



TOWN OF WAYLAND
 MASSACHUSETTS
 01778
BOARD OF APPEALS

TOWN BUILDING
 41 COCHITUATE ROAD
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MINUTES
May 24, 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 Argie Shapiro and Linda Segal.

Public Comment: No members of the public provided comment.

Matter was continued from May 10, 2016

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 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, 1604.2 and 801 Table of Dimensional Requirements (front and side yard). The property is located at **29 CASTLE GATE ROAD** which is in a Single Residence District and Aquifer Protection District. Case #16-05.

Panel: Eric Goldberg, Chair, Aida Gennis, Thomas White, Argie Shapiro. Argie will write decision.

At previous hearing Board noted that plan did not show where new driveway would be located on Lodge Road. Applicant stated site plan showed driveway location. Applicant brought updated plans at night of hearing. Board also raised issue of height at previous hearing, whether finished space at top level was attic space or additional story. There was confusion as to whether the upper story complied or exceeded the Bylaw.

Eric conferred with the Building Commissioner regarding height to explain meaning of half-story. Building Commissioner provided memo to Board explaining that half-story is half of floor area below. Bylaw as to height provides option of building up to 35 feet or two and one-half stories, whichever is less. Applicant lowered the roof line and reduced square footage of attic space. However, Eric explained that it appears from plans that proposal exceeds height requirements which would create a new nonconformity upon reconstruction which is not permissible by special permit under Massachusetts law.

Applicant believed plans complied with height requirements and would confer with Building Commissioner. Eric also pointed out that upper level space is living space, not an attic. The Board reviewed Bylaw definitions of gross floor area to understand Building Commissioner's definition of half-story and attic. Building Commissioner determined that upper level exceeded height requirements as half-story by 88 square feet.

Eric explained that Applicant should further consider overall plan of house given proposal is to replace a single-story bungalow cottage with a two and one-half story structure.

Linda noted that Board rules required that any materials be submitted at least seven days before the hearing.

Attorney Scott Golding appeared on behalf of abutter, Lynn Dowd, 9 Lodge Road. Echoed request for timely submittal of additional materials. Believed that gross floor area calculated wall to wall, without deduction for knee walls.

Applicant stated he met with Building Commissioner to review building height.

Abutter's main concern is building height. Proposal would be tallest structure in the neighborhood on an undersized lot. Attorney Golding argued that proposal would not be in keeping with the character of the neighborhood.

Eric suggested that proposed reversal of orientation front to back would create enormous front yard. Eric and Aida questioned whether it would be possible to redesign house to better utilize the lot. The Applicant and Thom pointed out that the septic system limited development into the proposed front yard. Discussion followed about possible changes to the footprint that would be permissible within the side yard setbacks due to existing nonconformity that would allow reduction in height. Tradeoff would be lower height but more structure extending within side yard setback.

Applicant proposed planting row of arborvitaes as mitigating screening.

Attorney Golding expressed concern for health and condition of existing mature trees during construction.

Eric explained options to Applicant: allow the Board to render decision which likely be unfavorable, withdraw application and reengineer plan, or continue matter to return with modified plan. Withdrawal would allow Applicant to go back to drawing board and present new plans to a full five-member board.

Linda read from Board's rules confirming that Board could accept withdrawal. Eric confirmed that a new application would require full discussion including as to merits of demolition. Eric expressed that a new application would be a cleaner process. However, the Board would not guarantee the outcome if presented with a new application and new plans.

Board voted unanimously to allow withdrawal of application without prejudice and waiving filing fees.

Documents submitted with application: Certified Plot Plan by Larry R. Sabean dated 2/18/2016, Certified Structural Affidavit by Mohammed R. Farooqui dated 3/9/2015, Architectural Drawings A1-A4 by KUQ Construction, LLC dated 2/5/2015, Architectural Drawings A1-A4 & S1 by KUQ Construction, LLC dated 2/5/2016, Photographs of House.

Application of **Wayland Housing Authority** for any necessary authorizations to modify a Comprehensive Permit (#80-38) and approvals, findings, special permits and/or variances and/or modifications as may be required by the Zoning Board of Appeals, to add a Smoking Shed within the front yard set-backs under MGL 40B section 21 and the Town of Wayland Zoning By-Laws; Chapter 198 sections 201.1.1, 203, 702.1 and 802 Table of Permitted Uses. The property is located at **106 Main Street** which is in a R-20 Single Residential District. Case #16-06 (cont'd).

Panel: Eric, Aida, Thomas, Shaunt, Linda. Eric will write decision.

Original hearing was held May 10, 2016. Matter was mistakenly posted but scheduled to June 14, 2016.

Meeting adjourned.

April 11, 2017
Date Minutes Approved


Prepared by: Eric Goldberg, Chair