All in favor 5-0.

E. Michael Thomas moved to grant the special permit of the construction of roof and porch for protecting the applicants of elements of weather conditions and shall be constructed in plans submitted dated 5/15/2014 – Tiberii residence and in accordance with approvals of all other municipal boards and agencies of the town. Eric seconded the motion. Vote: All in favor. 5-0

**Case #3:** Application of Herb Chambers 533 Boston Post Road, LLC for any necessary approvals, special permits, or variances to modify special permit #11-36 dated January 3, 2012 to add to new wall signs in excess of 40 square feet of area under the Town of Wayland Zoning By-Laws chapter 198 Sections 201, 203, 401.1.2 and 501. The property is located at 533 Boston Post roads which are in a Limited Commercial District (14-18).

Members hearing the matter were: E. Michael Thomas, Eric Goldberg, Aida Gennis, Thomas White and Linda Segal. Aida Gennis will write the decision.

Joshua Fox Attorney for the applicant and Peter O'Callaghan from Herb Chambers were in attendance. Joshua explained they are here for modifications to their signage. E. Michael Thomas asked how they can approve the future sign not knowing what it will be. Linda Segal did not feel like she could approve a sign that they did not know what it would say or be like.

E. Michael Thomas asked about the blade sign and if there were others. Joshua said yes it would be like the others. E. Michael Thomas asked the other members how they would feel to go ahead and approve the signs. Eric Goldberg felt given what Joshua explained he would not mind approving the future sign. Linda Segal reminded the members of the Sign Review Committee and Eric said that Committee did not seem to have a problem with the future sign. Joshua said the committee did say it should only be 40 sq of the future sign. All internally illuminated. E. Michael Thomas did not feel they should be all symmetric because of the way the building sits. E. Michael Thomas thanked Linda for her concerns about the future sign and he also said he would be happy with only approving the the signs proposed. Linda said she would be uncomfortable with approving a sign that they do not see. E. Michael Thomas said he would not be happy approving the future sign.

E. Michael Thomas moved to approve the two new signs proposed, condition it to the two signs be constructed with the plans dated 7/16/2013 and do not approve the proposal of the future sign at the far end of the building. Eric Goldberg seconded. Vote: All in favor 5-0.

By-law, E. Michael Thomas drafted up a zoning by-law change draft. Spoke about what dates to make available with the Planning Board. Suggested August 12 or 19<sup>th</sup>.

Send minutes for approval of last hearing. E. Michael Thomas motioned to adjourn at 9:12 p.m. Aida second. All in favor 6-0.

July 22, 2014

Minutes Approval Date

Noema Badger

Signature