



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

TOWN BUILDING  
41 COCHITUATE ROAD  
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Zoning Board of Appeals  
12/9/2014

Attending the hearing was Chair, E. Michael, Thomas White, Michael Connors, and associate members Shaunt Sarian, and Linda Segal. Also in attendance was Norma Badger to take the minutes. Meeting started at 8:24 p.m.

Application of DAVID and LILLIAN WATKINS for any necessary approvals, special permits, and/or variances as may be required to modify Special Permit #12-28 dated July 3, 2013 (construct a 12' x 32' deck in rear yard and replace an existing side yard fence with a new fence over 6' in height within required front, side 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, and 801-Table of Dimensional Requirements (front, side and rear yard). The property is located at 63 EDGEWOOD ROAD, which is in a SINGLE RESIDENCE DISTRICT. (14-27)

Panel hearing matter: CONTINUED FROM NOVEMBER 18, 2014 E. Michael Thomas, Eric Goldberg, Thomas White, Michael Connors and Argie Shapiro. Eric Goldberg will write the decision.

Eric Goldberg suggested to continue the hearing for another night and have the applicant come back with a screening plan so they can approve that plan and put it in the conditions. E. Michael Thomas retracted his motion, there was no second motion. Hearing was continued to December 9, 2014 at 8:20 p.m. to approve a screening plan.

Eric Goldberg and Argie Shapiro did not attend, so the chair (E. Michael Thomas) asked Shaunt Sarian and Linda Segal to replace them since they also attended the last hearing on this matter. Both agreed and E. Michael Thomas will write the decision now.

E. Michael Thomas explained that there were two issues at the last hearing, the fence and the deck. It was determined at the last meeting that the fence was not appropriate for the property and a motion to deny the fence was passed. E. Michael Thomas asked Michael Connors to make his motion again for this panel. Linda said her recollection that the hearing was closed. Michael said for the public. Michael Connors made another motion to deny the part of the application of the eight foot fence, E. Michael Thomas second. All in favor 5-0 with new panel.

E. Michael Thomas said at last hearing he made a motion to allow the construction of the deck as proposed and subject to visual screening of the porch of the neighbor at 61 Edgewood and was suggested that they continue the hearing to condition it to a specific screening plan so the Building Department had a plan to enforce. E. Michael Thomas said the applicant has submitted a plan that consists of four-seven to eight foot tall evergreen shrubs between the kitchen window at 61 Edgewood and the deck at 63 Edgewood. The photos seem to look higher than 8' trees. David Watkins explained he photo shot it and explain the height. The fence is not quite six feet in height. It is meant to be 7-8' in height and E. Michael Thomas asked how long it will take to fill out and David Watkins said he thinks approximately 2-4 years.

Board Members: Linda Segal asked if anyone notice 1 Loker Street and the arborvitaes and the way they planted them was that they staggered them so they would fill in so you see them today. Shaunt said he did the same thing at 218 Main Street. Linda said the other location is at School Street. David Watkins said staggering would not be a problem. E. Michael Thomas asked if he could do 7 of the trees and stagger them. David Watkins said he was trying to avoid that many, they are expensive. The neighbor

wrote a letter and mentioned the cedar trees they had planted and Linda mentioned both the letters the neighbor wrote. She mentioned that the 8' tall be conditioned and also mentioned adjacent and Thom said they could not stagger if they are adjacent to her trees. Linda said she understands the expense but just to keep in mind the deck was never approved. E. Michael Thomas said the neighbor was concerned about the view from her kitchen window. Thom said the kitchen window appears to center on the corner of the deck, and the house at 61 Edgewood is not parallel with the fence. E. Michael Thomas said he would be more satisfied if there were 6 trees and staggered. David Watkins said if you look at the picture of her window and the 4 trees 2 feet wide you are going to cover that with the 6 staggered. E. Michael Thomas proposed 6 trees staggered covering the view of the deck from her window.

Linda said for landscaping to be effective, the height of the tree but also the caliper of the tree is important. Thom agreed the caliper of trees substantially influences the visual impact. Linda asked what Thom thought of the arborvitaes. Thom said if they have the right amount of sun and soil then they are good. E. Michael Thomas asked applicant to draw six trees on the plan and stagger.

Shaunt said he did the same thing and arborvitaes are much denser and better than cedar but are more sensitive and require careful maintenance to take care of them.

Condition to maintain a screening. E. Michael Thomas moved to approve an amendment.

Mary Boulay of 65 Edgewood Road wanted to speak up but E. Michael Thomas said it was closed at the last hearing. Mary Boulay said she thinks needs screen along the length of her property line. E. Michael Thomas said the protrusion of the the house screens the new deck from her property. Mary said her T.V. room will be visible form the new deck and the applicant is invading her privacy. The house should have been set back. She wants landscape screening to be provided by the applicant and continued to complain about the deck and requested again the applicant lower it. E. Michael Thomas said the hearing had been closed. E. Michael Thomas said the reason the applicant had come back to the ZBA was for screening on the opposite side of the property only, not to discuss previously closed matters.

E. Michael Thomas continued his motion subject to condition of screening against property of 61 Edgewood Road and consists of 6 arborvitaes 7-8' tall planted in a staggered fashion centered in the window of 61 Edgewood Road, (as marked tonight by the applicant). Install and maintain.

Mary Boulay said she cannot believe what the board is doing to her and this guy has done everyting to upset her and she is done.

Shaunt second the motion from E. Michael Thomas above, all in favor 5-0.

Other matter: To grant a full release of the bond for Wayland Commons in the amount of \$40,000.00 Linda asked if they could compliment the developer for this work. E. Michael Thomas moved to grant a full release of the bond and direct the building department to convey to the developer a JOB WELL DONE. Thom second the motion. All in favor 5-0

Approve the mintues of August 26, 2014 and November 18, 2014 All infavor

Moved to adjourn at 8:55 p.m. Thom second. All in favor

January 13, 2015  
Date Approved by ZBA

  
Signed by: Norma Badger