



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
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MINUTES
August 23, 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, Jonathan Sachs, and Associate Members Jason Drori and Linda Segal. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended. Audio recorded by WayCam.

23 DEAN ROAD – JAYAPRAKASH NAIR & NISHA NAIR

Application of JAYAPRAKASH NAIR & NISHA NAIR for any necessary approvals, special permits and/or variances as may be required to construct additions (including lateral and 2nd story) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lot area & frontage) and increasing the existing gross floor living area more than 20% under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 401.1.6 and 801 – Table of Dimensional Requirements. The property is located at **23 DEAN ROAD** which is in a SINGLE RESIDENCE DISTRICT. (16-14)

Panel: Eric, Jonathan, Aida, Jason, Linda. Aida writing decision.

Architect Kevin Wong presented application for demolition of existing one-car garage and mudroom, proposing new two-car garage, front porch and rear deck with renovations to rest of house. Proposed changes will not invade yard setbacks. Proposed height of new garage section will not exceed 32 feet. Proposed changes consistent with scale and character of other properties in neighborhood.

Board of Health approval: new septic system, proposed office shall not be used as a bedroom, basement shall not be finished. Total 9 rooms/4 bedrooms.

No members of public asked to be heard.

Chairman moved that Board make required findings. Approved by unanimous decision.

3 RIVERVIEW CIRCLE – SURIT PRAKASH

Application of SURIT PRAKASH (3 RIVERVIEW CIRCLE, LLC) for any necessary approvals, special permits and/or variances as may be required to construct additions (including lateral and 2nd story) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lot area & frontage) and increasing the existing gross floor living area more than 20% under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 401.1.6 and 801 – Table of Dimensional Requirements. The property is located at 3 RIVERVIEW CIRCLE which is in a Single Residence District and AQUIFER PROTECTION DISTRICT (16-15)

Panel: Eric, Jonathan, Aida, Jason, Linda. Linda writing decision.

Nash Quadir, 14 Overlook Rd., represented property owner. Applicant seeks to demolish all walls because of rotted sills and insufficient joists, rebuild two-story home on existing foundation, adding unheated sunroom and two-car garage, increasing impervious surfaces by 82 sq. ft.

Because of requested demolition, Board site visit scheduled for Monday, Sept. 12, 8 a.m. Hearing continued (extension form signed) to October 18, 2016 at 7:30 p.m.

20 MILLBROOK ROAD – JOHN ARCHAMBAULT & CHRISTINE MOYNIHAN

Application of JOHN ARCHAMBAULT & CHRISTINE MOYNIHAN to appeal the decision of the Building Commissioner, specifically that in the absence of building permit that the placement of storage bin/structure as an 'other than temporary' permitted by right accessory residential use in a required setback (R-30/Aquifer Protection District; 30' front yard setback) is a violation of Town zoning under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 104, 702, and 801 Table of Dimensional Requirements. The property is located at **20 MILLBROOK ROAD** which is in a Single Residence District. (16-16)

Panel: Eric, Jonathan, Aida, Jason, Linda. Eric writing decision.

Petitioners' home was struck by tree falling through the roof during 7/2/14 microburst storm causing substantial structural and related water damage. Obtained building permit to repair and reconstruct home with temporary storage structure within front yard setback. Permit closed in February 2015 after inspection by former Commissioner Jay Abelli; storage structure remains without follow-up permit.

Building Commissioner/Zoning Enforcement Officer Geoff Larsen received request for enforcement on March 21, 2016 from abutter Robert Flanagan, 22 Millbrook Rd. Following site visits, office meetings and communications with Petitioners, Larsen sent May 3, 2016 letter notifying homeowners that the no-longer-temporary storage structure was a zoning violation.

A second notification letter to homeowners dated June 8, 2016 resulted in July 22, 2016 appeal, with petitioners citing delays in completion of storm-related repairs. Larsen provided written chronology of events leading to action taken. Petitioners' narrative described punch list of unfinished repairs, further water damage, and chronology of impasse with contractor hired by insurance company. Homeowners moved back into house but cannot bring stored items back in until interior work is done. They hired a lawyer (not present) given dispute and impasse with insurance company and contractor.

Public comment: Ken Epstein, 6 Nob Hill Rd., said storage container obstructs street view. Richard Turner, 7 Nob Hill Rd., said container hook sticks out into already narrow roadway.

Possible options discussed: move container closer to the house, store items off-site, seek new permit, use smaller container.

Hearing continued, homeowners given grace period of about 60 days, without a fine, to encourage dispute resolution before winter sets in. Hearing continued to Oct. 25, 2016, 7 p.m.

8 LODGE ROAD – CHRISTOPHER & CATHERINE PIERSON

Application of **CHRISTOPHER & CATHERINE PIERSON** for any necessary approvals, special permits and/or variances as may be required to construct a new single family addition and 2nd story addition within existing setbacks under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6, 702, 703, Article 16 and 801 – Table of Dimensional Requirements (existing setbacks). The property is located at **8 LODGE ROAD** which is in a SINGLE RESIDENCE DISTRICT. (16-12)

Panel: Eric, Jonathan, Aida, Jason, Linda. Eric writing decision. (cont'd 8/9/16)

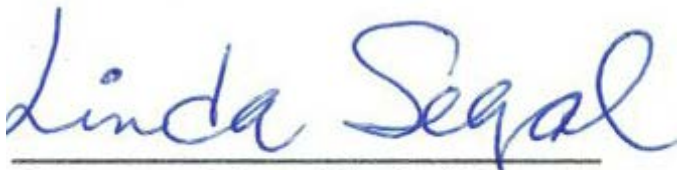
All panel members visited property. No new plans submitted despite Aug. 9 session ending with talk of mitigating project impacts (height, massing) to abutter at 6 Lodge Rd. Proposed two-story addition will reduce side yard setback from 7.9 feet to 6.7 feet. Applicant checked with architect: reducing height of addition affects scale and requires 5-6 hours of additional design work. Some nearby homes have added a second floor; setbacks vary. Applicant showed data for sun rotation in June with August photos responding to abutter concern about blocking sunlight. Winter data when sun is lower not provided.

Public comment: Kelley Bradford, 6 Lodge Rd., same concerns as prior hearing session; very close proximity of addition but no accommodation by applicant. Cordelia Lydon, 11 Lodge Rd., thanked applicant for new information, said others on street had added a second floor.

To address privacy, applicant agreed to remove second story windows on side facing 6 Lodge Rd. Bordering trees will not be removed. New trees will not exceed 6 feet to not block sunlight to abutter.

Chairman moved to make required findings. Voted 4-1 (Segal voted No). Chairman moved approval of special permit with conditions. Voted 4-1 (Segal - No).

Meeting adjourned at 9:50 p.m.



Prepared by: Linda Segal

February 14, 2017
Date Minutes Approved

Public documents:

Case 16-14: all July 2016: application, narrative, Board of Health (BOH) approval, BOH approved site plans, certified plot plan, Wong architectural plans, photos of existing house & neighborhood

Case 16-15: all July, 2016: KUQ Construction narrative, certified plot plan, structural engineer report, photos of existing house, tree removal plan, engineer site plan, seven pages of design plans.

Case 16-16: G. Larsen correspondence dated 8/17/16, 6/8/16. 6/2/16; Petitioners' narrative and photographs; RebuildEx repair estimate dated 8/7/14; RebuildEx contract agreement signed 10/14/14; 2015 correspondence between Petitioners and RebuildEx; April 19, 2015 punch list; Oct. & Nov. 2015 correspondence SmithDuggan attorney; 2015-2016 correspondence Petitioners and other contractors.

Case 16-12: July 2016: application, BoH approval 3 bedrooms/6 rooms total, certified plot plan, photos, Samiotes septic design plan, architectural design plans. Aug. 15, 2016 submittal: sunlight data/photos and ZBA decisions with other Lodge Rd. second-story additions.