



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
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MINUTES
March 22, 2016

Attending the meeting held at 7pm in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Eric Goldberg, Chair, Aida Gennis, Thomas White and associate members Shaunt Sarian, Argie Shapiro, and Linda Segal. Also in attendance were Town Counsel, Mark Lanza, and Building Commissioner, Geoff Larsen.

120 OLD CONNECTICUT PATH – MICHAEL OLSEN

Application of MICHAEL OLSEN for any necessary approvals, special permits and/or variances as may be required to allow a business use, specifically "stables with horses for hire", under the Town of Wayland Zoning By-Laws Chapter 198, Sections 201, 203, Article 6 – SPA, 803.1 and 804 Table of Permitted Uses by Districts (Use # 14). The property is located at 120 Old Connecticut Path which is in the SINGLE RESIDENCE DISTRICT (16-03).

Panel: Eric Goldberg, Aida Genis, Thomas White, Linda Segal, Argie Shapiro. Eric Goldberg writing decision.

The applicant appeared and reported to the Board that he had purchased the property on or about September 25, 2015, and sought to utilize the site's existing barn, stable and riding ring to operate a stable with horses for hire. The Board had previously granted site plan approval consistent with the Planning Board's advisory recommendations for site plan review and approval dated March 17, 2010 based on the plan submitted by the previous owner under Decision No. 10-08. The applicant explained that he was not proposing to make any changes to the site apart from the relocation of the manure container with approval from the Board of Health.

The prior owner had been operating the barn and keeping six horses since approximately 2005. There had previously been no complaints from neighbors or citations from the Town. The applicant obtained an animal keeping permit for keeping up to six horses.

In terms of the use for hire, the applicant explained that he intended to offer riding lessons by a professional instructor, and to charge horse owners a monthly boarding fee to defray the cost of feeding, maintenance and caring of the animals.

One member of the public, Gretchen Schuler of 126 Old Connecticut Path, raised a concern about possible traffic impact from the use of the stable for riding lessons. The applicant anticipated no more than 2-3 cars would be entering and exiting the property.

Chairman moved that the Board make required findings. The Board approved the applicant's request by unanimous decision subject to conditions.

Documents submitted with application: Certified Plot Plan by Bryan Parmenter dated 2/25/2010, Plan of Existing Barn, Photographs of Barn, and Animal Keeping Permit dated 11/13/15.

113 CONCORD ROAD – FRANK BIBER and FRANCES POLLITT

Application of FRANK BIBER and FRANCES POLLITT for any necessary approvals, special permits and/or variances as may be required to allow earth movement in excess of 1,500 CY's under the Town of Wayland Zoning By-Laws Chapter 198, Sections 201, 203, 504 (earth removal in excess of 1,500 CY's) and 1601. The property is located at 113 CONCORD ROAD which is in the SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT (16-04).

Panel: Eric Goldberg, Aida Genis, Thomas White, Linda Segal, Shaunt Sarian. Thomas White writing decision.

Brian Nelson of Metrowest Engineering appeared on behalf of the applicant and reported to the Board that it was necessary to undertake earth removal in excess of the amounts permitted as of right. The property and the house on the property are conforming. Lot area and frontage are also conforming. At the time of the application and hearing, the applicant was constructing an approved single-family house on the lot. The Conservation Commission had issued three orders of conditions approving the work on the property. The applicant explained that the house under construction has been designed as an "aging in place" home with the majority of the living space on one floor. The applicant further explained that integral to the design is the provision of complete accessibility from interior to exterior living spaces.

Due to the relatively high depth of seasonal high groundwater, the first floor elevation is set approximately 6 feet above the existing natural grade. The applicant explained that to provide proper drainage, contours and access, he needed to undertake cut and fill earthwork in multiple areas of the site. The Conservation Commission had reviewed and approved the applicant's grading plans. The applicant's engineer had submitted calculations indicating that a net additional 3,965 cubic yards of earth will need to be moved to fully implement the site work.

Based on the information provided, the Board determined that the amount of additional earth movement requested was necessary and integral to the project and did not present any negative impacts to the lot or to the surrounding properties.

No members of the public spoke in opposition to the applicant's request.

Chairman moved that the Board make required findings. The Board approved the applicant's request by unanimous decision subject to conditions.

Documents submitted with application: Certified Existing and Proposed Site Plans by Robert Gemma dated 2/8/16 and Certified Proposed Grading Plan by Robert Gemma dated 2/8/16.

29 CASTLE GATE ROAD – NASH QUADIR

Application of NASH QUADIR 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 within the required front and side yard setbacks under the Town of Wayland Zoning By-Law Chapter 198, Sections 201, 203, 401.1.2, 401.1.6, 702, 703, Article 16, and 801 Table of Dimensional Requirements (front yard and rear). The property is located at 29 CASTLEGATE ROAD which is in the SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT (16-05).

Panel: Eric Goldberg, Aida Genis, Thomas White, Linda Segal, Argie Shapiro. Argie Shapiro writing decision.

Hearing continued to May 12, 2016. Extension obtained.

The Board by roll call vote voted unanimously to enter executive session to discuss pending litigation involving 150 Main Street LLC. Town Counsel, Mark Lanza, and Building Commissioner, Geoff Larsen were invited to join the Board during executive session.

Meeting adjourned at 8:55 pm after returning to open session.

May 9, 2017

Date Minutes Approved


Prepared by: Eric Goldberg