



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK
Beth R. Klein
bklein@wayland.ma.us

ASSISTANT TOWN CLERK
Diane M. Gorham
dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630
508-358-3631
www.wayland.ma.us

ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 3, 2014, the following business was transacted under Article 15:

ARTICLE 15: AMEND ZONING BYLAW CHAPTER 198: RIVERS EDGE HOUSINGT OVERLAY ZONING DISTRICT

Voted that the Town amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by adding thereto a new Chapter entitled "ARTICLE 25 River's Edge Housing Overlay District" as printed on pages 73 through 77 of the Warrant for the 2014 Annual Town Meeting.

ARTICLE 25 **River's Edge Housing Overlay District**

§ 198-2501. Purposes and Intent.

2501.1 The purpose of this article is to increase the supply of housing in the Town of Wayland that is available to and affordable by low-income and moderate-income households which might otherwise have difficulty in finding housing in Wayland, and to ensure that such housing is affordable over the long term and provided in accordance with the Wayland Master Plan and the Town's Affordable Housing Production Plan.

2501.2 It is intended that the affordable dwelling units authorized under the provisions of this article be considered as affordable housing units which shall be included in the Town's inventory of subsidized housing units established and administered by the Commonwealth of Massachusetts Executive Office of Housing and Economic Development, Department of Housing and Community Development (DHCD), or its successor.

§ 198-2502. Overlay District.

2502.1 The River's Edge Housing Overlay District ("REHOD") is an overlay district superimposed on the underlying zoning district on the parcels of land on Boston Post Road in Wayland, Massachusetts Plate 22 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 22-3, 22-6 and 22-7. All uses permitted by right or by special permit in underlying zoning districts shall be similarly permitted in the REHOD, subject to the further provisions of this Article 25. Where the

REHOD authorizes uses not otherwise allowed in the underlying district, the provisions of the REHOD shall control. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable to land or structures within the REHOD, except as set forth herein. The REHOD shall not supersede the requirements of the Wireless Communications Overlay District as set forth in Article 15 of the Zoning Bylaw of the Town.

§ 198-2503. Administration.

2503.1 The Planning Board shall be the site plan approval authority (SPA) under this article.

2503.2 The Planning Board shall adopt, maintain and file with the Town Clerk a set of regulations that contains the necessary policies, definitions, fee structures, procedures, and requirements to implement the provisions of this article.

§ 198-2504. Permitted Uses.

2504.1 The uses set forth below, individually or in combination, are permitted, as of right, in the REHOD, subject to site plan approval issued by the Planning Board pursuant to Article 6 of this Zoning Bylaw for the initial development of the REHOD:

2504.1.1 Multi-Family Affordable and Market-Rate Housing Dwelling Units.

2504.1.2 Structures and uses accessory to the uses set forth in §198-2504.1 above, located (with the exception of covered parking areas) within the same building, including but not limited to the following: beauty and barber salons; recreational, physical fitness and therapy services; library; bank automated teller machine without drive-throughs or drive-up facilities; management offices; adult day health facility; assisted living residences not exceeding twenty-five percent (25%) of the total number of age-restricted dwelling units in the REHOD; and covered parking areas. In addition, food service, including a café or diner primarily for residents but as may also be open to the public for this limited use only.

2504.2 After initial development of the REHOD, any subsequent redevelopment of more than 25% of the existing buildout shall require a special permit issued by the Planning Board.

§ 198-2505. Dimensional Requirements and Aggregate Limits.

2505.1 Minimum building setback from the REHOD perimeter boundary shall be 50 feet. If lots within the REHOD are subdivided, the minimum setback from internal property lines shall be 15 feet, with the exception that buildings may be linked at internal property lines via covered walkways.

2505.2 Maximum building height of any building or portion thereof located less than 100 feet from a public way Boston Post Road / Route 20 shall not exceed 35 feet in height. Maximum building height shall not exceed 45 feet for the remainder of the site, with the exception that the maximum height for the northwest quadrant of the site shall be 58 feet in height for this quadrant only. Height shall be as defined in § 198-701.1.2. Height shall be measured from the average grade of the land immediately adjacent to the building to the highest point of the roof, except for buildings on the northern edge of the REHOD where average grade shall be determined by the grade of the land immediately adjacent to the three sides of the building which do not face north, to reduce grading on the north-facing sides near wetlands, and to encourage underground parking in these areas. On these north facing facades only, not more than 6 feet of a parking level may be exposed and allow natural ventilation as long as this façade area is screened and buffered with landscape.

2505.3 Maximum building size. No building shall exceed 150,000 square feet of gross floor area.

2505.4 Maximum number of dwelling units. There shall be no more than 190 dwelling units. All dwelling units shall be studio, one bedroom or two bedroom units, with the sole exception that not more than three (3) of the affordable non-age-restricted units may be three (3) bedroom units. No unit shall have more than three bedrooms.

§ 198-2506. Performance Standards

2506.1 Landscaping.

2506.1.1. Landscaping within the REHOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant materials; preserve natural tree cover; and promote inclusion of new tree plantings in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase groundwater discharge, create shade, and reduce solar overheating.

2506.1.2. The applicant shall prepare a landscaping plan showing that the housing development will meet these standards and the standards set forth in § 198-606.

2506.2. Screening and buffer requirements.

2506.2.1 Screening and buffering should create visual barriers between features of the housing development from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or on rooftop, service entrances and utility facilities for building operation, loading docks and spaces, aboveground backflow preventers, and other components of the development as may be reasonably determined by the Planning Board to require screening and buffering.

2506.3. Parking Standards.

2506.3.1 Parking spaces shall be provided at a minimum of 1.25 parking spaces per dwelling unit and maximum of 15 parking spaces for any accessory café or diner in addition to said dwelling unit parking spaces. If over 50% of the total number of dwelling units are age restricted as set forth in §198-2506.6 below, parking may be provided at a minimum of 0.50 parking spaces per age-restricted dwelling unit.

2506.3.2. Any large surface parking areas shall be separated, whether by buildings, landscape features, or both. At least ten percent (10%) of the interior of the parking areas shall be maintained with landscaping, including trees, in landscape islands.

2506.3.3. Small parking areas shall be designed to include sidewalks at the perimeter to promote safe pedestrian passage; larger areas may incorporate interior pedestrian corridors delineated by paving materials, plantings and/or bollards.

2506.4. Lighting Standards.

2506.4.1. The exterior lighting design within the housing development should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for the development shall, at a minimum, include the following:

2506.4.1.1. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

2506.4.1.2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cutoff. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on lighting fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

2506.4.1.3. Security lighting shall be shielded and directed at a downward angle.

2506.4.2. The applicant must submit a lighting study showing that the housing development will meet these standards and the applicable standards set forth in § **198-606**.

2506.5. Affordable units.

2506.5.1. In lieu of the requirements set forth in Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the REHOD. A minimum of twenty-five (25%) of the dwelling units shall be affordable units. The term "affordable unit" shall mean a "low or moderate income housing" dwelling unit as that term is used in M.G.L. Chapter 40B, §20-23 and associated regulations, which shall be restricted in perpetuity for rental or ownership by a household earning less no greater than 80% of area median family income, and priced to conform with the standards of DHCD for rental or ownership units set forth in DHCD's guidelines and regulations, as amended from time to time, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory for the Town under M.G.L. Chapter 40B, §20-23. Affordable units shall be subject to the following conditions:

2506.5.1.1. All affordable units shall be affordable in perpetuity. A deed rider or other suitable restriction shall assure be required to ensure compliance with this condition. The restriction shall be structured to survive any and all sales, transfers or foreclosures.

2506.5.1.2. In the event that an affordable unit or the project in part or whole is proposed for sale, the continuing enforcement of the restriction through subsequent resales shall be the subject of a monitoring agreement and in accordance with the provisions of §198-2207 § **198-2207.3** and **198-2207.6** of Article 22 of this Zoning Bylaw.

2506.5.1.3. The restriction and the monitoring agreement shall be drafted in compliance with DHCD's Local Initiative Program guidelines and regulation, as amended from time to time, and guidelines promulgated thereunder, unless another low or moderate income housing subsidy program is applicable, which conforms to M.G.L. Chapter 40B, §20-23. The restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel to ensure compliance with this section, and shall be executed and recorded prior to the issuance of the first building permit for any dwelling unit in the development.

2506.5.1.4. The affordable units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory for the Town. Any assisted living units as allowed under 2504.1.2 above shall conform to DHCD standards for inclusion as rental units (either as market or affordable) in the DHCD Subsidized Housing Inventory for the Town.

2506.5.1.5. A right of first refusal in accordance with § **198-2207.7** of this

Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after receipt of notice thereof.

2506.5.1.6. The affordable units must satisfy the design and construction standards of the Local Initiative Program, as set forth in DHCD's guidelines and regulations, as amended from time to time, with regard to indistinguishability from any market-rate units. The range of affordable units must be representative of the overall market-rate units in terms of unit mix, size and location, except for the unique three bedroom units described above. It is the intent of this Article 25 that the affordable units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory for the Town as Local Initiative Program units, unless another low or moderate income housing subsidy program is applicable, which conforms to M.G.L. Chapter 40B, §20-23.

2506.5.1.7. The affordable units must be constructed and occupancy permits obtained at the rate of not less than one affordable unit for every three market-rate units.

2506.5.1.8. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result shall be the number of affordable units to be built within the development.

2506.6 Age restricted units.

2506.6.1 A minimum of twenty-five percent (25%) of all dwelling units shall be age restricted to a minimum of at least one occupant aged 55 or over.

2506.7. Efficiency of design.

2506.7.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy efficiency; to minimize exposure to and consumption of toxics and nonrenewable resources; and to incorporate appropriate "green" design techniques.

2506.8. Utilities.

2506.8.1. To the greatest extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.

§ 198-2507. Peer Review.

2507.1. The Planning Board, at the expense of the applicant and pursuant to M.G.L. c. 44, § 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, architects, wetlands scientists, lighting technicians, and attorneys, to review all site plan review applications.

§ 198-2508. Inapplicability of Certain Other Regulations.

2508.1. Where this article specifies some standard or makes some other requirement contrary to a requirement set forth elsewhere in the Town's Zoning Bylaw, the provisions of this article, as may be amended from time to time, shall govern. The provisions of this article shall not supersede the requirements of the Wireless Communications Overlay District as set forth in Article 15 of the Zoning Bylaw of the Town.

PLANNING BOARD COMMENTS: This article requests that Town Meeting amend the Zoning By-Laws to add a new overlay district on the existing municipal service district. This new district will only apply to the following town-owned parcels as shown on the plan: 22-006, 22-007, 490 and 482. This overlay district is required for the proposed development which is not possible under the existing zoning.

The Planning Board sees this project as a unique opportunity to build attractive, housing for which there is clear market demand, while at the same time controlling future 40b development. The project also meets Commonwealth goals, including Smart Growth principles transforming abandoned municipal industrial property into attractive affordable housing.

The Planning Board commends the Economic Development Committee for its diligent work on this project. First, well over two years of research and market data determined the best and highest use for redeveloping and optimizing this abandoned Town-owned parcel. Additionally, for the thoroughness of its approach in vetting the proposed development and concerns cited last spring. The Economic Development Committee has met with Boards, Committees and interest groups in Town to address concerns to height, age-restriction, density, form and the impacts to the Wireless Communication District. Design Guidelines will ensure the final project is consistent with the Town's guidelines and that all structures are in context and scale with the character of the zone.

This is truly a unique parcel of land with an equally unique proposal in terms of the number of planning challenges it solves. This project (1) provides much needed low- and moderate income housing, (2) enhances and defines the westerly entrance to the Town along Boston Post Road (Route 20) and (3) is consistent with redevelopment objectives of the Commonwealth of Massachusetts.

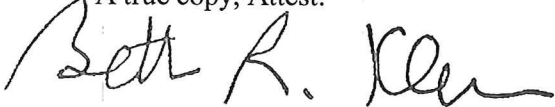
The Planning Board voted unanimously in favor of this article: Vote: 3 - 0.

VOTED:

IN FAVOR: 304
OPPOSED: 114

MOTION PASSED BY 2/3 VOTE

A true copy, Attest:



Beth R. Klein
Town Clerk

Amend Zoning Bylaw Chapter 198 - River's Edge Housing
Overlay District (REHOD)

