



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

TOWN BUILDING  
41 COCHITUATE ROAD  
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**Meeting Minutes**

**Tuesday, September 12, 2023**

**A public hearing was held on Tuesday, September 12, 2023, in-person and remotely, on the following application(s) at the time indicated:**

Attending the meeting at 7:01 pm in-person and via Zoom, Wayland members were in attendance: Chair Joshua Wernig, Aida Gennis, Doug Levine, Hunter Perry, Shaunt Sarian. Also in attendance: Mike Crisafulli (Building Commissioner), Manny Oliver (Building Department), and Robbie Bullard (IT Support). Audio and video recorded by WayCam. Absent: Adam Hirsh, Thomas White.

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 2 of the Acts of 2023, 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>**

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

**Public Comment:**

None.

**Review/Accept Minutes of June 13th, 2023, June 15th, 2023, June 28th, 2023, July 11th, 2023, & July 13th, 2023:**

Shaunt Sarian says that he has not had a chance to review the minutes, as he has been away.

All other Members present review the minutes of June 13th, 2023, June 15th, 2023, June 28th, 2023, July 11th, 2023, & July 13th, 2023. There are no changes proposed.

Joshua Wernig moves to approve the minutes of June 13th, 2023, June 15th, 2023, June 28th, 2023, July 11th, 2023, & July 13th, 2023, as written. Doug Levine seconds. Voted (5-0-0 by roll-call vote).

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

None.

**Joshua Wernig reads the legal description:**

Application of **Henry Maclean (applicant) on behalf of Elizabeth Demers & Ralph Pahlmeyer (owner)**; to construct a Single Family dwelling with an in-law suite within a new connecting barn/garage while remaining in existing home & utilizing existing barn during construction, existing home & barn to be removed after construction. The property is located at **23b Bayfield Road** which is in the R-20 Zoning District. **Case #23-15.**

In attendance for the application are: Henry Maclean (applicant), Ralph Pahlmeyer and Elizabeth Demers (owners).

Mr. Pahlmeyer reviews the application. He says that he and his wife moved to Wayland in December 2022, having purchased the home on Bayfield Road in which they currently live. They would like to expand the barn to build an in-law suite, as well as a new home, and that they would like a special permit to allow them to continue to live in the existing house while their new structures are being constructed.

He says that they are expecting a child, hence the need for more space. Mr. Pahlmeyer says that they have contacted neighbors and have letters of support from their two immediate abutters.

Mr. Maclean reviews the plans for the project. He says that they are extending an existing road in order to help with construction. They have consulted with a tree specialist and worked with the Conservation Commission regarding all trees on the property. Mr. Maclean says that the original civil engineer did not know about the septic system currently on site, and they will have to design and build a new one of the same size, in a slightly different location.

Joshua Wernig asks if the applicants have Board of Health approval; Mr. Maclean says that they do not. Mr. Wernig notes that the ZBA typically cannot grant relief before BoH approval is in place.

### **Questions from Members:**

Joshua Wernig asks how many bedrooms are in the existing a proposed structures. Ms. Demers says that the current house has 3 bedrooms, and that they are proposing a total of 6 bedrooms between the two new buildings, 4 in the main house and 2 in the in-law suite.

Aida Gennis asks about the number of bathrooms in the proposed. Mr. Maclean says that there will be 4 1/2 in the main house, and 1 1/2 in the in-law suite.

Joshua Wernig asks for clarification on which aspects of the proposal require ZBA relief under the bylaws. Mr. Maclean notes that the project will increase the gross floor area by more than 20%, and the preexisting site lack frontage, both of which conditions require ZBA approval to move forward.

Aida Gennis asks about the plans for the driveway. Mr. Maclean says that the existing driveway will be extended, as the new property will be set back farther from the road. It will not be increasing in width or on the right-of-way, however.

### **Public Comment:**

Megan Davies, 21 Bayfield Road, asks for clarification on the plans for the new septic system. Mr. Maclean says that they do not yet have visual representations of this, but that it will be farther away from abutters than the current system.

Joshua Wernig moves to continue Case #23-15 until October 10 at 7:05pm. Doug Levine seconds. Voted (5-0-0 by roll-call vote).

**Joshua Wernig reads the legal description:**

Application of **Molly Nathanson**; to construct a deck in a nonconforming location (insufficient rear & side setbacks) on a pre-existing nonconforming lot. The property is located at **11 Parmenter Road** which is in the R-40 Zoning District. **Case #23-16.**

In attendance for the application are: Molly Nathanson and Justin Serio (owners).

Ms. Nathanson reviews the application. She says that they are hoping to remove their existing deck and construct a new deck in a different part of the house, which will be more suitable for their needs, as well as for environmental concerns (related to the placement of their septic system). Ms. Nathanson says that they have received letters of support from two immediate abutters, which have been included in the application; all other neighbors have been informed of their plans, and they are not aware of any objections. They have also received Board of Health approval.

**Questions from Members:**

Joshua Wernig asks if the existing deck was permitted. Ms. Nathanson says she is unsure, but that it was part of the house when they moved in three years prior. She believes that the previous owner's request to expand the deck was denied, due to setback issues.

Joshua Wernig asks if construction on the new deck has already begun; Ms. Nathanson says that it has, due to the owners being misinformed about the need for prior approval from the ZBA. She says that they have since been in communication with the Building Department, and with the Commissioner specifically.

**Public Comment:**

None.

Joshua Wernig constitutes a panel of himself and all other Members who are present at the meeting.

Members note that the deck will run close to the edge of the property, but that the lot size and shape does not provide many options.

Doug Levine moves to approve the special permit, subject to the plans on file as of August 8, 2023, conditioned upon approval from all other relevant boards, and subject to a finding that the project does not derogate from the character of the neighborhood. Joshua Wernig seconds. Voted (5-0-0 by roll-call vote). Doug Levine will write the decision.

**Joshua Wernig reads the legal description:**

**Continued:** Application of **Joshua Fox (attorney/agent) on behalf of Herb Chambers (owners)**; to create service bays for customer drop-off and additional storage. This property is located at **533 Boston Post Road** which is in the Limited Commercial Zoning District. **Case #23-01** (Continued 2.14.23, 3.21.23, 4.11.23, 5.30.23, 6.13.23, 7.11.23, 8.8.23)

In attendance for the application is: Joshua Fox (attorney).

Mr. Fox updates on the application. He says that they have submitted minor revisions to the original plans, which the ZBA have already received. These new plans show 3 parallel parking spaces, where previously there were 8 perpendicular spaces; this adjustment to the plans was made in response to comments from the Conservation Commission (ConCom). ConCom has since approved the plans.

**Questions from Members:**

Shaunt Sarian asks about the automatically dimming lights. Mr. Fox says that the dimmers will reduce the brightness by 50%.

**Public Comment:**

None.

Joshua Wernig constitutes a panel of himself, Aida Gennis, Doug Levine, and Shaunt Sarian.

There is discussion of encroachment on the side yard setbacks. There is also discussion of what specific relief the ZBA might need to grant in this case.

There is discussion of the previous waivers granted for the property, and which of these needed to continue. There is also discussion of potential traffic impacts, which the applicants have determined not to be material (though they have not paid for an

official traffic study). Mr. Fox notes that they are not changing or increasing business operations, but rather that the proposed will help facilitate existing operations.

Joshua Wernig moves to grant site plan approval (subject to the plans on file with a revision date of July 21, 2023) a special permit for one side yard setback, special permits for soil movement and work on a flood plain, a waiver of parking requirements (subject to a finding that the parking is adequate and appropriate), a waiver of traffic impact report, and variances for lighting and lot coverage; these approvals will be conditional on approval from all other relevant boards. Doug Levine seconds. Voted (4-0-0 by roll-call vote). Applicant Joshua Fox will write the draft decision.

**Joshua Wernig reads the legal description:**

**Continued:** Application of **Ilson Machado on behalf of Ramiro Millan (owner)**; to construct an addition on a pre-existing nonconforming lot in a nonconforming location. The property is located at **9 Simpson Road** which is in the R-20 Zoning District. **Case #23-10.** (Cont. 6.13.23, 7.11.23, 8.8.23)

In attendance for the application is: Ramiro Millan.

Mr. Millan requests a continuance, saying that they are waiting on some estimates.

Joshua Wernig moves to continue Case #23-10 until October 10, 2023, at 7:30 pm; Doug Levine seconds. Voted (5-0-0 by roll-call vote).

**Adjourn:**

Doug Levine moves to adjourn the meeting; Joshua Wernig seconds. Voted (5-0-0 by roll-call vote).

Meeting adjourned at 8:48 pm.

Date Approved \_\_\_\_\_

Prepared By \_\_\_\_\_