



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
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MINUTES
SEPTEMBER 29,2015

Attending the hearing was Eric Goldberg, Chair, Michael Connors, Thomas White, Shaunt Sarian and Argie Shapiro. Michael Connors left after the first hearing due to a conflict with the second hearing.

Application of JAE and JAMES LEE 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% (construct garage with two bedrooms above) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201• 203, 301, 401.1.2, 401.1.3 and 1601. The property is located at 35 WOODLAND AVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-19)

Hearing the matter: Eric Goldberg, Thorn White, Michael Connors, Argie Shapiro and Shaunt Sarian. Thorn will write the decision.

The applicant, Michael Arenella, contractor for the applicant explained what they would like to do. Eric said the only issue is they do not have frontage, but will maintain all setbacks. The applicant James Lee said last year they did not have a garage and had a lot of snow and found this difficult. He said all his neighbors were in favor.

Public: No one commented.

Michael Connors made a motion that the proposal is not detrimental....and meets the requirements of zoning by-laws and add on conditions in substantial conformity with the plans and all other boards. Thorn second. All in favor 5-0.

Administrative Appeal of the Building Commissioner's decision dated July 28, 2015 denying a building permit for the subject premises under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 202 and 205. The property is located at 150 MAN STREET which is in a BUSINESS DISTRICT A and SINGLE RESIDENCE DISTRICT. (#15-20)

Eric explained to the applicant that there were four members here and they could go on with the hearing but the vote would have to be unanimous 4-0 or the applicant does have the option to wait until there is a 5 member panel. Eric said they would like to know what they are voting for and asked Mark Lanza (Town Counsel) his direction. Mark Lanza said the motion would be to allow the appeal. Mark said the absent member could mulenize themselves. Eric mentioned that there were also recusal issues. Linda was not available for the hearing tonight, other panel member Aida Gennis, recused herself, Michael Connors had connections with his business and the applicant's attorney and chose to recuse himself. Linda Segal could not be here tonight and would be the only other member to sit in on the panel. Eric Goldberg explained to the applicants that it would be up to them either to go on with the hearing or continue to a 5 member panel night. Eric mentioned he and Thorn had signed a disclosure

...rrn... Thom explained that he is an architect and the company he is employed by had done a design of a different building on that property at another time but was not his project. Eric filed a conflict of disclosure to selectmen and explained he was counsel on a case in Hopkinton of a building permit, CPLCP and the permit was issued to a property owner to CVS. Eric had discussed the matter with Counsel and CVS is not a party here or owner or applicant and issues are unrelated and does not put him in a position to be impartial and would like to make that clear. That will make it four members on the panel.

The attorney for the applicant, Charles Le Ray said thanks for the disclosures. He said Mike Connors' father is on a few cases with him and does not think this would be a conflict and would prefer to wait until they have five members. Mark Lanza said he would not be compelled to sit in on it but would speak with Michael and tell him the situation and he could sign the disclosure. Mark said he will talk to him over the phone. A short break was taken to call Michael Connors. Continued at 7:45 and Eric said he spoke to Michael and he still chooses to recuse himself. It is the wish of the applicant to reschedule to a full panel. Linda Segal will be here at another night and can continue to another hearing.

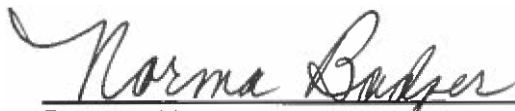
Public: Asked about the procedure. Eric explained about the full panel and explained the procedure of the continuance

Eric told the applicant they have a few available hearings. Applicant asked to continue to October 27, 2015.

Eric made a motion to approve the continuance to October 27, 2015 at 7:30 in order to have a full panel of five zoning board members to be at the Town Building, Town of Wayland. Thorn second the motion all in favor 4-0.

Matter continued to October 27, 2015 at 7:30p.m. here at the Town of Wayland Town Building.

Shaunt motioned to adjourn at 7:50p.m. Eric second. All in favor.



Prepared by: Norma Badger

 12, 2016
Date Minutes Approved