



TOWN OF WAYLAND
 MASSACHUSETTS
 01778
BOARD OF APPEALS

TOWN BUILDING
 41 COCHITUATE ROAD
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MINUTES
July 26, 2016

Attending the meeting held at 7:15 p.m. in the Wayland Town Building located at 41 Cochituate Road, Wayland, were members: Eric Goldberg, Chair, Thomas White, and Associate Members Shaunt Sarian and Linda Segal. Audio recorded by WayCam.

Public comment: None.

Eric reads the legal notice from the agenda for case 16-13:

Application of **Nick Sabella** as authorized by Maura Shaughnessy and Bernie Regenauer, for any necessary approvals, special permits, and /or variances as may be required to allow a 3-season unconditioned addition within a side yard setback under the Town of Wayland Zoning By-Laws Ch. 198 Sections 201,203,401.1.2, 702, 703, and 801 – Table of Dimensional Requirements (side yard). The property is located at **10 Apache Trail** which is in a SINGE RESIDENCE DISTRICT, R-60. Case #16-13

A panel is not set, Eric mentions that 4 ZBA members are present and the Applicant may decide to wait and not proceed until 5 members are present, otherwise the Applicant will need a unanimous decision by all 4 for the application to succeed.

Applicant notes that they are before the ZBA because the zoning bylaw has changed since the house was built and the house now lies within a setback.

Questions are posed about an oil pipeline marked on the plot plan and located on a neighboring property adjacent to Applicant's. The pipeline and easement within which it is located is marked as belonging to Shell Oil. Shell Oil was not listed as an abutter and the understanding is that it did not receive notice of the hearing. Applicant states that he understands the pipeline is dormant.

Concerns were raised from a Member that there should be certainty whether Shell Oil should receive notice and whether Dig Safe or some other entity should be contacted to ensure that any construction on Applicant's property be done safely.

Resolution is that the hearing will be continued to August 9th at 7:00 pm. Chair, Eric Goldberg, will contact Town Counsel and clarify whether Shell Oil, as an easement holder, as marked on the site plan, should receive notice of the hearing. Applicant will contact the Building Commissioner to inquire whether there is a need to contact Dig-Safe or some other entity to ensure any digging /construction will be done safely.

Documents submitted with the application for 10 Apache Trail (Case #16-13): Certified Site Plan by Snelling & Hamel Associates, Inc. dated January 21, 2016, Certified Site Plan by Snelling & Hamel Associates, Inc. dated June 24, 2016, Architectural Drawings by Claude Miquelle Associates dated 9/30/88, 10/25/88, 10/26/88, 10/31/88, Photographs of Existing Screen Porch.

The 7:30 pm hearing was called for case #16-06 of the **Wayland Housing Authority** to modify a comprehensive permit #80-38 regarding the siting of a smoking shed at 106 Main Street. The hearing is continued from May 10, May 24, June 14, July 12. The Chair stated that 4 members of the panel of 5 are present, this date having been set not realizing that one member of the panel was unable to attend this date (July 26). The hearing was continued to September 13 at 7:15 pm.

The next hearing called is listed as a 7:15 pm hearing for **32 Woodland Road**.

The panel is Eric Goldberg, Chair, Thomas White, Shaunt Sarian, Linda Segal, Jason Drori. Jason is absent and Applicant is informed he may determine whether to proceed with a 4-member panel or not.

Applicant states he is uncomfortable proceeding with a 4-member panel. A general discussion ensues regarding encroachments into a front yard setback and, in this case, whether the site plan has markings that are clearly legible to determine whether the existing structure, the house, is sited within the front yard setback. Applicant seeks to construct a porch which may be sited within the front yard setback. If the house is not sited within the front yard setback and if relief is granted for the construction of a porch, the board would be authorizing an encroachment where one does not exist. It is noted that the board has never previously authorized the creation of a violation into a front yard setback. It is also noted that homes on this street are sited very close to the street. It is noted that in the determination of whether a special permit may issue, the board's work comes down to a subjective evaluation of the "character of the neighborhood" and whether the relief requested may be "substantially more detrimental" to the neighborhood, or not, and that each case is determined on its own merits.

The Chair opened the hearing for case #16-10 stating it is the 7:30 pm hearing of **Michael Aranella** to allow the construction of a mud room within the front yard setback, the property is at **32 Woodland Road**.

Any necessary approvals, special permits, and/or variances as may be required to allow a addition of a front mud room within front setbacks under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 702, 703 and 801-Table of Dimensional Requirements (front yard) The property is located at 32 WOODLAND ROAD, which is in a SINGLE RESIDENCE DISTRICT Case#16-10

The panel is Eric Goldberg, Thomas White, Shaunt Sarian, Linda Segal, Jason Drori. Jason Drori is not present.

It is noted that the discussion that preceded the opening of the hearing covered the issues to be discussed and that Applicant agrees to modify his architectural plan, received and dated by the Building Department on June 9, 2016; Applicant will initial and date the plan. Applicant understands that the

plan, once modified- initialed and dated, is the plan to which a Building Permit will issue and that he must build to the plan. Applicant understands that the decision of the Board is specific to the final plans before it. The proposal is now to construct a mud room in the front of the house within the front yard setback. The plans depict 4 steps leading to the mudroom, they will be revised tonight to depict only one (1) step leading to the mudroom. Applicant asserts and represents he is able to construct the mudroom with one (1) and only one (1) step exterior to the mudroom.

It is stated for the record that the application on its face is incomplete and inaccurate; the certified plot plan is not clear.

The board votes unanimously to issue a special permit, subject to conditions, for the construction of a mudroom with one (1) exterior step as depicted on a modified architectural plan, sheet F-1 dated June 9, 2016 and stamped as received by the Building Department on June 10, 2016, as modified- dated- initialed by the Applicant on June 26, 2016.

Documents submitted with the application for 32 Woodland Road (Case #16-10): Certified Plans & Elevations by N. Hammouri P.E., P.C. dated 5/31/16 (Sheet F-1), Certified Plot Plan by Drake Associates, Inc. dated 8/8/84.

Meeting adjourned.

April 11, 2017
Date Minutes Approved


Prepared by: Aida Gennis