



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

TOWN BUILDING  
41 COCHITUATE ROAD  
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Minutes  
February 24, 2015

Attending the hearing was Chair, E. Michael Thomas, Aida Gennis, Thomas White, Michael Connors, and Associate Member Argie Shapiro. Meeting started at 8:21 p.m. Eric Goldberg arrived at 8:35 p.m.

Application of NIKLAS and KATHRYN ANDERSSON 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 carport and construct 2-car garage with master bedroom suite above) within required side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3.2, 702.1, 703.2, 1604.2 and 801-Table of Dimensional Requirements (side yard). The property is located at 65 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-02)

Panel hearing the matter: Chair, E. Michael Thomas, Thomas White, Aida Gennis, Michael Connors and Argie Shapiro.

Leslie Mahoney, architect with Mahoney Architects and Niklas Andersson, applicant, presented the case. The property is in a 40,000 square foot zoned district and Leslie Mahoney showed photos of the house and street plans of the neighborhood. Leslie stated that when looking at the neighborhood, it is apparent that it is difficult to conform to the side yard setbacks in this area. Ms. Mahoney pointed out that the abutting neighbors and nearby neighbors' properties all have structures that encroach into the side yard setbacks. The applicant proposes to remove the existing carport at his property, replace it with a 2 car garage with a master suite above it. The property at 67 Glezen Lane will be most affected by this proposal as it abuts the side where the construction is proposed.

Michael Connors: Did you speak with the neighbors about this proposal?

Niklas Andersson.: The neighbors across the street are supportive, but the next door ones are not as supportive.

E. Michael Thomas: You are going from an 18' side yard setback to a 10' proposed side-yard setback. You're halving the side-yard setback. Is the neighbor's fence in the photos on the property line?

Leslie Mahoney: Yes it is on the line, maybe it is 1 foot inside their property line.

E. Michael Thomas: Your setback is on par with the smallest setback of your neighbor's, but it is not relevant to your proposal that other properties are non-conforming.

Niklas Andersson: Shouldn't my setback be commensurate with the others around me?

E. Michael Thomas: It is not a license for you to be exacerbating an existing non-conformity.

Leslie Mahoney: We hope that what we are adding improves the neighborhood.

Niklas Andersson: I feel/think the aesthetic of the neighborhood is improved with a 2 car garage instead of the carport.

Thomas White: It does make the house much nicer architecturally, but we try to not radically increase a non-conformity into a setback. Here there is already a violation, and you are proposing to reduce the existing setback by ½. We do realize it would be a large visual improvement.

E. Michael Thomas: (reading by-law section on special permits and the 2 prong tests that the change should not substantially be more detrimental to the neighborhood and to not increase the non-conformity of the dwelling)

Michael Connors: Should we read the neighbor's letter into the record?

E. Michael Thomas: The letter is in the record, there is no need to read it aloud.

E. Michael Thomas: (re-reads the findings needed to approve a special permit) Whether a neighbor likes what you are proposing or not does not control. Right now you are invading the side-yard setback by 1/3 and you are making it 2/3 with your proposal. What you are proposing is on par with the most extreme intrusion in your neighborhood (as shown on the plan provided by the architect).

Aida Gennis: When I first read your proposal, I misread it and thought you were taking down the carport and proposing a one car garage with a bedroom above it. When I reread it and realized it is a 2 car garage and that it would be that much closer to the lot line, I was surprised and felt it was too much of an intrusion.

Argie Shapiro: I agree.

Eric Goldberg: (reminded E. Michael Thomas that we've allowed one foot into setbacks, but no more – in the past)

Niklas Andersson: notes that 67 Glezen Lane has a 2 car garage already, and it is detached.

E. Michael Thomas: notes that if 67 Glezen Lane wanted to build on top of their existing garage that would be ok because they are not increasing the non-conformity.

Thomas White: is conflicted because the proposal will make the property; much better looking but the setback intrusion is an issue.

E. Michael Thomas: Sounds like from the conversation at the table that if a vote is taken that there will be a denial.

Leslie Mahoney: pulls up alternate plans (!) for a one car garage addition with a room above. We have another suggestion for a one car garage with a room above and will be adding on 3 feet to the existing carport footprint so the side-yard setback will be 15 feet instead of 10 feet.

Aida Gennis: if you build a new one car garage, how large will it be?

Leslie Mahoney:

E. Michael Thomas: Reminds the applicant that he is not **entitled** to the setback that others have.

Niklas Andersson: I understand that we are not **entitled** to what others have.

E. Michael Thomas: You may resubmit the plans for the sketch you are now showing us. Meet with the building department, make an appointment and see them. Come in 4 weeks and sign a continuance.

No others on the panel have other concerns about the project.

E. Michael Thomas and Eric Goldberg will not be here in 4 weeks, applicant asks if they can come in 2 weeks on March 10, 2015

Eric Goldberg will Mullinize (he arrived late to the hearing and missed most of the discussion) and will write the decision.

All others on the panel will be here on March 10, 2015.

Application of ROGER WIEGAND and PHYLLIS JEAN MILBURN 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% and greater than 175 square feet (construct a 16' x 32' detached one-story garage and construct a 12' x 30' one-story addition to an accessory structure) 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 281 CONCORD ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-01)

Continued from February 10, 2015, no quorum at that time.

Panel hearing matter: Michael Connors, Thomas White, Eric Goldberg, Aida Gennis and Argie Shapiro. Aida Gennis will write the decision.

Applicant explained they wanted to build a new detached garage adjacent to the existing barn and add a shed dormer onto the barn for storage. The detached structure will conform to the setbacks. It is in an aquifer protection district but will be well under the threshold and building on pervious surface.

John Penders of 29 Marshall Terrace was concerned about garage structure facing the back yard. Concerned about change in appearance and desiring landscaping screening. Curious as to the concern of the color of the new structure. Applicant stated they would paint it any color the neighbor would like and will agree to provide screening if possible. John Penders said he is not opposed to project.

Michael Connors made a motion to make a finding that it will not be more detrimental to the neighborhood.....Thomas White second the motion. All in favor 5-0.

Michael Connors made a motion to grant a special permit subject to conditions, and in conformity with plans submitted and all approvals from any other municipal boards and departments...Aida second the motion; all in favor 5-0.

Meeting adjourned at 8:55 p.m.

April 14, 2015  
Date Minutes Approved

Aida Gennis + Eric Goldberg,   
Prepared by: Aida Gennis & Eric Goldberg