



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3600
FAX: (508) 358-3606

Meeting Minutes June 9, 2015

Attending the meeting, held in the Selectmen's Meeting Room in Wayland Town Building at 7 p.m., were Eric Goldberg, Aida Gennis, Linda Segal, Shaunt Sarian and Argie Shapiro. Also present was minute taker Norma Badger.

Application of KALLANTHOTTATHIL RAJEEV 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% (demolish a portion of the house and construction new two-car garage and addition) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2, and 401.1.3. The property is located at 25 DEAN ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-11)

Panel hearing the matter: Eric Goldberg, Aida Gennis, Shaunt Sarian, Linda Segal and Argie Shapiro. Aida Gennis will write the decision.

Kevin Wong, architect, represented the applicant. Kevin explained to the board about the existing house and that the rooms are small, poorly laid out, not so functional for the applicant, so therefore they would like to add on to the existing house. Tried to work with the existing layout but he found some of the existing house is not structurally safe and footings are not built well and need to demolish a portion of the house. They are seeking a special permit to demolish part of the house, add about 1200 square feet to the existing habitable space, and add a two-car garage. The existing garage is under and has caused grade and water problems. Have been approved by the BOH for 4 bedroom septic. The changes will be consistent with the character of the neighborhood and close to the square footage of other expanded houses in neighborhood. The applicant felt it would be better to take care of all issues, e.g. moving the garage to the other side and constructing an addition, all at once. Therefore they will be over the 20% and zoning approval was needed..

Linda Segal asked about the right side of the house (from the street) which looks older than the garage. The applicant said yes it was, and the newer addition which was built in 1986.

Eric Goldberg went over the nonconformity issues. Eric asked what portion of the existing house they are demolishing and what is staying. Architect and applicant showed panel on the submitted plans what part they would be demolishing and rebuilding.

Linda asked about the the bathroom shown on the existing basement plan and asked if it was staying. Kevin Wong said no, after describing that the existing garage will turn into the basemen. Panel spoke about the neighborhood and changes that have been happening.

Linda mentioned to the applicants that they would need to go to the DPW for a curb cut permit for the new driveway location.

Public: No one commented.

Eric made a motion to make a finding that although the proposal will increase the existing nonconformity, it will not be substantially more detrimental to the neighborhood than the existing nonconformity and further moved that the proposal is not against the public interest, nor will it be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor 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 zoning by-law and to grant special subject to conditions of submitted specifications and plans dated April 23, 2015, applicant obtaining any other town department approvals as may be required (curb cut) and the height not to exceed 32 feet shown on plans. Shaunt second. All in favor 5-0.

Application of MARK and KAREN HUGHES for any necessary approvals, special permits and/or variances as may be required to expand existing porch and convert into den within side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2, 703.2 and 801-Table of Dimensional Requirements (side yard). The property is located at 26 LAKE ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-12)

Panel hearing the matter: Eric Goldberg, Aida Gennis, Shaunt Sarian, Linda Segal and Argie Shapiro. Eric will write the decision.

Mark Hughes explained that their back porch is rotted and needs repair. The existing sideyard setback is 12.2 feet, and they would like to expand the structure straight back. The resulting sideyard setback would be an even 12 feet,

Eric Goldberg said most of the time they do not like to increase into the setback but the 2" does not make a big difference. Don't usually approve making it more non-conforming. (sorry, but don't understand what that last part means)

Linda asked when the house was built. Applicant said in 1950. Asked if the contractor figured out the answer to the BOH question about being 10 feet away from septic and they do meet that minimal required distance. Linda asked about staging construction to access the rear yard. Applicant said he did not have a final answer, but there is a fence they can remove and one hanging branch to be cut, could go around the trees. Do not want to cut down the trees.

Public: No one commented

Eric moved to (repeat standard language added above)...that it will not be more detrimental toand not against public interest...and move to grant special permit subject to condition of plans submitted and dated April 28, 2015 and any other approvals that may be required. Aida second. All in favor 5-0.

Linda reported receiving unsolicited email from the Town Planner about an FAR bylaw and being asked by selectmen about possible zoning articles for a fall Town Meeting. She asked if the Board would like this topic on the next agenda. Do not mind being a messenger, but the communication should be Board to Board. Selectmen asked if the articles would be ready. If the Planning Board is thinking of making substantial changes, they do not have funding left for the counsel; Pat Cantor is now retiring so they there would be someone new. Maybe a funding article? Planning Board would have to submit the request.

Eric said he got a call from Sarkis Sarkisian, Town Planner, and asked if the ZBA could attend a meeting. Eric reported telling him that it makes him feel uncomfortable because the ZBA are not the policy makers. Would be happy to share comments but seems it is a conflict of the Board's adjudicatory function.

As background for newest member Argie Shapiro, Linda said we had asked for some bylaw changes a year ago. Aida asked what they would have to do to get out of this loop and move forward. Eric said the ZBA could never be the force that moves it forward. Could talk to Planning Board but it is the Planning Board's responsibility Argie asked if there were some adverse decisions as an example and Linda said they did mention some when the two boards met last August.

Eric said he will follow up with Sarkis. Linda suggested to put this topic on the agenda. Eric asked to have updated discussion with Planning Department concerning Zoning By-law on the next agenda.

Eric motioned to adjourn at 7:40 pm Aida second. All in favor 5-0

June 23, 2015
Date Approved

Norma Badger
Prepared by: Norma Badger