



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
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MINUTES
OCTOBER 24, 2017

Attending the meeting held at 7pm in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Jonathan Sachs, Chair, Thomas White, Aida Gennis, David Katz, Jim Grumbach, and Associate Members Linda Segal, and Shaunt Sarian arrived at 7:11pm. Liz Reef was in attendance to take the minutes. Audio recorded by WayCAM.

Jonathan moves to approve minutes from May 11, 2017 and October 10, 2017, as amended.
Jim seconds. Voted approved 6-0.

Jonathan reads the legal description for Case #17-26:

301 OLD CONNECTICUT PATH - Guaranteed Builders and Developers, Inc.

Application of **Guaranteed Builders and Developers, Inc.** on behalf of the owners for any necessary approvals, findings, special permits and/or variances as may be required in order to construct additional garage floor area to an existing single family residential dwelling with attached garage in a required side yard setback on a nonconforming lot (less than 20,000 sf) 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 Article 8, Table of Dimensional Requirements. The property is located at **301 Old Connecticut** which is in an R-20 Single Residence District and Aquifer Protection District. **Case #17-26**

Panel: Thomas, Jim, Aida, David, Shaunt. Thom will write decision.

Karen Keegan, from Guaranteed Builders (the applicant), discusses the project. Property is located near busy intersection and two schools.

Linda asks the applicant if she's aware that the property is in an aquifer protection district. The applicant says yes.

Jonathan says there appears to be a typo on the application. The lot area required says 200,000 sq. feet. The applicant acknowledges the typo and says that it is supposed to say 20,000 sq. feet. She also says that there will be no living space in the garage. It will be just a garage. Board of Health specifies it cannot include heated living space.

Jantinder, the homeowner, speaks. He tells the Board the reasons he wants to do this project, including needing to park four vehicles.

The applicant is seeking a variance, because the proposed garage would be creating a new non-conformity, encroaching into side yard setback.

Jonathan says he'd like to hear from the neighbor on the side that the proposed garage encroaches upon.

Liz Reef, department assistant in the Building Department, says she spoke with the neighbor that Jonathan is referring to. Liz says she sent him the proposed plan that was submitted with the application

Thom says currently there is only a one car garage which is rare in modern day Wayland. The applicant agrees.

Aida tells applicant that variances are rare so the Board needs to determine if variance standard is met. David says he thinks the hardship is in line with the variance being sought. Thom agrees that the request is reasonable. Jim says he agrees and thinks the project would improve public safety because of the high traffic area with a lot of pedestrians. Shaunt says he agrees with Jim and that it will improve public safety because of the location.

Aida moves to grant a variance with conditions, including height limitation. Shaunt seconds. Voted approved 5-0.

Documents submitted with application: Certified Plan Showing Proposed Garage by Dennis O'Brien date 7/25/17, Plan Drawings A1-A5 by Guaranteed Buildings, Inc. dated 7/5/17, Photographs of Exterior of House.

Jonathan reads the legal description for Case #17-27:

266 COCHITUATE ROAD - Michael Halloren, Executive Director for the Parmenter Foundation

Application of **Michael Halloren, Executive Director for the Parmenter Foundation**; for any necessary approvals, findings, temporary and conditional permits, special permits and/or variances as may be required in order to locate a temporary modular office with nonconforming use without the benefit of an active building permit on the existing Parmenter site under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 104.2, 201, 201.1.2, 203, 401.1.2, attachments 3 and 5 use tables. The property is located at **266 Cochituate Road** which is in an R-40 Single Residence District and Aquifer Protection District. **Case #17-27**

Jonathan says the Board received a letter from the applicant respectively rescinding his application. Jonathan moves to accept the withdrawal of this application. Jim seconds. Voted approved 7-0.

Jonathan reads the legal description for Case #17-24:

22 PARKLAND ROAD - Andrew R. Ferguson

Application of **Andrew R. Ferguson** for any necessary approvals, findings, special permits and/or variances as may be required in order to demolish a pre-existing non-conforming single family residential dwelling (structure does not meet current setbacks) and rebuild a conforming single family residential dwelling that increases the gross floor area by more than 20 % on a nonconforming lot (lot area less than 20,000 sf) 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, 401.1.6 and Article 8, Table of Dimensional Requirements. The property is located at **22 Parkland Road** which is in an R-20 Single Residence District. **Case #17-24**
(cont'd from 9/28/17)

Panel: Jonathan, Thomas, Jim, David, Jason (Jason isn't present this evening). Jonathan adds Linda as alternate to panel for Jason. David will write decision with assistance from Thom.

John Burke, attorney for applicant, gives a handout to the Board entitled Summary of Damage. He speaks about the damage to the house. Duncan Stewart, the contractor, is present at the hearing also.

David and Linda comment that mold can be remediated.

Structural issues included undersized rafters, sill plate not properly sized to add second story.

Jim says in his opinion there is significant structural damage that meets the criteria for demolition. Thom says the structural damage from the structural engineer's report indicates severe roof damage. Jonathan says the proposed new house would be conforming whereas the existing house is non-conforming.

Andrew Ferguson, the applicant and homeowner, tells the Board that he has verbal support, as well as written letters that he included in the application, from the neighbors for this project.

Linda asks applicant if he's okay with the Board of Health's requirement that the basement be unfinished. The applicant says yes.

Jim moves to grant special permit including demolition approval, with discussed conditions. Thom seconds. Voted approved 5-0.

Other Business: Linda says she's concerned that the Board is three sessions into one of the 40Bs and they haven't seen a responsiveness summary yet. Board representatives to appear at High School on October 25th to ensure public knows Cascade hearing continues on October 26th at Middle School.

Meeting adjourned at 8:36 p.m.

January 23, 2018
Date Minutes Approved


Prepared by: Liz Reef