



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
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MINUTES
ZONING BOARD OF APPEALS
TOWN BUILDING- LARGE HEARING ROOM
APRIL 25, 2018

Attending the meeting held at 7:00 p.m. at the Town Building located at 41 Cochituate Rd. were members: Linda Segal (Linda S), Aida Gennis (Aida G), Jim Grumbach (acting chair) (Jim G), Thomas White (Thomas W) and David Katz (David K), also present was Town Counsel Amy Kwezell (Amy K). Recorded video and audio by WayCAM

No minutes, no topics 24 hours in advance

7:00 p.m. Application of **Eden Management, Inc.** for a comprehensive permit pursuant to G.L. Chapter 40B filed for sixty (60) units of rental housing, of which fifteen (15) are proposed to be restricted as affordable to households under 80% of the area median income (AMI), to be constructed on the property located at **113, 115, 117 and 119 Boston Post Road, Wayland, MA** (the site of the Mahoney's Garden Center), containing 6.49 acres +/- of land area. This property is located in the Single Residence (40,000 SF area and 180 feet of frontage) Zoning District as shown on Assessors' Map 30, Parcel Nos. 70-71. **Case #17-19** (Cont'd from 8/22/17, 9/26/17, 10/26/17, 11/7/17, 11/29/17, 12/20/17, 1/25/18, 2/27/18, 3/29/18)

The Board meets to act on the applicant's request for a continuance.

Letter from Applicant's attorney Paul Haverty dated 4/11/18 was read into the record and can be found at: [https://www.dropbox.com/home/Cascade/2018-04-25/\(1\)%20Applicant%20Submissions?preview=Request+for+Continuance+2018-04-11.pdf](https://www.dropbox.com/home/Cascade/2018-04-25/(1)%20Applicant%20Submissions?preview=Request+for+Continuance+2018-04-11.pdf)

The letter was a formal request to continue the meeting as the Board of Health has requested seasonal high water monitoring well readings which has delayed the completion of the Hydrogeo study. In order to allow for 2 hearings once the completed Hydrogeo study has been received, the applicant has agreed to extend the closing date of the hearing to June 30, 2018

Linda S: I have a procedural question regarding retaining the panel, as Jonathan Sachs is not present tonight and we need to retain him on the panel. Amy K: His position will be safe as long as there is no testimony.

Amy K: After the last hearing an email was sent to the Applicant, Town Counsel (Amy K), Mass Housing Consultant Joe Peznola and the ZBA Board, with questions regarding the continuance; the presence of the Board, Amy K and Joe P was requested at tonight's meeting. The cover email sent with the extension letter states that Paul Haverty and Steven Zeiff both have committed to other hearings and cannot attend tonight's meeting. There will not be any testimony heard tonight.

There is a request for a continuance, and an offer to extend the closing of hearings to 6/30/18. If the board does not wish to continue the hearings, they can close the hearing and will then have 40 days to make their decision, based on the info they have. The Housing Appeals Committee (HAC) has a de novo review, any information not before ZBA can go to HAC and the ZBA will lose the opportunity to review that information, and will give up some jurisdiction to not have the ability to review all info. We do not know if the board denies the application that the HAC will remand the hearing back to ZBA. It is more beneficial for a local board of citizens to review this application and all info. The hydrogeo report is quite important to BOH as are the waivers being requested from local regulations. I believe this board has done the right thing to ask their input on the waiver, and they have replied that they do not have all the information they need.

In the 40B process continuances are quite common, this is not unheard of for this to happen, the applicant cannot move forward with this project. I believe there may be a risk to deny the application and move it to the HAC and not be able to review the outstanding documents.

Procedural questions received

Linda S: Is it required to continue to schedule special hearing dates for 40B projects? Amy K: In this situation, a specific hearing date was not requested. The board has been accommodating, I would suggest not scheduling special hearings dates, but to book on the regular scheduled board hearing dates.

Jim G: when do you suggest we schedule the next date? Amy K: I don't have any information in this request to advise us as to when they would like to continue to. Linda S: We have been advised by Building Dept. staff that the meeting of May 22, 2018, has space on the agenda.

AK: set the date for 5/22/18 and require any request to continue be filed by 5/11/18

Jim G: documents should be received 2 weeks before the meeting, if there will be testing in April and May, they will not have that complete by 5/08/18. AK: We should request documents by 5/8 or request a continuance of the hearing.

Amy K: the second question was regarding having the documents available for the public to view.

Amy K: My opinion is that all communication to ZBA should have a cc: to the building department, I will relay to this to the Applicant's Atty., we should look to relay this to all applicants, to ensure that Ms. Reef would see all correspondence could be posted on the website as a public document. A request to continue or an offer to extend can be placed on web, but must be accepted by Board at a public

meeting. Aida G: this can be confusing to the public, as there is no annotation to say that this will not be accepted until the Board has reviewed in open meeting.

Jim G: there is correspondence and other items that are noted as received since the last meeting:

4/10/18 email- from Protect Wayland to ZBA, 4/10/18 memo from Geosphere Environmental Management to Steven Zeiff, 4/11 memo from BOH to ZBA. Linda S: I believe all these documents are posted in the 04-25-18 Dropbox on the ZBA website.

Are there any procedural matters from the public?

Mark Hays (MH), 1 Sylvan Way: Can the ZBA require the applicant to produce the information regarding what he is to deliver and when he will deliver? Amy K: The ZBA can request that all info be received by 5/8. MH: Can we request the flood zone study information to be received? Amy K: I have that in my notes that we did request that at the January meeting and I can request that from his Attorney as well.

Board comments:

David K: This has been frustrating with all these delays, and I hope the information will be received.

Aida G: I believe this is to our benefit to continue this hearing, to allow the Applicant to produce this information. David K: I believe that it would be best for us to review the information. I don't believe the HAC will do a peer review and there may not, an opportunity for the public to comment.

Jim G: We are all frustrated, as is the public who have spent time and money to bring experts to the board. We wish the applicant to meet the questions from the public and the town boards.

Linda S: we appreciate Town counsel's attendance tonight to answer our questions, and we appreciate the info from the public.


Jim G: move to accept Cascade Wayland agreement to extend the public hearing to 6/30/18, second Linda S, vote 5-0 - all in favor

Jim G: Move to grant the request for continuance of Cascade Wayland dated 4/11/18. The hearing will be continued to May 22, 2018 at Town Building at 7:30 p.m. In preparation for the hearing, we ask the applicant to submit any documents for consideration at the May 22, 2018 meeting by May 8, 2018. Please produce all prior requested documents. Second, Aida G, vote 5-0, all in favor

Jim G: move to adjourn, second Linda S. All in favor:

Meeting adjourned 7:30 p.m.

June 12, 2018
DATE MINUTES APPROVED


PREPARED BY: PATTI WHITE