



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
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MINUTES
OCTOBER 18, 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, Thomas White and Associate Members Jason Drori and Linda Segal. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended. Audio recorded by WayCam.

533 BOSTON POST ROAD – Herb Chambers

Application of **HERB CHAMBERS** for any necessary approvals, special permits and/or variances as may be required to construct new signage to an existing commercial building (added signage on front façade) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 501, 703.2 and 801 - Table of Dimensional Requirement. The property is located at **533 BOSTON POST ROAD** which is in a Limited Commercial District. (16-27)

Documents submitted with application: Approved by Planning Department sign renderings with specifications dated 9/9/2016.

Panel: Eric, Thomas, Aida, Jonathan, Linda. Eric is writing the decision.

John Fox from Fox Law Firm spoke on behalf of applicant. Proposed Alfa Romeo signage substantially similar to pre-existing signage. Far end of building with no entrance at location of new sign.

Chair made a motion to grant an amendment to Decision No. 14-18 to include the proposed Alfa Romeo sign with all the same conditions as previously proposed. Board unanimously in favor.

150 MAIN STREET – Gretchen and Paul Dresens

Applications of **GRETCHEN & PAUL DRESENS** to Appeal the decision of the Building Commissioner/Zoning Enforcement Officer for the issuance of the building permit for CVS Store (issued on July 19, 2016), under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201 and 203, 604.9.1 and M.G.L. Ch. 40A; including but not limited to, Sections 8 & 15. The property is located at **150 MAIN STREET**, which is in a **BUSINESS A DISTRICT** with a portion of property located in a **R20 SINGLE RESIDENCE DISTRICT**. (16-20 & 16-29)

Matters continued by agreement to November 29, 2016. No panel set and no testimony or evidence submitted.

Linda Segal alerted Board that Town Counsel did not respond to RFP raising question of counsel's continuing representation of ZBA in connection with 150 Main Street matters. Molly Upton submitted request that Board consider retaining special counsel. Brought up a matter as relates to current town counsel and the procedure needed. Eric Goldberg moved to take no action on request to Board to retain special counsel. Four members voted in the affirmative. Linda Segal voted against the motion, after suggesting to place the matter on the next meeting agenda. Jonathan Sachs abstained.

150 MAIN STREET – Molly Upton

Application of **MOLLY UPTON** to Appeal the decision of the Building Commissioner/Zoning Enforcement Officer for the issuance of the building permit for CVS Store (issued on July 19, 2016), under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201 and 203, 604.9.1 and M.G.L. Ch. 40A; including but not limited to, Sections 8 & 15. The property is located at **150 MAIN STREET**, which is in a **BUSINESS A DISTRICT** with a portion of property located in a **R20 SINGLE RESIDENCE DISTRICT**. (16-22)

Matter continued by agreement to November 29, 2016. No panel set and no testimony or evidence submitted. Applicant distributed additional comments in writing to the Board. Procedural questions were offered by Charles LeRay, Nancy Leifer, Gretchen Dresens, Molly Upton. The public was reminded that documents be submitted to the office at least two weeks in advance of Nov. 29.

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 and frontage) and increasing the existing the 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, 801-Table of Dimensional Requirement and Article 16 Aquifer Protection. The property is located at **3 RIVERVIEW CIRCLE** which is in a **SINGLE RESIDENCE DISTRICT** and **AQUIFER PROTECTION**. (16-15) cont'd

Documents submitted with application: Approved proposed and existing plans by KUQ Construction, LLC, dated 7/1/2016. Certified Plan of Land by Massachusetts Survey Consultants dated 7/19/2016. Certified Site Plan by KUQ Construction, LLC, dated 7/3/2016. Stamped Structural Affidavit by Mohammed Farooqui dated 7/18/2016. Tree Removal Plan.

Panel set on Aug. 23: Eric, Jason, Jonathan, Aida, Linda. Linda is writing the decision.

Discussion concerning site visit. The house looks well kept on the outside. Roof sags in some areas. Significant rotting in the basement around the sills above foundation and support beams. Discussion concerning what is meant by demolition, including testimony by Building Commissioner Geoff Larsen. For zoning purposes the view of the Board is that removing walls is tantamount to demolition.

Board determined that existing structure meets the condition for demolition under §401.1.6 of the bylaw in that it appeared to be damaged by natural or other involuntary causes and repairs could not be performed without demolishing the existing structure. Board noted that the word demolition was not in the legal notice.

Footprint of proposed new structure not significantly different from existing structure. Will need curb cut approval from DPW.

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

Other Business:

Discussion concerning omission from 67 Edgewood Road decision of approved gross floor area. Recommended that Building Commissioner confer with applicant to determine if amendment to decision is required.

Aida Gennis raised concern about illuminated signage on 110 Grill restaurant, 169 Commonwealth Rd. and the illuminated plaza monument signs. Board requested that Building Commissioner investigate whether restaurant signage complied with Bylaw, special permit decision #15-22 and whether application for relief is required.

Meeting adjourned at 8:45pm.

January 24, 2017
Date Minutes Approved


Prepared by: Liz Reef