



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
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Meeting Minutes

Tuesday, August 9, 2022

A public hearing was held on Tuesday, August 9, 2022, in-person and remotely, on the following application(s) at the time indicated:

Attending the meeting at 7:02 pm in-person and via Zoom, Wayland members were in attendance: Chair Joshua Wernig, Aida Gennis, Adam Hirsh, Jim Grumbach, and Thom White. Also in attendance: Manny Oliver (Building Department), various applicants and their representatives (as identified under the minutes for their relevant cases), and Robbie Bullard, as Zoom moderator. Audio and video recorded by WayCam. Absent: Evans Huber, Kevin FitzPatrick, and Shaunt Sarian.

Chair Joshua Wernig opens the meeting and reads the following:

One may watch or participate remotely with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid>

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance (if allowed), or by accessing the meeting remotely, as noted above. We request public comment be limited to two minutes per person.

Everyone in attendance should be aware that face masks are now optional for

Town Buildings according to the new Face-Covering Guidance dated February 24th, 2022. <https://www.wayland.ma.us/home/news/face-masks-optional-town-buildings>

Chair Joshua Wernig reviews the agenda and gives instructions to all present.

Public Comment:

None.

Review/Accept Minutes:

The Chair says outstanding minutes have not yet been finalized, so this item is tabled.

Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:

None.

Joshua Wernig reads the legal description

Continued: Application of **Yvon A. and Nancy Haskins Leblanc (owner)** for any necessary approvals, findings, special permits and/or variances as may be required in order to continue the use of the accessory apartment (240 B West Plain Road) as directed by ZBA decision #90-19 and under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 201, 203, Articles 4, 7, 8, 9, and §198 Attachment 1 Table of Dimensional Requirements. The property is located at **240 West Plain Street** which is in the R-20 Zoning District. **Case #22-08.** (Cont. 5/11/2022, 6/14/2022, 7/12/2022)

In attendance for this application is: Nancy Haskins Leblanc (owner).

The Chair reviews the application with Ms. Leblanc. He says that he has consulted Town Counsel, who recommended a variance as the most appropriate mechanism for this case. Ms. Leblanc reminds all present that the property has issues with flooding, and that approval of this application will enable them to purchase flood insurance. She clarifies that the apartment has been in use as an accessory dwelling since the 1960's, so the property use is not changing.

Public Comment:

None.

Joshua Wernig constitutes a panel consisting of himself, Aida Gennis, Thom White, Adam Hirsh, and Jim Grumbach.

Members state that property owners obtaining flood insurance is in the public interest, so this application poses a net benefit to the community.

Joshua Wernig moves to approve the use variance. Jim Grumbach seconds. Voted (5-0-0). Joshua Wernig will write the decision.

Joshua Wernig reads the legal description

Continued: Application of **Michael Luchetti on behalf of Matthew Lopresti (owner)**; for any necessary approvals, findings, special permits and/or variances as may be required in order to construct additions to an existing pool house (not an accessory dwelling); under the Town of Wayland Zoning By-Laws; including but not limited to, Sections 201, 203, Articles 7, 8, and §198 Attachment 1 Table of Dimensional Requirements. The property is located at **2 Old Weston Road** which is in the R-60 Zoning and Aquifer Protection District. **Case #22-12.** (Cont. 6/14/2022)

In attendance for this application is: Michael Luchetti.

Mr. Luchetti requests a continuance until the next meeting. Members agree to this.

Joshua Wernig moves to continue Case #22-12 until 9/13/2022 at 7:05pm. (There is no second.) Voted (5-0-0). The case will be continued.

Joshua Wernig reads the legal description

Continued: Application of **Kevin Wong (applicant) on behalf of Kedarnath Bingalore (owner)** for any necessary approvals, findings, special permits and/or variances as may be required in order to construct an addition on a single family dwelling located on a pre-existing nonconforming lot (insufficient lot square footage and frontage) under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 201, 203, Articles 4, 7, 8 and §198 Attachment 1 Table of Dimensional Requirements. The property is located at **24 Old Tavern Road** which is in the R-30 Zoning District. **Case #22-22.** (Cont. 7/12/2022)

In attendance for this application are: Kevin Wong (representative) and Kedarnath Bingalore (owner).

Chair Joshua Wernig notes that the Building Department has not received any permit applications yet, so any approval the ZBA may grant would be subject to approval from the Building Commissioner.

The Chair also notes it is possible this project could proceed as-of-right—again, pending Building Department approval—because the proposal looks to be conforming. Members express reluctance to issue a declaration where ZBA approval is not required, considering that it might set an unhelpful precedent. They encourage the applicant to work with the Building Commissioner on a permit.

After discussion, the applicant requests a withdrawal without prejudice. Members agree to this.

Joshua Wernig moves to accept a withdrawal, without prejudice, of Case #22-22. (There is no second.) Voted (5-0-0).

Joshua Wernig reads the legal description

Continued: Application of **Welinton and Micheline Pereira (owners) with Dale MacKinnon, PE (agent)** for any necessary approvals, findings, special permits and/or variances as may be required in order to construct additions on a pre-existing nonconforming dwelling (yard setback) located on a pre-existing nonconforming lot (insufficient lot square footage and frontage) that increases the gross floor area (GFA) by more than 20% under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 201, 203, Articles 4, 7, 8 and §198 Attachment 1 Table of Dimensional Requirements. The property is located at **435 Old Connecticut Path** which is in the R-20 and Aquifer Protection Zoning Districts. **Case #22-23.** (Cont. 7/12/2022)

In attendance for this application are: Dale MacKinnon (agent), Welinton Pereira (owner), and Angela Conforti (attorney for the owner).

Mr. Pereira reviews the application. He says the property has 100 ft of frontage, short of the 120 ft required. There is also a side yard setback of 9 ft, short of the 15 ft requirement. The project will increase the gross floor area by 134%. Mr. Pereira says that the footprint will be changing, but not in a nonconforming area. The bedroom count will remain the same, but two bathrooms are being added. The BoH has approved the septic system.

Questions from Members:

The Chair notes that the application does not include the BoH approval documentation, though the applicants say they have obtained it. Mr. MacKinnon says he will email this to Members before the end of the meeting.

Tom White asks for clarification on whether this is a total rebuild of the house, or a vertical addition only. Mr. Pereira says that the majority of the exterior walls will remain, but a stretch of them will be taken down; the foundation will not change.

Aida Gennis asks for clarification on the square footage in the addition; there will be an additional 644 ft. of living space.

The Chair asks if the applicant has spoken to neighbors; he says he has spoken to three out of four abutters, and that no objections have been raised. The applicant shows photographs demonstrating that there are trees blocking most of the neighbor's view of the property.

The Chair notes that he has received an email from an abutter, David Wong, objecting to the project. Mr. Wong says he does not want a second-floor addition built over his neighbor's garage, and he notes the nonconformity.

The Chair asks about the total height of the building; the applicant says that it will be 27 ft. high.

Thom White notes that, based on the proposed elevations, the application represents a substantial change in the massing of the structure. He notes that the homes surrounding it are mostly one-story buildings. Adam Hirsh acknowledges that it would be a stylistic change, but that, based on his Google Maps views of the neighborhood, it would not be out of character with the area. Other Members agree, noting that there are homes across the street that are two stories.

At this time, the applicant presents the BoH approval, which Members review.

Public Comment:

None.

Joshua Wernig constitutes a panel consisting of himself, Aida Gennis, Jim Grumbach, Adam Hirsh, and Thom White.

Members discuss the abutter's objection. They are not all in agreement that the addition would be in keeping with the character of the neighborhood, and they are concerned about visual massing. There is discussion of how the design might be modified to reduce the impact on the nonconforming side (closest to the objecting neighbor.) Members say that they would feel better approving this project if some effort were made to reduce the visual impact of the second floor on the south side of the property. The applicants request a continuance, in order to consult their architect.

Joshua Wernig moves to continue Case #22-23 until 9/13/2022 at 7:10pm. (There is no second.) Voted (5-0-0).

Joshua Wernig reads the legal description

Continued: Application of the **Acting Town Manager (Steven Crane) on behalf of the Town of Wayland (owners)** to amend the Zoning Board of Appeals Special Permit and Site Plan Approval Decision 2021-26 to allow permanent use of the rear parking lot for school bus parking and to allow permanent use of the revised parking lot and entrance drive configurations as shown on plans by BETA Engineering dated 11.23.20 and 11.30.21 including any approvals, findings, special permits and/or variances as may be required. The property is located at **41 Cochituate Road** which is in the R-30 Zoning, portions of the site being located in the SFHA, Flood Plain and Wayland Center Historic Districts. **Case #22-21.** (Cont. 7/12/2022)

In attendance for this application is: Rebecca Stanizzi (Economic Development Committee).

Ms. Stanizzi updates the ZBA on the application. She says that, since the last ZBA meeting, they have been before the Planning Board, in order to get stamped plans. She says that former Town Administrator Louise Miller recorded a full count of Town employees, which is 82. (This number is rounded up to 85.) Ms. Stanizzi says they have determined that parking concerns can be addressed via operational adjustments, rather than completely redoing the plans. She says that, in response to potential speed concerns, they have proposed a speed bump, or no speed bump, up to ZBA discretion. She says that, ultimately, the Planning Board recommend either a 5-year permit, or else permanent approval with a 3-year review.

Questions from Members:

Chair Joshua Wernig asks if speeding has been a problem. Ms. Stanizzi says it has not, but their traffic engineer has offered the speed bump as an option.

Public Comment:

Jeanne Downs, Member of the School Committee and the Working Group, comments to say that they are currently applying for grants for electric buses. She says it will likely be a couple years before there is a fleet of these, but that they believe the Town Building would be a good location for parking them.

Carole Plumb, Bald Rock Road, supports a 3-year special permit, as opposed to something more long-term.

Samuel DiSavino, 15 Kelsey Road, speaks in support of the application. He says that his residence neighbors the high school, and that he has long objected to buses being parked at the high school, for environmental and noise reasons.

Joshua Wernig constitutes a panel consisting of himself, Aida Gennis, Jim Grumbach, Adam Hirsh, and Thom White.

Members discuss the best timeframe for a special permit. After deliberation, Members agree that a 5-year permit with a review after 3 years is best. Thom White notes, however, that it is unlikely that another, more suitable, site will become available within that timeframe.

Jim Grumbach moves to grant a special permit for 5 years, with a review after 3 years, subject to the plans presented, without a sidewalk or speed bump, and not to include installation of electric vehicle charging stations. Joshua Wernig seconds. Voted (5-0-0). Joshua Wernig will write the decision.

Joshua Wernig reads the legal description

Application of **Kevin Wong (applicant) on behalf of Kallanhottahill Rajeen (owner)** for any necessary approvals, findings, special permits and/or variances as may be required in order to construct an addition on a single family dwelling in a conforming location on a pre-existing nonconforming lot (insufficient square footage and frontage) under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 201, 203, Articles 4, 7, 8 and §198 Attachment 1 Table of Dimensional Requirements. The property is located at **25 Dean Road** which is in the R-30 Zoning District. **Case #22-24.**

In attendance for this case are: Kevin Wong (architect) and Kallanhottahill Rajeev (owner).

Mr. Wong reviews the application. He says that the addition is conforming, but the property is on a pre-existing nonconforming lot, due to lot frontage and square footage. He says that the gross floor area is increasing by 16% from the previous renovation. He has included the BoH approval in the application.

Questions from Members:

Chair Joshua Wernig asks other Members if this project can proceed as-of-right; after reviewing the bylaws, Members express that it cannot, as the increase in gross floor area exceeds 20% in comparison to the building as it stood in 1994.

Members ask if the applicant has spoken to neighbors; he has, and they have raised no objections.

Joshua Wernig constitutes a panel consisting of himself, Aida Gennis, Jim Grumbach, Adam Hirsh, and Thom White.

Jim Grumbach moves to grant the special permit, subject to the plans on file, and subject to approval from all relevant boards. Joshua Wernig seconds. Voted (5-0-0). Aida Gennis will write the decision.

Adjournment:

Jim Grumbach moves to adjourn the meeting; Adam Hirsh seconds. Voted (5-0-0 by roll-call vote).

Meeting adjourned at 9:32 pm.

Date Approved _____

Prepared By _____