



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

**MINUTES**

**September 26, 2016**

Attending the meeting held at 7pm in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were Eric Goldberg, Chair, Aida Gennis, Thomas White, Jonathan Sachs, and Associate Members Linda Segal and Shaunt Sarian. Audio recorded by WayCam.

Application of NASH QUADIR for any necessary approvals, special permits, and/or variances as may be required to demolish a preexisting, nonconforming single-family dwelling and construct a new single-family dwelling within front and side yard 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 (front and side yard). The property is located at 29 CASTLEGATE ROAD, which is in the Single Residence District and Aquifer Protection District. Case # 16-11. Hearing continued from July 12, 2016.

Panel: Eric Goldberg, Linda Segal, Aida Gennis, Thomas White, and Shaunt Sarian. Eric writes the decision.

The Applicant confirmed there was a concern with the size of dwelling during July hearing. Linda previously had identified discrepancies in the setbacks using assessor's map.

The Applicant provided exhibits showing differences between previously proposed lot

coverage and comparison between front and side yard setbacks of the property and surrounding lots. Total lot coverage increased by approximately 1.5%.

Linda commented on Exhibit D. The Board discussed a prior lawsuit to avoid payment of Lodge Road betterments.

Eric read aloud a letter to the Board from an abutter residing at 9 Lodge Road, expressing concern over the accuracy of the setback shown in the Applicant's submitted building plot plan for the proposed construction and requesting that the Board require a plot plan based on a certified instrument survey of the existing structures at 29 CASTLEGATE ROAD.

Linda expressed the view that the abutter's request was reasonable.

Eric responded that the plot plan included with the Applicant's materials is signed, dated, and stamped by a professional land surveyor and should be presumed accurate absent any contrary information before the Board.

Thomas agreed, acknowledging that a stamped plot plan prepared by a professional land surveyor is the type of supporting evidence the Board would accept and on which it would rely in deciding whether to approve a proposed demolition and new construction.

Eric added that he believed the Applicant had submitted the necessary documentation, noting the Applicant had continued to address concerns the Board had raised over the potential impact of the proposed new construction.

Linda located a letter from the property owner authorizing the Applicant to represent his interests at the hearing, as required by the zoning bylaws.

Thomas, Aida, and Shaunt separately commented the Applicant had made a consistent effort to reduce the scale of the new construction project and optimize use of the lot.

No public comments.

Eric moved the Board to approve Case # 16-11, with the conditions that (i) the Applicant obtain any other approvals as may be required by any other town department; (ii) proposed new construction confirm with the August 18 plans; and (iii) the actual setbacks of the proposed construction will conform to the building plot plan dated August 17, 2016, signed and stamped by LARRY R. SABEAN. Shaunt seconded the motion.

Shaunt, Eric, and Tom voted to approve the motion. Aida and Linda voted no. The application is denied by a 3-2 vote.

Documents submitted with application: Certified Building Plot Plan by Larry Sabean dated 8/17/16, Architectural Drawings A1-A4 by KUQ Construction, LLC dated 6/5/16 & 8/18/16, Existing Plan & Profile of Lodge Rd. by Wayland Town Surveyor's Office dated 4/16/98.

---

Case # 16-15 concerning the property located at 3 RIVERVIEW CIRCLE was mistakenly included on the Town of Wayland Clerk's Office Notice of Meetings of Town Boards/Committees/Commissions. The Application had been scheduled for a hearing on October 18, 2016. A site visit was scheduled for 8:00 a.m. EST October 7, 2016.

---

Application of MARISSA AND GAVIN KIVETT for any necessary approvals, special permits, and/or variances as may be required to construct an addition, second story and lateral, alterations to a single-family dwelling within a preexisting nonconforming lot, lack of lot area, and frontage, and a side yard setback and possibly increasing the existing 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, 703.2, and 801 Table of Dimensional Requirements (front and side yard). The property is located at 24 GLEZEN LANE, which is in the Single Residence District and Aquifer Protection District. Case # 16-17.

Panel: Eric Goldberg, Linda Segal, Aida Gennis, Thomas White, and Jonathan Sachs. Thomas writes the decision.

Applicant is requesting special permit to expand upon a screened-in porch at the rear of property.

Linda noted that the Board received documentation from the Board of Health addressing the potential impact of construction in Zone 1. Have you communicated with the Water Division since your last communication in 2014? She suggested circumstances may have changed considering intervening drought.

Eric and Thom suggested that sign-off from the Water Superintendent should be a condition of approval of the Applicant's request.

No public comment.

Eric moved the Board to approve Case # 16-17, with the conditions that (i) construction be in substantial conformity with the plans on file with the Town Building Department dated August 5, 2016; and (ii) Applicant obtain any other approvals as may be required by other town departments, including review of the proposal with the Water Division to ensure there are no issues of concern from constructing near Zone 1 of the Aquifer District.

The Board unanimously voted to grant the special permit.

Documents submitted with application: Certified Proposed Addition Site Plan by Drake Associates Inc. dated 7/11/16, Existing and Proposed Architectural Plans, Photographs of house.

---

Application of JOHN AND SUSAN CARR for any necessary approvals, special permits, and/or variances as may be required to modify Board decision #15-31 dated February 24, 2009 and amend Application # 15-31 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 the Single Residence District. Case # 15-31.

Panel: Eric Goldberg, Linda Segal, Aida Gennis, Thomas White, and Shaunt Sarian. Aida writes the decision.

Applicant is requesting to amend Application # 15-31. Applicant described the details of and reasons necessitating reconfiguration of the previously submitted construction plan reviewed in the Board's prior decision.

Residents at 65 and 76 Edgewood Road spoke in support of the Applicant. Resident at 73 Edgewood Road requested that trees be planted to create screening between the abutting properties. Applicant offered to plant screening plants before or after the completion of construction.

Eric moved the Board to approve the proposed amendment to Application # 15-31, with the conditions that (i) construction be in substantial conformity with the plans on file with the Town Building Department dated August 12, 2016; (ii) Applicant obtain any other approvals as may be required by other town departments; and (iii) Applicant shall provide screening on the eastern side of the lot, to be planted within the boundaries of 67 EDGEWOOD ROAD.

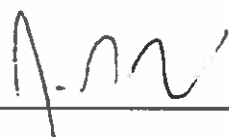
The Board unanimously voted in favor of the amendment.

Documents submitted with application: Certified Proposed Plot Plan by Glenn D. Odone Jr. dated 7/12/16, Architectural Drawings by Lincoln Architects LLC dated 7/11/16.

Meeting adjourned.

April 11, 2017

Dates Minutes Approved

  
\_\_\_\_\_  
Prepared by: Jason Drori, Board Member