



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM  
Building Commissioner

TOWN BUILDING  
41 COCHITUATE ROAD  
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Ms. Nan Balmer  
Town Administrator  
41 Cochituate Road, MA 01778

March 1, 2017

Re: 150 Main Street; Current status of CVS project as it relates to the Building Code and Town Zoning.

Dear Ms. Balmer,

On February 8, 2017 the owners of 150 Main Street submitted an application for a building permit to demolish the existing structure known as Finnerty's Restaurant. This structure was posted earlier by the Town for safety reasons and has not been in use for several years. The issuance of this required building permit today is a positive development as it relates to public safety.

The site's current zoning status is that the issuance of this building permit also provides "parties in interest" an opportunity to file an appeal with the Zoning Board of Appeals to possibly have an appeal heard related to the approved site plan (see §198-604.9.1). In an effort to facilitate an appeals process anticipated by MGL 40 A and Town zoning I verify the following determination.

1. The currently approved design of the onsite parking for this redevelopment is the Planning Board's approved "permitted by right" parking plan as shown on sheet 1.2 which is dated 6.6.2013.

Also at this time I offer the following:

2. In order to satisfy condition 31 of the Site Plan Approval decision, the Planning Board's written determination that directs the owners of 150 Main Street to construct the approved "permitted by right" onsite parking (as shown on the referenced sheet 1.2) shall be submitted to the Building Department during the "...initial construction of the improvements on the site,..." and is a required document in order to close the building permit to demolish the existing Finnerty's structure.
3. The placement of the 8' stockade fence as shown on sheet 1.2 is currently determined to be permitted by right only in locations shown outside required yard setbacks (see §198-702.). While addressing item 2 above the Planning Board may determine to require the placement of an 8' stockade fence in required yard setbacks which typically requires zoning relief.

This appeals process is controlled by MGL 40 A; including but not limited to §§7, 8 and 15, and Article 2 of Town zoning. I note that it is current Department policy to recommend to any party contemplating such an appeal to the ZBA to first seek professional legal advice prior to actually filing a notice of appeal, application or petition with the Zoning Board of Appeals.

Respectfully,

Geoffrey S. Larsen, CFM  
Building Commissioner

Cc: Town Counsel/Planning Board/Town Planner/ZBA/Washington Street Business Center LLC/150 Main Street LLC/Owner 155 Main Street/Owner 39 West Plain Street