



TOWN OF WAYLAND
 MASSACHUSETTS
 01778
BOARD OF APPEALS

TOWN BUILDING
 41 COCHITUATE ROAD
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MINUTES
October 25, 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, and Associate Members Linda Segal, Shaunt Sarian, and Jason Drori.

Public comment:

Molly Upton recommended use of independent counsel for 150 Main Street.

Eric expressed concern about a panel of four. Must be unanimous. Applicants are asked if they want to continue on another evening. None stepped forward.

Application of **ADAM LYONS** for any necessary approvals, special permits and/or variances as may be required to construct addition (front setback) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lack of lot area & frontage) in a front yard setback 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, 703.2 and 801 - Table of Dimensional Requirement. The property is located at **23 FULLER ROAD** which is in a R20 SINGLE RESIDENCE DISTRICT. (16-28)

Reviewed current case and amount of frontage.
 Chair made a motion to grant the special permit. Unanimous
 Jason Drori will write the decision.

Documents submitted with application: Certified Plot Plan by Hancock Associates dated 8/25/16, Certified Plan of Relocation of SAS Leaching System by PureGround, Inc. dated 7/17/16, Existing and Proposed Architectural Plans A0-A7 by Steven Baczek Architect dated 8/9/16.

Application of **LISA THOMAS** for any necessary approvals, special permits and/or variances as may be required to construct addition (front yard) to an existing single family dwelling within a pre-existing, non-conforming lot (front setback) 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, 703.2 and 801- Table of Dimensional Requirement. The property is located at **220 WEST PLAIN STREET** which is in which is in a R20 SINGLE RESIDENCE DISTRICT. (16-26)

Non-conforming lot. Addition for a new family member. Roof line changed to stop leaks. Addition of 96 square feet. Two abutters wrote letters dated October 25th supporting the change: the Crovellas at 216 West Plain and Steven Murray and Mary Magnuson at 5 Edgewood Road .
 Discussion of application and review of setback information. Increase overall from 2074 to 2174 square feet. Approval from Board of Health and Fire Department.
 Chair moves to accept – Board votes unanimous. Linda Segal will write the decision.

Documents submitted with application: Certified Plot Plan by Theodore Dwyer dated 7/14/95, Photographs of House, Sketches of exterior and interior of house.

Application of **REBECCA DEVINE** for any necessary approvals, special permits and/or variances as may be required to construct additions (2nd story & garage) to an existing single family dwelling within a pre-existing, non-conforming lot (lateral & 2nd story & side setback) 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, 703.2 and 801- Table of Dimensional Requirement. The property is located at **17 HEREFORD ROAD** which is in a R40 SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (16-25)

Attorney, Ed McCarthy, is given the privilege of writing decision. Eric said he will prepare it.

Attorney, Ed McCarthy, spoke on behalf of Rebecca Devine
Property is 2.25 acres. Agreement from conservation commission about setback from Sudbury valley land. They have been thru the Conservation Commission three times. Plans will be amended relative to the landscaping for conservation commission review and conditions. Two issues from conservation commission were dealing with the runoff from the additional impervious surface from the house and the frontage of the Sudbury river.

Full second floor – addition of garage. Concern of the review for the Conservation Commission approval process. Property abuts Sudbury valley land.

Height of the proposed addition will be 24 to 32 not exceed height six feet above existing height. Chair proposes to approve special permit subject to conditions as previously proposed. Height of new structure shall not be over 33 feet. Board unanimously in favor.

Documents submitted with application: Certified Site Plan by Drake Associates dated 3/23/16, Certified Plot Plan by Drake Associates dated 3/23/16, Architectural Drawings 1-4 by R.C. Searles Associates dated 11/6/14 & 12/31/15 & 3/9/16, Photographs of the house.

Application of **ROBERT & LENNA KUTNER** for any necessary approvals, special permits and/or variances as may be required to construct the alteration of existing deck into a screened porch with roof under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 703.2 and 801 – Table of Dimensional Requirements. The proposed alteration constitutes a change in the Comprehensive Permit #07-09 that was approved under MGL 40B sections 20 thru 23. The property is located at **15 VILLAGE LANE** which is located within a R40 SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (16-30)

Monkey wrench – approved under 40b Jan 2008, property changed hands and a different Owner is here.

Screened in porch requested for behind the house. If they were to decide it was an insubstantial change – do they need a zba.

Building Commissioner/Zoning Enforcement Officer sent a notice as part of the application. Three of the panel were on the board of the previous. One of the biggest issues was drainage. People were concerned about permeability. Brought to DEP for best decision. Rules for 40 B applications Board decides. Concern about drainage. If others want a screened in porch will there be an effect. Does it change the drainage.

Kutner distributed drawings and more information about the screened in porch.

112.49 = google maps aerial photo. Describes impact of neighbors which he believes insubstantial.

Unusual in that an owner is asking for a modification prior to the developer completing the site construction of other units. Within 30 days the ZBA must determine if it is substantial or insubstantial. If insubstantial then other unit owners may choose to do so also. This is a 40B therefore usual Zoning constraints don't apply.

Discussion on drainage and history of drainage ensued.

Eric will write the decision. Eric proposed that the request to screen in on three walls with a roof above finds that to be an insubstantial change and eligible for building permit. Based on the following conditions: That a gutter provided that is tied in to the existing system is provided to deal with roof run off. The screened in porch may not be fully enclosed/winterized/weatherized. The board's finding of insubstantiality relate to this unit only and not a decision that is construed development wide.

Unanimous

Documents submitted with application: Certified Architectural Sketches SK 01-04 by Joseph Tatone & Associates, LLC dated 7/6/16 & 8/9/16.

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 By-Laws Chapter 198 Sections 104, ¶198-702 and ¶198-801 Table of Dimensional Requirements. The property is located at **20 MILLBROOK ROAD** which is in a SINGLE RESIDENCE DISTRICT (16-16) cont'd.

We don't have enough panel members present to take action on this application. Aida Gennis and Jonathan Sachs were other members on the panel. They don't have a quorum and therefore must continue to November 17th. A notice to abutters is not needed for a continuance.

Document submitted with application for appeal: Photograph of Tree Branch on House, Photographs of Storage Container, Aerial View Photographs of Storage Container and Road.

Minutes are reviewed. September 27, 2016 and October 18, 2016 are reviewed. Electronic copies are requested. Norma had a schedule with each member taking turns to review minutes, and approved by that specific board member. Jason drori will do the first round of minutes?

Reference of request for minutes from June 2015 to present which is the date that they were on the website. A member recalls approving minutes into the fall.

Adjourned 9pm.

April 11, 2017
Date Minutes Approved

Penelope Beer
Prepared by: Penelope Beer