



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
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MINUTES
AUGUST 8, 2017

Attending the meeting held at 7pm in the Large Hearing 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, Shaunt Sarian, and Linda Segal. Amy Kwesell of KP Law, Town Counsel, and Liz Reef was in attendance to take the minutes. Audio recorded by WayCAM.

Eric reads the legal description for Case #17-16:

150 MAIN STREET – Washington Street Business Center, LLC

Application of **Washington Street Business Center, LLC** to Appeal from a June 1, 2017 written determination of the Building Commissioner/Zoning Enforcement Officer with respect to the number of parking spaces required and fencing compliance for the proposed CVS Store, under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201, 205, 506, 608, & 702 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.
Case #17-16

Panel: Eric, Thomas, Aida, Linda, Jason. Eric will write the decision with the help of Town Counsel.

Eric says that Geoff Larsen, Building Commissioner, isn't in attendance because of a personal matter.

Dan Bailey introduces himself as a land use attorney. He is the applicant's attorney. He says that the current configuration on the site is 74 parking spaces. He says that the Building Commissioner will withhold the Certificate of Occupancy if the site isn't built to contain 98 parking spaces required under Building Permit 20170104. The dispute is about Condition 31 in the Planning Board's Site Plan decisions 02-2013 and 03-2016. A landscaping plan indicated where parking spaces can be "banked" and built later if needed.

Attorney Bailey says that their argument is that the Planning Board's Site Plan decision wasn't appealed, so the decision holds as is. Therefore he asks the Board to overturn the Building Commissioner's determination.

Dan Hill, Chair of the Planning Board, reports that his Board voted to support the applicant's appeal. He says he agrees with Attorney Bailey and would also like the Board to overturn the Building Commissioner's determination. He asks the Board to uphold the Planning Board's decision of Condition 31.

Public Comment: Gretchen Dresens, of 155 Main St., says she's conferred with her attorney and she agrees with this appeal.

Eric says that he disagrees that a special permit wasn't necessary. He said a special permit was needed. That information had been included in Mr. Larsen's June 1 enforcement letter. However Eric says the applicant is correct that a Planning Board decision was rendered and that the site plan that shows the parking spaces in reserve is the plan of record.

Eric asks Town Counsel Amy Kwesell to weigh in. Ms. Kwesell says she agrees 100% with what Eric said and that the site plan decision is final. She says that the Planning Board chair is correct that this is about Condition 31. She says that if the extra parking is needed in the future, then they'll have to build it.

Eric makes a motion to overturn the June 1st determination of the Building Commissioner pertaining to the number of parking spaces. Aida seconds. Voted approved 5-0.

Documents submitted with application: Certified Plot Plan entitled Site Layout Plan prepared by Civil Design Group dated 5/31/13, Certified Landscape Plan prepared by Civil Design Group dated 5/31/13, Determination Letter of the Building Commissioner dated 6/1/17, Planning Board Decision 02-2013 as amended by Planning Board Decision 03-2016, Photographs of the site and the CVS building under construction.

Other Business: Eric tells the Board that he's given his resignation to the Town Administrator, Nan Balmer, effective at the end of this month. The Board asks Liz to add the Reorganization of the Board and Election of Officers to the August 22nd meeting agenda.

Meeting adjourned at 7:49 p.m.

November 29, 2017
Date Minutes Approved


Prepared by: Liz Reef