# TOWN OF WAYLAND

MASSACHUSE1TS 01778

# BOARD OF APPEALS

TOWN BUILDING 41 COCHITUATE ROAD

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Minutes

# July 11, 2018

Attending the meeting held at 7pm in the Large Hearing Room in Wayland Town Building located at 41 Cochituate Road, Wayland, were members Jonathan Sachs, Chair, Thomas White, Aida Gennis, Jim Grumbach, David Katz, and Associate Members Linda Segal. April LeShore was in attendance to take the minutes. Audio and video recorded by WayCAM.

# **Jonathan reads the legal description for Case #18-13:**

Continued from June 26, 2018, **33-37 Edgewood Rd., Richard Olstein**

Application of Richard Olstein, the owner and applicant for any necessary approvals, findings, special permits and/or variances as may be required in order to demolish an existing nonconforming single family dwelling and reconstruct a single family dwelling in a conforming location on a proposed nonconforming lot (insufficient lot square footage) that increases the gross floor area by more than 20% under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 104.2, 201, 203,

401.1.2, 401.1.3, and 401.1.6. The property is located at 33 and 37 Edgewood Rd which is in an R-20 Single Residence district. (Cont. 6/26/18)

**Panel:** Jonathan, Thom, Aida, David, Jim. Thom will write the decision.

**Jim:** The Site visit was this morning the board members that attended were Jim, Thom, Jonathan, David, Shaunt. It was a half hour site visit; we walked the property from the street towards the lake and from the right side of the property as you face the lake to the left side of the property. We saw different stakes for the septic system and the footprints of the new house, and we discussed the proposed demolition of the garage and of the house, as well as the trees to be taken down. We saw the area closer to the lake which is owned by the state. Then we looked around the house to determine the basis, in our view, of whether the house has been damaged or has deteriorated by reason of natural causes or otherwise. We saw a photo where a tree limb had fallen on the roof.

**Jonathan:** I would add that this is not in the application, reference to section 401.1.6 of the Town of Wayland by-laws. We will be making a finding in regarding the proposed demolition.

**Olstein:** Our contention is the existing structure and garage is damaged beyond repair. We propose to remove both structures. Our proposed plan will conform to all the zoning board dimensional by-law requirements with the exception of the lot size.

**Findings:** Although the proposal will increase the non-conformity, the proposed demolition and construction will not be substantially more detrimental to the neighborhood then the existing non-conforming structure. This meets the requirements of the zoning by-laws.

Jonathan moves to grant a special permit with conditions, Thom seconds. Voted approved 4-0.

**Public comments and Concerns** Pelham Norville -27 Edgewood Rd.: In favor of the proposed project Steve Mycofsky -17 Edgewood Rd.: In favor of the proposed project

# Jonathan reads the legal description for Case #18-14:

Continued from June 26, 2018

33 Lake Shore Drive - Richard Wilner

Application of Richard Wilner, the owner and applicant for any necessary approvals, findings, special permits and/or variances as may be required to permit a 3 bay garage addition to single dwelling on a preexisting nonconforming lot (insufficient lot square footage) under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 104.2, 201, 203, 401.1.2, 401.13; and Article 8, Table of Dimensional Requirements. The property is located at 33 Lakeshore Drive which is in the R-20 Single Residence and Aquifer Protection districts.(cont.6/26/18) Case #18-14 Site visit 9:00 am

Panel: Jonathan, Thom, Aida, David, Jim. David will write the decision.

**Jonathan:** There was a site visit this morning. The fundamental reason why we wanted to look at the property is because the initial application submission said the front yard setbacks were conforming but, as we looked at the plan, that wasn't the case. We wanted to get a look at the actual setback.

**Jonathan:** Because one of the panel members is not available this evening, you have an option; we can proceed with the application or we can wait until there is a full panel. If we move forward with the four out of five panel members that we have here tonight, the decision has to be unanimous. If we reschedule for another night and have all 5 panelists, the decision need not be unanimous.

**Mr.Wilner:** I would like to move forward

**Findings:** the revised application correctly shows that there is an existing non-conformity with regard to the front yard setback of 24.7ft., where the requirement is 30 ft. The significance of this is we are merely being asked to extend a pre-existing non-conformity, as opposed to creating a new non-conformity, which would change the standard of review. This new fact puts us squarely in a special permit standard.

# Public comments and Concerns

Dawn Stockwood - 40 LakeShore Dr.: In favor of proposal

Ainase Garant - 39 Lakeshore Dr.: In favor of proposal

Molly Upton- Bayfield Rd- Not in favor of the proposal

Alice Bloture- (written letter): Not in favor of the proposal

Jonathan moves to grant a special permit with conditions. Aida seconds. Voted approved 4-0.

24 School St.- Windsor Place LLC Applicant’s request for a continuance.

Continued to August 21, 2018

Adjourned: 8:45pm

8/21/2018 April LeShore

Date Minutes Approved Prepared by: