



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
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MINUTES
NOVEMBER 24, 2015

Attending the meeting held in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Thomas White, Acting Chair, Aida Gennis, Linda Segal and Shaunt Sarian. Norma Badger was in attendance to take the minutes. Meeting started at 7:20pm.

55 LAKESHORE DRIVE – JOHN DARACK

Application of JOHN DARACK for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 55 LAKESHORE DRIVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-24)

Continued from 10/13/15 and 10/27/15 and site visit was 11-3-15. Panel hearing matter: Eric Goldberg, Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Eric Goldberg will write the decision.

Thom explained to the applicant that there were only four members here and the member who was missing from tonight's hearing was also writing the decision. Thom explained to the applicant they could have a continuance or could go forward with four members and then would need to get a 4-0 vote.

John Darack asked what his option was if he did not get a 4-0 vote; the board explained if he didn't get it then he could not come back for 2 years with the same application. John Darack said he has two of his professional advisors here and would not like to keep having them come back. The board explained to the applicant that the other absent member could nullify himself and would be able to sit at the next hearing. Aida suggested to hear it, have Eric nullify and then vote at the next hearing and have a five member panel. Applicant said he would rather hear his case and then continue for the vote.

Applicant decided to go forward. John Darack explained what it is that he is asking for: relief to tear down and replace it with a new smaller bungalow with 3 bedrooms. It will increase in size by 21% and 1700 sq ft. John Darack read his narrative. Explained the water damage, partial basement is made with a variety of materials, and the framing not good and roof rafters also. There is nothing worth saving. Living will increase by 41%. Will have a new septic system and will conform to all zoning and board of health setbacks.

Has had support from the neighbors. Spoke about taking down trees and being careful about it

Aida asked if it is a rental unit now. John Darack said he rented it for 9 years to this couple until August 31, 2015. Thom said he was surprised that the house was being lived in. Linda said in the prior years there has been cases where people were living in the homes and wanted to demolish them. Thom

asked the applicant if there was anything on the structural report that he would like to emphasize. Thom gave an example as merely as not being built in accordance with the code does not meet the

criteria of the demolition part, need damaged or destroyed. The idea of building code is not applicable for the standard of the bylaw. Thom said in section 2 could possibly be mentioning that since it was not built to code it could be the reason it is so damaged. John Darack said he asked his engineer if they could save the house, but with no footings and concrete blocks; supporting anymore weight would cause problems. John Darack said there is also water damage. Foundation is cracked in places and water comes in. There is mold visible. He did another one at 10 Mayflower Path that is similar to what he wants to do.

Shaunt said he went through the same thing before he was on the board and had to meet the same criteria. It looks like there was work that was done in the house and does not look like it was for remodeling reasons and was more for repairing reasons which indicates that the repairs were done to keep it in structure.

Thom asked if the architect or engineer wanted to present any further information on the demolition part. George Horowitz of 169 Rosemary Road, Dedham, he said there are things in that house that are unsafe. There is a wall leaning against the soil and in danger of collapsing. Stones falling out of it. Foundation walls are pitched and cracked and water getting through them. The deck is totally unsafe. Very dangerous house.

Robert Egan, architect, said having been through the building many times and in order to repair the building they would have to tear it down; there is very little they could sustain. Would be a major job to fix the foundation said the engineer. Aida said they have to go with the section of the bylaw and cannot go with a financial part.

Public: Mike Lowery, 120 Lakeshore Drive, one aspect of demolition, showed pictures of the foundation to the board.

Board will proceed with presenting the construction. John Darack said there may be changes and Linda asked if there were going to be changes would they be made by the next hearing. John Darack said it may be interior changes only. The deck entry could be single door. Aida asked about the mudroom and if it changed would it be heated. Members said it could matter to the BOH possibly. Procedurally it would. Aida asked about closets and would not add a closet to a room just change the location of a closet in the room. John Darack said any such changes will be minor. Board asked John to bring the changes to the next hearings. Aida asked about the office and the room does not have a closet or fire window.

Public: Mike Lowery, speaking for the Surface Water Quality Committee complimented the design...asked about the soils and septic system. Concerned about phosphorus.

Documents submitted with application: Stamped Proposed Plan by Egan Associates dated 9/9/15, Stamped Permit Plan by John Hamel dated 9/10/15, Stamped Structural Engineer's Report by George Horowitz dated 11/20/15, Photographs of house.

140 CONCORD ROAD – SHEKHAR IYER & SUCHITRA VASANTHAKUMAR

Application of SHEKHAR IYER & SUCHITRA VASANTHAKUMAR for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 140 CONCORD ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.(15-23)

Continued board from 10/13/15 and 10/27/15 (no quorum) and site visit was 11-12-15.

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

The board explained to the applicant the same format as the other hearing. Eric can nullify and go with the 5 panel or go with the four panel. Aida explained the difference in the case from before. Linda mentioned that if they would like a five member panel wait until next hearing to listen. The applicants would like to wait for 5 member panel. The applicant went over the material included in the package to make sure the members had everything. Norma need to make copies of the narrative. Shaunt will go see the house on Friday for site visit.

Continued to December 8, 2015 at 7:15p.m.

59 WOODLAND ROAD – THOMAS FINELLI

Application of THOMAS FINELLI for any necessary approvals, special permit and/or variance as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (remove existing porch, construct second story addition) within required yard setbacks under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201,203, 401.1.2, 401.1.3.2, 702.1, 703, 1604.2 and 801-Table of Dimensional Requirements. The property is located at 59 WOODLAND ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.(15-27)

Thom White explained to the applicant that he would have the same option either to go with the four member panel or continue to another date. Applicant said he would like to proceed with the four member panel.

Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Aida Gennis will write the decision.

Thomas Finelli explained to the board what he would like to do; would like to expand the second floor and turn it into a salt box style. Knee wall will extend and putting it over the 20% would be 30%.

Linda mentioned to the applicant that once he removes the porch the side yard setback would be 15' and once the porch is gone and the use is abandoned they would not be able to put the porch back on not within the setback. Applicant was aware of that.

Linda also asked about BOH and where the septic was going. It is going left to right. Tom had a plan and showed the board where it was going. Tom submitted a plan of the septic. Patio instead of the porch.

Aida asked about the second floor. Tom said he was squaring off the existing box and turning it into a saltbox, left and right, the knee wall will push it over the 20%. 28' in height and in back 31'.

Public: Molly Upton of Bayfield Road asked about the number of bedrooms changing and if the septic was approved. No number of bedrooms changing said Tom and septic has been approved.

Thom made a motion that although it will increase the nonconformity...Linda second...all in favor. Thom made a motion that it is not against the public and grant a special permit to remove existing porch and construct a second story addition according to the plans submitted and obtain any other approvals and height cannot exceed 32'. Linda second. All in favor 4-0.

Documents submitted with application: Certified Plot Plan by Drake Associates Inc. dated 10/15/15, Stamped Septic System Design by Schofield

Engineering Group dated 9/18/15,

Other matters: 150 Main Street - Clerical matter. Linda explained that after the decision was filed it was noticed that there were some clerical errors and would need to review the errors, correct them and file it again.

Linda said there are additional errors in dates carefully note Page 3, second bullet, third bullet and 10th bullet Page 4. Those are the clerical issues said Linda. Since the Chair is not here, feels like they should send to Eric and he should go over this with Counsel. Make note of clerical changes and ask for them to be changed, do not have to vote..board agreed.

At the direction of the members on the evening of November 24, clerical errors were noted and members requested that the errors be corrected by the author. Forward to Eric and Town Counsel.

Thom motioned to adjourn at 8:40 p.m. Shaunt second...All in favor.


Prepared by: Liz Reef

JANUARY 24, 2017
Dates Minutes Approved