



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWNBUILDING
41 COCHUATE ROAD
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Minutes
January 12,2016

Attending the meeting was Eric Goldberg, Aida Gennis, Michael Connors, Thomas White and Associate Members Linda Segal, Argie Shapiro and Shaunt Sarian. Norma Badger was also in attendance to take minutes.

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, 11/24/15, 12/18/15 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.

Eric updated the status of this application and input from the board. Eric remembers the decaying of the stone wall. Shaunt said the repairs that had been done was not repaired professionally. Linda mentioned they had heard evidence from the Architect that it was unsafe and should be condemned. Linda said that what she remembers was the change in the plans. John Darack said he would like to enclose part of the deck.

Eric apologized about not mullenizing himself on November 24,2015 and therefore cannot participate in the vote of this hearing.

Continued with 4 members.

No Public Comment

Aida moved that under 401.1.6 found that the structure damaged or destroyed and although it will increase the nonconformity it will no be more detrimental.....and meets the requirement of the zoning. Shaunt second the motion. All in favor 4-0.

Application of SHEKMAR au & 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 from 10/27/15, 11/24/15/, 12/18/15 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

Eric said his recollection of the site visit was what the applicants presented was a very nice house which they wanted to put on a second floor. Eric explained to the applicants that in order to meet the criteria of demolition need reasons for damaged or destroyed, did not look behind the walls at the site visit but what they did see was not bad. Eric explained to the applicants that there are many houses in town that do not meet the existing building code and just this alone is not a criteria for damaged or destroyed by natural causes or otherwise (by law). Eric would like to the applicants to share some points in order to prove this has been damaged.

The applicant's attorney, Jonathan White represented them. The Structural Engineer was present at the meeting. Attorney White said there is a plan from 1950 showing the house was on the lot. Attorney showed the dormer, did not think it was original and seeing the low ridge line did not think the house was designed to have a second floor. The lot is preexisting nonconforming. The garage is outside the building envelope so the structure is nonconforming. The proposal is to demolish the present structure and build a new home. They did outgrow the house, explored an addition with an architect. Tried to get one to fit but the house but the building has structural deficiencies. The more they looked at it the more it didn't make sense. The ceiling is 6.6 and you can't straighten up your hand. The doorways are 6'. (showed pictures) It wasn't built correctly, not a total habitable house. A real height problem upstairs. The ridge is so low it probably didn't deserve a second floor. Stan, the structural engineer said he had done some analysis. The old house, showed the dormer and explained how the frame was not constructed correctly. Over 200% stress. Showed the members his analysis. Safety is the main issue. Was originally an A frame. Linda asked if that is the case; what kind of damage should they have seen. Stan said there is some damage on the other side of the dormer. Said the structure is not good. Eric asked what should have been done. Stan said a few things should have been done. Then said the issue is regarding the 2 x 6 rafters and they could not bear the weight, the act of reinforcing the roof would be impossible. Shaunt asked how does that meet the criteria of damaged. Then said the act of doing the work they did, damaged the structure. Thorn said the applicants voluntarily did not do this themselves. Paragraph 2 of the major issues..act of adding the dormer has damaged this.

Attorney White said in the 80's it showed some minor work being done, nothing since then. Eric said the closest this comes to is the Lakeshore Road once. Because of the way the drainage was on that case would erode the house eventually. The applicants had opened a crawl space that showed the water erosion which ended up convincing the board that it was by natural causes. Eric said what this shows is a potential for a disaster and does the bylaw require them to wait for this disaster? Did see the ceiling was sagging. Eric said it doesn't seem right to wait for the damage to occur. Then has the same thought as Eric that the damage is waiting to occur. At 200% of design load is not good. Eric said this does stretch it as far as it could. Linda said the material they showed they would like to have. Initially Linda said all she heard was it was not to code and until tonight the material shown has made more sense. Thorn spoke about the roof and the wall. Linda spoke about the number of Cape houses that added a second story (around Oak Street), could be a soundly built home. Thorn said typically they did not use a 2 x 6, more material you have to attach to the rafters, the more sound. Eric said they couldn't make a judgement as to how others are done. Shaunt said most people will take off the roof and second floor and then do all the walls and roof over and close it up. He is having a hard time with the criteria of damaged or destroyed. Eric said the ceiling sagging is an indication of the structural conditions and that is how he justifies it. Then mentioned the letter of the snow being on the roof and being structurally unsafe this could cause it to collapse.

Public: No one.

Eric said before they move to the plans they should take a majority of the demolition. Eric would say yes to tear down, Thorn also, Aida, Linda said she thinks it is a stretch, Aida said she came in not to vote for it but after Thorn explaining the structure it changed her mind, Thorn said this is unique. Linda was convinced, Shaunt was also convinced

Eric said that hearing these statements that it would be safe to continue with the plans. Attorney White showed the plans. It would be a modular house and spoke about the square footage. The height is 28.6. 28.6 i and would conform to all setbacks.

Linda mentioned that the Board Of Health approval mentions the Conservation and basement to remain unfinished and asked applicant if in compliance with ConCom. Applicant said they have not applied yet but does not think it was applicable.

Eric made a motion that they find the condition of the house reflected in the report of the engineer of the existing roof system is unsound and meets the criteria of demolition and further find although it will increase the nonconformity it will not be more detrimental and not against the public interest.....and therefore grant a special permit according to conditions, construction in conformity with plans filed and all other approvals and boards and in the BOH approval the basement will remain unfinished and if ever wish to finish will need to go back to BOH and Zoning.. Shaunt second the motion, all in favor 5-0.

Application of John And Susan Carr for any necessary approvals, special permits, variances as may be required to modify ZBA Decision #08-20 dated February 24,2009 (Special Permit and Finding) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6, 401.1.7, 703.1 and 801, Table of Dimensional Requirements. The property is located at 67 Edgewood Road which is in a Single Residence District. (15-31)

Panel hearing the matter: Eric, Thorn, Michael, Argie and Shaunt. Eric will write the decision.

Brian Levey represented the applicants. John Carr said they bought the house 5 years ago. Eric said in 2009 the board had authorized the demo and reconstruct.

John and Susan said they bought the house 5 years ago and was in the middle of the demolition. The garage remains a garage. Tonight they are here to amend the plans and given their situation and the challenges the goal toward rebuilding the house.

John showed the plan the modified plans from the previous decision, the dormer/gable has changed, handed out plans. The proposal in the best interest of the neighborhood. John said shortly after they bought the house the family got hit with a few things and has taken four years to get through these struggles and was not a priority to deal with the house and the previous commissioner Dan Bennett said as long as they wrote a Jetter stating this it would be ok.

John explained the modification is less nonconforming in the structure. 10.2. and outside the buffer zone. The proposed is more nonconforming, lot coverage is up...24%. Unfinished basement, first floor, handicapped accessible, home office, upstairs, 3 bedrooms, unfinished above garage. Linda said the BOH had pointed out that the two pages A1 and AS and when they revised plans for tonight did that get corrected? Board discussed the plans and where the BOH was speaking about. They are planning on demolishing the garage.

Primary change is the front elevation; no second gable. Now 28' instead 34. The concern of the neighbors was the height and massing. Now they have made them more gentle and cited it more for the abutters and equally distance

Michael Connors read the existing application; gross floor area; 3,730 proposed now. (3364 was approved in 2008)

Reduced the height. Highest elevation is 31' in the back and 32' on the far side and street side is 28'. To get the living area with reducing the height they had to enlarge the footprint and moved closer to the the other lot. Feel it is embraced by the neighbors and is less nonconforming and removed from the resource area. More consistant with the coverage area and home ratio and geometry by the neighbors. Style more consistent, lower carbon footprint.

Linda asked about the basement and having a bathroom and was not in the plans that was submitted to the BOH. Applicant said he spoke to BOH about it. Linda was just pointing it out. Them asked about A-2 and the master deck which was not pointed out on the master plan or site plan. He said he was willing to eliminate it if needed. Them said it seems like it is in the buffer zone but could canterliever over the buffer zone. Slight deviation and would like to note. Linda said the package was wonderful, and some left over with the conservation commission and they need to go back conservation. Brian Levey said if the deck is needed to go to conservation commission and then may not do it but keep it in and don't do it if can't.

Public: Joan of 11 Edgewood, in total support of application. Carol of 76 Edgewood Road, in support of what they are planning to do. Mary Boulay 65 Edgewood Road, said the applicant has been very accommodating. Kevin of 20 Parkridge Road, the Carrs have been accommodating and is in support.

Michael Connors page 4 of the memorandum. Under the permit extension act goes through 2009 to 2015 and the permit has been exercised in a reasonable fashion to note that for the record. Linda asked why did the BOH have a different year and Brian Levey said it started on a different date

Michael Connors made a motion amend board of appeals case and substitute the plans filed here tonight on January 12, 2016 and substantial in conformity with plans submitted and gross floor area and proposal. Thorn second the motion. All in favor 5-0.

Eric moved to approve 8/11, 8/25, 9/8, 9/29, 10/13. Michael Connors motioned to accept minutes reviewed. Thorn second. All in favor.

Michael Connors motioned to adjourn at 8:55, Argie second. All in favor.

Meeting adjourned 8:55.

March 22, 2016
Date Minutes Approved

Norma Badger
Prepared by: Norma Badger

