



TOWN OF WAYLAND
MASSACHUSETTS
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BOARD OF APPEALS

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SEPTEMBER 16, 2014
ZONING BOARD OF APPEALS
APPROVED MINUTES

Attending the hearing were members E. Michael Thomas, Aida Gennis, Thomas White, and associate member Linda Segal and Shaunt Sarian. Jay Abelli, Building Commissioner was in attendance. Norma Badger attended to take minutes. Meeting started at 8:25 p.m. Shaunt Sarian arrived at 8:37 p.m.

Application of JERRY BOOS for any necessary approvals, special permits and/or variances as may be required to renew the special permit granted in ZBA Decision #13-23 dated July 23, 2013 (accounting and tax practice) under the Town of Wayland Zoning By-laws Chapter 198 Sections 201, 203, 901.1.2 and 804-Table of Permitted Accessory Uses by District (Use #62). The property is located at 11 MORSE ROAD, which is in a SINGLE RESIDENCE DISTRICT. (14-23).

Panel hearing matter: E. Michael Thomas, Aida Gennis, Thomas White and Linda Segal. E. Michael Thomas will write decision. Applicant had not arrived, will postpone until end of meeting.

Application of FRED MANNIX for any necessary approvals, special permits, and/or variances as may be required to construct a retaining wall over 6' in height within required front yard, side yard, and rear yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 702, 702.1, 703.1, 703.2, 1604.2 and 801-Table of Dimensional Requirements (side yard, rear yard and front yard). The property is located at 124 LAKESHORE DRIVE, which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (14-22)

Panel hearing matter: E. Michael Thomas, Aida Gennis, Thomas White and Linda Segal. Thomas White will write the decision.

E. Michael Thomas explained to the applicant that there were 4 members on panel and if we go through hearing without the 5th showing up (said he was on his way), if does not show, would have to go with four and then would have to have a 4-0 vote or could continue to another meeting.

Applicant decided to go with the 4 member panel. Mr. Mannix explained the reason why he is here tonight; a portion of the retaining walls they have all approvals through conservation and BOH, it is sticking out 6' from the road and any portion that is higher than 6' has to meet setbacks and this is not within the setback. Mr. Mannix showed the plot plan and submitted a drawing of the wall showing the location. Mr. Mannix pointed out the wall on the plan, and creates off street parking and stabilizes the slope. Part of the work is to stabilize the slope and come a bit above the road. Most of the work that has to go into it, is in the back and is higher than 6'. Mr. Mannix explained the leaching system to both properties and had to change the slope and creates a much less impact to the pond. Gravity wall, huge concrete walls. Linda asked about the conservation approval and if they looked at by a structural engineer? Wondering if this would accomplish what they wanted. Has someone peer reviewed what he is going to do. Mr. Mannix said he has an engineer and the company that supplies the block, so in a way it has been reviewed. Jay said he will be getting a structural engineer report saying the wall is built to plans. Thom said the plans are stamped by a structural engineer. Thom asked about the other wall, and trying to understand what they are being asked to approve. Asked how high the wall is, Mr. Mannix said

approximately 14' Thom asked what the intended issue is with the distance in the wall. There will be space between the wall and house said Mr. Mannix. Aida asked about the fill behind the wall. Mr. Mannix said gravel fill and has been through conservation. Thom said he did not recall all the conditions of the previous project and wondered if this was conditioned. Mr. Mannix said no it was not connected to the previous decision it is just the lot that will have the septic on.

Judy Bennett asked if they could see the plans and applicant gave them a set.

Aida asked about the lots and asked if there was a separate entrance. Mr. Mannix explained it was from an original plan. Linda asked about the plot plan and it was for a prior owner and wondered how current of a plan they should have. Linda asked about the cultic system and if it is pervious. Jay said collecting it and then to recharge into ground. Board spoke about the nonconformity and it increasing the nonconformity. Aida asked if they could keep it at 6', much talk about the wall and parking area, slope. E. Michael Thomas 702.1...all building with setback, exempt are roof eaves and fences and walls up to 6' in height and comply with setback of 801 table of dimensional requirements and that section does not say they can issue a special permit for that. 703.1 applies to back yard setback so that would not apply, 703.2 is side yard which would require a finding. Thom said he just wants to make sure a special permit is what they should be approving. 702.3 E. Michael Thomas read average alignment and only applies to new construction of a dwelling.

Public: Judy Bennett 66 Hawthorne, glad to hear the little impact from the street that this wall will have but is worried about what it will look like from the pond and will it look like a masonry wall then house and then a big concrete structure, from the water side and would like to make sure its not just concrete and would like some green environment. It may look great from the road but would like to put severe recommendations that they look at from the pond. What kind of wall is it. Fred Mannix said it is gray and would like granite. Judy said all the green has been taken down and would like to see that this looks not just like concrete. Fred Mannix said they will be re-planting. Judy said concrete is not in the neighborhood and is really important to hide those materials or material very carefully chosen. Fred Mannix showed Judy the plans. She thought it would look like to big concrete pillars. Fred said it has some granite look

Molly Upton Bayfield Road, request they have full conservation approval and believe this leveling out for parking is new to them. Second is, showed pictures of what it looks like now and would suspect he would have to bring in a lot of fill. Would like to have in writing the house remain. All of it needs to be done in concert..

E. Michael Thomas said 198.203 the use shall not derogate from neighborhood....the question is does this derogate from the charcter of the neighborhood. E. Michael Thomas said 14' high wall is much and can't think of another property this may be. Perhaps there is something the applicant can do to derogate from neighborhood. Fred Mannix said it would be good for the runoff, but E. Michael Thomas said the visual is a big impact. E. Michael Thomas asked if you shortened the wall on the side so it does not go out. Linda said the trees taken away there is a different visual. E. Michael asked about shortening the wall on one of the sides. Fred said they would have a problem with the erosion

Judy Bennett gave an example of how big and wide it would be. E. Michael Thomas asked if they could terrace it. Fred said it could but would not work for the drainage.

Public: Karen 10 Sycamore Road, is it possible to have a conservation plan addressed about the nakedness of the wall.

Molly Upton, Bayfield, the wall is proposed projects further towards the pond then the existing, making a wider spot at road level.

There was discussion about terracing and vining it. Fred Mannix said it is not a good thing to do. Planting something behind the wall. Board asked Jay. Thought terracing was a good idea but the 45

degree angle creates a problem. Aida asked Jay if he had any information from Conservation. Jay said he showed him the plans and they were matching.

E. Michael Thomas said the visual is a big impact. Linda said she can see what he is building now and that is a big change and now more. Thom said he is struggling with two things, the erosion (trees are gone for septic) and then visually it does change what is happening out there. Trying to think of the things to do engineeringly but also the visual affect. Linda suggested the board do a site visit. E. Michael Thomas agreed.

Karen said something could be done on the walls such as planting of some sort to take away the visual impact. E. Michael Thomas said they should do a site visit and told applicant to try to do something for the visual affect. Site visit on October 7, 2014 at 8:00 a.m. and continue hearing to October 14, 2014 at 8:20 p.m. and Shaunt can mullenize himself for the first minutes of the meeting so he can be on panel on October 14, 2014.

Application of ROBERT CARRIER for any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure (demolish existing one-car garage, carport, shed and construct a two-car detached garage with storage below) within front yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 702, 702.1, 1604.2, and 801-Table of Dimensional Requirements (front yard setback). The property is located at 35 SYCAMORE ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (14-24)

Panel hearing matter: E. Michael Thomas, Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Aida Gennis will write the decision.

Robert Carrier explained to the board that he has lived in his home for 23 years; handed out examples of houses he built years ago. Would like to remain living there. Would like to improve the driveway and garage situation. The way the existing setup for the driveway, carport, etc. is a dangerous situation. The access to the property is trederious. Low point in road on Sycamore. In summer it is a nuisance but in the winter has same situation and anytime it rains, or snow melts, collected water and all the water gets splashed in his driveway. In the winter snow banks and ice build up it is very dangerous. So would like to demolish the garage and carport and on same footprint would like to build a garage, two feet higher than it is now on road and reduces the intrusion of the setback.

Board: Linda asked if there is any foliage change. Applicant said he will have to take down one tree for septic that he needs.

E. Michael Thomas motioned to move that although the proposal will not be more detrimental..Thom seconded. All in favor 5-0. E. Michael Thomas moved that the board finds that it is not more detrimental.....and board grants a special permit authorizing construction of the new garage subject to conform to plans dated 7/16/2014 and that the applicant will obtain all necessary approvals and permits from other town agencies. Shaunt seconded. All in favor 5-0.

Other Business: 225 Old Connecticut Path. Mark O'Hagan explained that one of the conditions of the special permit (#35) was Environmental Protection matters and then approval of the Zoning Board, so this is why he is here tonight. (EPA permit, acceptance, monitoring program for the vernal pool.) Conservation has done an inspection there and has come out and look at the site, silt fence, hay bales.

Jay- told the board he has an e-mail from Brian of Conservation, gave a copy for the members to read. Members took the time to read, any thoughts about it. E. Michael Thomas asked about the base line issue and Mark O'Hagan thought it meant the water and time to do the moniorting. E. Michael Thomas asked him to take it to month of March. E. Michael Thomas said he is happy with

the paperwork he submitted to condition #35. Aida and Linda spoke about the vernal pool area and could not work in that area, the oxygen. Aida said she read the packet twice and feels there is a lot of information asked for and is beyond what she can understand. Linda asked Mark O'Hagan if he has seen this in other projects, and Mark said it is not unusual and if he will agree to do what Brian had said in his e-mail. Mark O'Hagan agreed to that.

E. Michael Thomas moved that the board approve and conclude that condition of #35 has been met. Thom seconded, all in favor 5-0.

Linda asked Mr. O'Hagan at the last time he was here he was going to submit a recorded copy of the signed form after the registry had recorded (transfer of owner)

E. Micahel Thomas motioned to continue 11 Morse Road to October 14, 2014 at 8:30 p.m. Aida seconded the motion. All in favor 5-0

E. Michael Thomas motioned to adjourn at 10:00 p.m. Aida seconded all in favor.

October 14, 2014

Date Minutes Approved

Norma Badger

Minutes prepared by: Norma Badger