

TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS

Posted in accordance with the provisions of the Open Meeting Law
PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: **Wayland Planning Board**

FILED BY: Sarkis Sarkisian, Town Planner

DATE OF MEETING: **July 26, 2016**

TIME OF MEETING: **7:30 P.M.**

PLACE OF MEETING: Town Building, 41 Cochituate Road

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

AGENDA

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.

- 7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting**
- 7:35 P.M. Opening Meeting Law - Address complaint filed by George Harris dated July 18, 2016.
Brookside Development 113, 115, 117, 119 Boston Post Road Letter from Town Planner.**
- 7:40 P.M. Continuation of 52-60 Rice Road public hearing application for a Conservation Cluster Development**
- 8:45 P.M. Adjourn**



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wayland Planning Board

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: July 5 & 13, 2016

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached (with exhibits) for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:

Date:

July 18, 2016

For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland Planning Board

The Wayland Planning Board (Board) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, in the following manner:

1. The Board's posted notice for its meeting of July 5, 2016 lacked sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting in connection with the Brookside Development topic. See CMR 29.03(1)(b). The notice states: "Brookside Development proposed Project Eligibility Site Application." See Exhibit 1 attached hereto. Compare that description with the description for the preceding topic concerning the Carroll School.

The subject notice failed to identify the property address, the developer, and the type of proposed development. The topic description is wholly inadequate to enable a reasonable member of the public to read the topic and understand the anticipated nature of the Board's discussion.

2. The Board's minutes of its July 5, 2016 meeting also fail to give the property address, the developer, and the type of proposed development. See Exhibit 2. The Board's minutes are inaccurate because they are incomplete. See G.L. c. 30A, § 22(a).

3. The Board's posted notice for its meeting of July 13, 2016 also lacked sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting in connection with the Brookside Development topic. See CMR 29.03(1)(b). The notice states: "Vote to Approve Letter to Mass Housing regarding Brookside Development." See Exhibit 3. The topic description is wholly inadequate as described in paragraph 1 above.

ACTIONS REQUESTED

- 1 The Board, at its next open meeting, shall acknowledge the errors alleged above.
2. The Board shall correct the minutes of the above meetings to reflect the Brookside Development property address, the developer, and the type of proposed development.
3. The Board shall comply in the future with the Open Meeting Law as regards (1) posting topics with sufficient specificity and (2) creating minutes that are accurate and complete.

TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN BOARDS/ COMMITTEES/ COMMISSIONS

Posted in accordance with the provisions of the Open Meeting Law
PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/ COMM: Wayland Planning Board

FILED BY: Sarkis Sarkisian, Town Planner

DATE OF MEETING: July 5, 2016

TIME OF MEETING: 7:30 P.M.

PLACE OF MEETING: Town Building, 41 Cochituate Road

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

AGENDA

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.

- 7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting**
- 7:35 P.M. Continuation of 52-60 Rice Road public hearing application for a Conservation Cluster Development**
- 8:45 P.M. Discussion on Zoning Articles for the Special Town Meeting and request for Special Counsel to review articles.**
- 9:15 P.M. Appoint representative to the WRAP Committee.**
- 9:30 P.M. Approve minutes May 16, 2016, June 7, 2016, June 21, 2016**
- 9:45 P.M. Town Planner update and comments on future projects:**
- 45 Waltham Road, The Carroll School Site Plan Review for Non-Profit Educational use under Massachusetts General Law Chapter 40A,§3. Schedule and advertise hearing for August 16, 2016.
 - Brookside Development proposed Project Eligibility Site Application.
 - Housing Production Plan
- 10:00 P.M. Adjourn.**



Town of Wayland Massachusetts

Planning Board Meeting Minutes for Meeting of July 5, 2016

AGENDA

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.

- 7:30 P.M.** Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting
- 7:35 P.M.** Continuation of 52-60 Rice Road public hearing application for a Conservation Cluster Development
- 8:45 P.M.** Discussion on Zoning Articles for the Special Town Meeting and request for Special Counsel to review articles.
- 9:15 P.M.** Appoint representative to the WRAP Committee.
- 9:30 P.M.** Approve minutes May 16, 2016, June 7, 2016, June 21, 2016
- 9:45 P.M.** Town Planner update and comments on future projects:
- 45 Waltham Road, The Carroll School Site Plan Review for Non-Profit Educational use under Massachusetts General Law Chapter 40A, §3. Schedule and advertise hearing for August 16, 2016.
 - Brookside Development proposed Project Eligibility Site Application.
 - Housing Production Plan
- 10:00 P.M.** Adjourn.

In attendance: Reck (Chair), Montague, Hill, Riley, and Murphy.
Town Planner Sarkis Sarkisian

The meeting was called to order at 7:32 PM in the Senior Center Meeting Room.

I. Public Comment

Linda Segal encouraged the Board to undertake a more comprehensive study of the Zoning Bylaw, including retention of special counsel, which was envisioned by a town meeting article in 2011. She further explained that we all use the Zoning Bylaw and it should not be done in a piecemeal approach. She had no criticism of the Planning Board and wants the Zoning By law to be successful.

D.Hill explained the Planning Board has spent two years developing a list of changes that need to occur this calendar year. He further stated that the Board has spent a lot of time with these articles.

Continuation of Public hearing 52-60 Rice Road Conservation Cluster Special Permit Application

Andrew Reck continued the hearing and apologized to the neighborhood for cutting public comment at the last meeting. He further explained to the public that we are not rushing this project through and actually the opposite.

Sarkis Sarkisian also apologized for not allocating enough time for the last meeting. He then explained the process under the Conservation Cluster Bylaw, including the "yield plan" prerequisite to establish the number of lots that could be permitted by the Board. Sarkis distributed a 2-page memorandum from BETA, the Board's peer reviewer, on landscaping and site design issues. Sarkisian summarized BETA's recommendations.

Hill asked whether this memo confirms that the yield plan is feasible under conventional subdivision rules and regulations. Sarkis responded that it does. The Board discussed whether the yield plan must show a subdivision that fully conforms to the subdivision rules and regulations without any waivers. The Board then discussed having the yield plan peer-reviewed.

Gary Halliwell presented a power point presentation which showed the subdivision road. He questioned whether one could really build the road as well as yield 5 dwelling lots.

A question from the audience was made whether the 90% yield plan calculation was made and included in the application. Attorney Brian Levey stated that this wasn't required, although the regulations do require it.

Rebecca Leonard questioned whether the application was complete, and questioned which trees would be removed as part of construction. She also asked for a cuts and fills analysis. She also noted that there is little public value to the conservation open space – no connections to trails or other open space. She is concerned with the objectivity of the town planner.

What about the existing parking spots that are in the 5' buffer? Questions were raised whether the project will conform to the design standards in Section 301-17. Concerns raised about "vagueness" of application and plans, inhibiting ability of neighbors to evaluate the project.

The Board decided to get peer review comments on the yield plan, as well as on design issues including the proposed private driveway, cuts and fills, drainage, impacts on wetland resource areas.

Montague moved to continue the hearing to July 26 at 7:30 PM. Seconded by Hill. Approved 5-0.

B. New Business

1. *Zoning Amendments*

There was discussion on what zoning amendments the Board should request for the Fall Town Meeting warrant. The Board agreed with placing the following amendments, already drafted from last year, on the warrant: building height, landscape buffer, assisted living, home occupation, and conservation cluster. The Board discussed getting an outside counsel to review the language of the amendments before our warrant hearing. The Board scheduled a warrant hearing for August 22, 2016.

2. *Appoint Representative for WRAP.*

The Board needs to appoint a replacement for Colleen Sheehan. Gretchen Schuler reported on what tasks are remaining for WRAP. They are working on a report that will be a guide on how to review project needs in the future, including a plan for future capital expenditures.

Murphy moved to appoint Nicole Riley, seconded by Montague. Approved 5-0.

3. *Carroll School Redevelopment – Site Plan Hearing*

A hearing will be on August 16th. Sarkis has retained TEC to perform a traffic peer review, with a deposit made by the developer. TEC will be present on the 16th to provide comments.

4. *Brookside 40B*

The MassHousing site walk is July 7, at 10AM. Town Planner is preparing a draft comment letter to the BOS, which the BOS will present to MassHousing.

Review of Minutes

The Board reviewed the minutes of the June 7, 2016 meeting. Murphy moved to accept the draft minutes as modified by the Board.

Montague moved to adjourn at 10:20 PM. Seconded by Murphy. Approved 5-0.

Respectfully Submitted,
Daniel C. Hill

TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS

Posted in accordance with the provisions of the Open Meeting Law
PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: **Wayland Planning Board/Revised Agenda**

FILED BY: Sarkis Sarkisian, Town Planner

DATE OF MEETING: **July 13, 2016**

TIME OF MEETING: **7:30 P.M.**

PLACE OF MEETING: **Town Building, 41 Cochituate Road**

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

AGENDA

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.

7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting
Approve minutes for June 21, 2016 and July 5, 2016.
37 Draper Road ANR Plan

7:35 P.M. 150 Main Street- LEGAL NOTICE PUBLIC HEARING

The Wayland Planning Board will hold a public hearing on Wednesday evening, July 13, 2016 at 7:35 PM, in the Wayland Town Building, 41 Cochituate Road for a revision and amendment of the Planning board site plan approval 150 Main street case No. 02-2013 under the Zoning Bylaws, Article 6. The applicant is specifically requesting that Condition 30 be removed from Site plan Approval N0. 02-2013. The Planning Board is hearing this application again due to a recently discovered notice defect. The public is invited to attend and offer comments regarding this application.

7:50 P.M. Join Board of Selectmen's meeting with Planning Board to Interview and Potential Vote to:

Appoint to Boards and Committees

Planning Board

• **Nicole W. Riley**

8:05 pm Town Planner Report

- Rail Trail
- Special Town Meeting Articles
- Site Plans
- Sign Bylaw
- Branding Project
- Town Center

8:25 P.M. Vote to Approve Letter to Mass Housing regarding Brookside
Development

Adjourn at 8:30 P.M.

BY ELECTRONIC MAIL

July 20, 2016

Wayland Planning Board
Attn: Sarkis Sarkisian
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778

RE: Application for a Conservation Cluster Development Special Permit
52-60 Rice Road, Wayland

Dear Members of the Planning Board:

We appreciate the careful and close attention the members of the Planning Board, the Conservation Commission, the Board of Health, staff and department heads, and members of the community have given our Application for a Conservation Cluster Development Special Permit (“Application”). With this letter, we summarize the procedural history of our Application (Exhibit A), list our requested waivers (Exhibit B), and respectfully submit a list of proposed findings and special conditions.

Proposed Findings

We respectfully request that the Planning Board make the following findings with respect to the Zoning Bylaw subsections set out below:

1803.1.1 - The proposed conservation cluster development is in harmony with the purposes and intent of Article 18 of the By-Laws. The Application promotes the more efficient use of the land in harmony with its natural features compared to alternative development options. We seek to encourage the preservation of open land for conservation, open space, and recreation.

Our Application creates a beautiful riverfront wooded “pocket park” that will serve as a shared neighborhood open space resource. Our Application also protects and promotes the general welfare of the inhabitants of Wayland by preserving the scenic character of Rice Road compared to alternative development options. The proposed development is designed to take advantage of the existing topography of the property so as to minimize earth movement activities. Environmentally sensitive areas such as Snake Brook, wetlands, the 100’ riverfront, and the 30’ wetland buffer have been avoided as much as possible in the proposed development and have been incorporated into the open space parcel.

The proposed common driveway avoids the need for a subdivision road, respects existing conditions, and the natural character of the land, all of which reduces the town’s future problems with maintenance, drainage and erosion control. The decrease in land disturbance and possible adverse impacts to the neighborhood from drainage to aesthetic considerations

makes the cluster plan far superior to the five-lot conventional subdivision which could have permitted and constructed as represented by Applicant's engineer and the professional peer review consultant to the Planning Board.

1803.1.2 - The subject property consists of 5.8 acres, which satisfies the five-acre minimum for the Conservation Cluster Development District.

1803.1.3 - The project consists of a five-lot Conservation Cluster Development, comprised of five buildable lots and one open space lot of 2.3 acres. The number of lots was based on a calculation of lots as specified by § 198-1803.1.3.1. The number of lots meets the requirements of Sections 1803.1.3 and 1803.1.3.1 of the By-Laws.

1803.1.4 - Each buildable lot has adequate frontage on a public or private road. In this case, frontage is provided on Rice Road.

1803.1.5 - Each lot allows for a building site in harmony with natural terrain as cuts-and-fills are minimized while no lot is less than 20,000 square feet.

1803.1.6 - Front, side and rear yards are delineated on the plans and comply with the 15 foot minimum from the tract perimeter and open land.

1803.1.7 - The Applicants propose the dedication of 2.3 acres (40%) of the site as permanent open space in excess of the 35% requirement. Said open space is accessible to all in the cluster and to the public via Rice Road.

1803.1.8 - 2.3 acres of open space parcel shall be conveyed in fee simple to the Wayland Conservation Commission. If the Applicant desires to change the grantee of the open space parcel to another organization described in section 1803.1.8, the Applicants shall apply for a minor modification without the need for a noticed public hearing. Said open space shall provide the neighborhood and the public with a passive park and trails that enhances the overall development.

Proposed Conditions

In addition to the standard general conditions and requested waivers, we respectfully request that the Planning Board incorporate the following special conditions into its Decision:

1. The open space shall be delineated with concrete bounds.
2. Prior to clearing and grading activity, hay bales and silt fencing shall be installed on the down slope of all planned earth movement activities. The boundary of all buffer areas and areas to remain open space shall be delineated by silt fence.
3. The applicant shall notify the Planning Board and its agent to schedule an inspection of the site prior to the clearing of land for the purpose of identifying trees to be conserved.

4. The Applicant shall submit for review by the Planning Board a copy of the proposed homeowners' association documentation or similar documentation, which shall include provisions that provide for the Operation and Maintenance for common driveway by the residents of the cluster.
5. Any fill that is imported to the site shall be clean and any debris found within the fill, such as but not limited to asphalt, metal, and wood shall be removed.
6. During construction, all local, state and federal laws and regulations shall be followed regarding noise, vibration, concussion, dust and blocking Town ways. At all times the Applicant shall use reasonable means to minimize inconvenience to the residents in the area. All trucks transporting earth materials of any type to and/or from the site shall be covered in compliance with state law. Any debris or materials that fall from such trucks onto public ways shall be removed and cleaned up promptly.
7. The conveyance of the open space parcel to the Conservation Commission shall include the execution of any and all conveyance documents as determined necessary by Town Counsel to ensure the perpetual protection of the parcel as open space.
8. The hours of construction shall be Monday - Friday from 7:00 AM to 4:00 PM and Saturdays from 8:00 AM to 3:00 PM. No work shall be take place on Sunday.
9. As noted on the Cluster Site Layout Plan dated June 1, 2016 and last revised on July 17, 2016;
 - A. There shall be three (3) No Disturb Zones (NDZ). The two NDZs along the front of Lots 3 and 5 shall exclude tree cutting except for routine maintenance. The NDZ adjacent to 50 Rice Road shall be populated with screening trees as suggested by BETA Engineering and as agreed by the Applicant, the owner of 50 Rice, and the Town Planner.
 - B. Lot 3 shall have a reduced building envelope as shown on the plans, and best efforts shall be made to use the existing footprint for any new construction.
 - C. Lot 4 shall have a reduced building envelope as shown on the plans.
 - D. Rather than constructing a new road off Rice Road, the five homes shall be accessed from a total of three driveways from Rice Road, including a common driveway to serve lots 3, 4, and 5.
 - E. Best efforts shall be made to eliminate the invasive species in the open space parcel and to replace them with native grasses.

Conclusion

Having worked with multiple Town boards and staff and the general public for roughly three months in multiple public meetings and hearings, we have addressed all substantive questions and issues raised by the public and the Planning Board. We respectfully request that the Planning Board close its public hearing and vote to approve our Application at its meeting on July 26, 2016.

Very Truly Yours,

/s/

Tom & Sarah Greenaway

Enclosures

Exhibit A – Procedural History

Exhibit B – Requested Waivers

Exhibit A

52-60 Rice Road Public Meetings & Site Visits

1	May 2, 2016	Concept Plan submitted showing division of three existing nonconforming lots into 5 buildable lots and one open space parcel.
2	May 4, 2016	Public meeting with the Board of Health regarding Concept Plan.
3	May 5, 2016	Public meeting with the Conservation Commission regarding the Concept Plan.
4	May 16, 2016	Public meeting with the Planning Board regarding the Concept Plan.
5	May 21, 2016	Site visit by members of the Planning Board and others.
6	June 2, 2016	Application for Special Permit was submitted under the Conservation Cluster By-Law along with a conservation cluster development definitive plan.
7	June 7, 2016	Second public meeting with the Planning Board regarding the Concept Plan. Planning Board votes, unanimously, that we proceed with the Conservation Cluster Plan.
8	June 17, 2016	Site visit with a neighbor.
9	June 23, 2016	First session of public hearing by Planning Board on Conservation Cluster Plan.
10	June 24, 2016	Site visit held by Chair of the Planning Board, the Planning Director, and an abutter.
11	June 27, 2016	Site visit by members of the Conservation Commission, the Conservation Director, and a neighbor.
12	June 27, 2016	Site visit by Planning Board's consultant, BETA Engineering, and the Planning Director.
13	July 5, 2016	Second session of public hearing held by Planning Board.
14	July 19, 2016	Site visit with the Conservation Director and the Conservation Commission's peer reviewer.
15	July 20, 2016	Public meeting planned with Board of Health.
16	July 21, 2016	Planned public meeting with the Conservation Commission.
17	July 26, 2016	Third session of public hearing of Planning Board scheduled.

EXHIBIT B

52-60 Rice Road Revised Waiver List for Proposed Conservation Cluster Special Permit

301-10(B) – waiver from filing all waivers prior to or with application to allow for additional waivers to be discussed and established during public hearing process.

-promotes public interest/consistent with cluster purposes: allows public comments, Planning Board comments, Conservation Commission and other board comments, and staff comments discussed during public process to be incorporated into plan.

301-15 – waiver from Wayland Subdivision Rules and Regulations, Section III.B.3(e), (f), (i), (j), (m), (o), (t), (u) regarding Procedure for the Submission and Approval of Plan for Definitive Plans and Section IV regarding Design Standards. Section 1802.1 of the Zoning Bylaw requires the information from Article 6 and 18 of the Zoning Bylaw only “as the Planning Board deems necessary.” Chapter 301 of the Town Bylaws, sets forth the Planning Board’s Conservation Cluster Regulations (the “Regulations”). There, the Planning Board, in §§ 301-15.B.(1) and 301-17, identifies, respectively, only Section III.B.3 and Section IV of the Regulations as pertinent to a Cluster project. The proposed Conservation Cluster does not propose to add a street, and it is consistent with the plans submitted in support of previously-approved Conservation Cluster applications without streets.

-promotes public interest/consistent with cluster purposes: Clarifies and maintains existing and established custom and practice with respect to Conservation Cluster applications, especially those without streets.

301-17(B) – waiver from 10% driveway grade requirement to the extent required to accommodate redesigned lot 3 building envelope in response to Planning Board or Conservation Commission comments.

-promotes public interest/consistent with cluster purposes: responds to Planning Board comment regarding lot 3 envelope; conforms plan to existing conditions.

301-17(C) – waiver from 50 foot perimeter to allow for 60 Rice Road existing dwelling and shed.

-promotes public interest/consistent with cluster purposes: preserves natural features, open space and screening of development through reduced land disturbance, tree cutting, cuts-and-fills and impervious surfaces.

301-17(E) – waiver from access from within cluster and street not in existence to cluster development to allow for existing and proposed driveways shown on plan.

-promotes public interest/consistent with cluster purposes: preserves natural features, open space and screening of development through reduced land disturbance, tree cutting, cuts-and-fills and impervious surfaces.