

**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: **August 22, 2016**
TIME OF MEETING: **7:30 P.M.**
PLACE OF MEETING: **Town Building, 41 Cochituate Road**

2016 AUG -3 PM 3:23

RECEIVED
TOWN OF WAYLAND
TOWN CLERK

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

LEGAL NOTICE

TOWN OF WAYLAND

PLANNING BOARD

PUBLIC HEARING RE: ZONING BY-LAW AMENDMENTS

The Wayland Planning Board will hold a public hearing on Monday, August 22, 2016 at 7:35 p.m. in the Planning Board Office, Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, 01778. The subject of this hearing will be

proposed amendments to the Wayland Zoning Bylaw, which will be considered at the 2016 Wayland Special Fall Town Meeting. The text of these amendments and maps can be viewed at the Planning Board Office and outside the Building Department Office at the Wayland Town Building (8:30 AM to 4:00 PM during normal work days), Reasonable accommodations and audio-visual aids and services will be available upon request. The proposed amendments and subject matter to the Wayland Zoning Bylaws are summarized as follows:

1. **Insert a new section regarding landscaping in parking areas abutting residential property inserting a minimum 10' landscape buffer.**
2. **New definition regarding Home Occupation Customary (customary home occupation)**
3. **Conservation Cluster Developments regarding, open space requirements, total number of dwelling units on the tract of land and affordable units required.**
4. **New definition regarding Building Height.**
5. **New requirements for Assisted/Independent Living, Nursing Homes in residential districts.**

8:45 P.M. Adjourn

ARTICLE FOR SPECIAL TOWN MEETING
Article 1.

SPONSOR: Planning Board DATE RECEIVED: _____
CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Landscaping in parking areas Zoning Bylaw
COST: _____ NO COST: COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Replace section 506.8.1 to read as follows:

506.8. Landscaping in parking areas.

506.8.1.

A continuous landscape strip of a minimum width of 10 feet shall be provided along the perimeter of a parking lot which is accessory to a non-residential use within or on a lot that is adjacent to a residential district. This strip shall be adequately landscaped and maintained with natural and living materials so as to form an effective year round screen from adjacent residential properties in said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.

Existing language below

506.8. Landscaping in parking areas.

506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.

ARTICLE FOR SPECIAL TOWN MEETING
Article 2.

SPONSOR: Planning Board DATE RECEIVED: _____
CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Home Occupation
COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

(1) Strike the definition of "HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION)" and replace it with the following:

See, Section 901.1.1 and 901.1.2

(2) Strike Section 901.1.2.4 and replace it with the following new paragraph:

The Customary Home Occupation shall not generate more than 150% of the total number of vehicle trips that the principal residential use of the lot generates on a daily basis.

(3) Add the following new Subsection:

901.1.2.8 - No change, extension or alteration of any portion of a building that is used for Customary Home Occupation shall be allowed except by a special permit under Section 198-203 granted by the Planning Board as special permit granting authority, after making the findings set forth in said Section 198-203.

ARTICLE FOR ANNUAL TOWN MEETING

Article 3.

SPONSOR: Planning Board **DATE RECEIVED:** _____

CONTACT PERSON: Sarkis Sarkisian Town Planner **TELEPHONE/Day:** 508-358-3778

TELEPHONE/Evening: _____

BOARD VOTE: _____ **DATE OF VOTE:** _____

TITLE: Conservation Cluster Developments

COST: _____ **NO COST:** _____ **COST ESTIMATE AVAILABLE ON:** _____

TEXT:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

By deleting the text shown below as ~~strikethrough~~ and adding the underlined text; or as otherwise indicated; text that is not being changed is shown for informational purposes only.

Article 3.

ZONING BYLAW AMENDMENT / CONSERVATION CLUSTER DEVELOPMENTS

(revised July 13, 2016)

1803.1

After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission and the Board of Health, grant such a special permit, provided that:

1803.1.1.

It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2.

The area of the tract of land is not less than 5 acres.
[Amended 5-5-2005 ATM by Art. 27]

1803.1.3.

The ~~total number of lots on which there is to be a single dwelling unit~~dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following:

[Amended 5-5-2005 ATM by Art. 29]

1803.1.3.1.

(a) ~~the~~number of building lots that could be created in the tract shown on such plan by right (without a special permit hereunder), plus one lot for each 10 of such building lots that could otherwise be created; or

1803.1.3.2.

(b) ~~the~~number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones) situated within the floodplain or designated as wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.

1803.1.3.1

For purposes of demonstrating the number of lots under subsection 1803.1.3(a) above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer or land surveyor that shows the maximum number of lots that can be created on a conventional subdivision plan meet all dimensional requirements of the Zoning Bylaw and in full compliance with the Subdivision Rules and Regulations (without any waivers therefrom).

1803.1.3.32.

Within the Residence Districts, the Planning Board ~~shall~~may permit allow by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units for attached buildings shall not exceed the total that is allowed under § 198-18051803.1.13.

1803.1.3.43.

Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may permit by Special Permit attached and detached dwelling units to be erected on single lot(s).
[Added 10-3-2012 STM by Art. 6]

1803.1.4.

Each of the building lots shown on the plan ~~has~~shall have adequate frontage, but no less than 50 feet, on a public or private way, or subject to the Planning Board's discretion, on a common driveway.

1803.1.5.

Each of the building lots ~~shown on the plan~~ shall be of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.

1803.1.6.

The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built, provided that all dwellings ~~and~~ accessory buildings, driveways and roadways shall be set back at least ~~15-25~~ feet from the perimeter of the tract and 15 feet from any open land.

1803.1.7.

For Conservation Cluster Developments consisting mostly of single-family detached dwellings, ~~At at least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be open designated as Open land~~ Land, and the open land shall include all land not dedicated to roads or building lots. For Conservation Cluster Developments consisting mostly of ~~attached single-family~~ attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as open ~~Open land~~ Land. No more than 25% of land designated as Open Land shall comprise protected resource areas under the Wayland Wetland and Water Resources Protection Bylaw (excluding buffer zones). ~~The Open Land shall maintain a lot width equal to or greater than the minimum frontage requirement in the underlying zoning district. and the open land shall include all land not dedicated to roads or building lots. For the purpose of this article, "open land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private,~~ The Open Land shall be reserved to be used for open space, conservation, agriculture, outdoor passive recreation, park purposes or some combination of the foregoing.

[Amended 5-5-2005 ATM by Art. 29]

1803.1.8.2.-

Conveyance of ~~the open~~ Open land ~~Land.~~

1803.1.8.12.1

The Open land ~~Land~~ shall be conveyed either:

1803.1.8.1.1.

(a) To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land, which shall accept it for park or open space use;

1803.1.8.1.2.

(b) To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or

1803.1-8.1.3.

(c) To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

1803.1-8.2.2.

If ~~ownership is in~~ title to the Open Land is held by an entity other than the Town, ~~there shall be sufficient rights in the Town to provide that such land shall be kept in an open or natural state, and provisions shall be made satisfactory to the Planning Board so that the Town, through its Conservation Commission, Planning Board, or other board, can enforce the condition that such land shall be kept in an open or natural state,~~ any other restrictions or easements imposed upon the ~~open-Open land-Land~~ by the Planning Board as conditions of its special permit ~~grant~~.

1803.1-92.3.

Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the ~~open-Open land-Land~~ to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the ~~open-Open land-Land~~.

1803.1-103.

If the ~~land shown on the plan includes land~~ tract of land proposed for the Conservation Cluster development is located in two ~~residence zones~~ or more zoning districts, all of the land shall ~~the entire tract, for all purposes of this article~~ Bylaw, be considered as lying entirely within the zoning district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one ~~residence-zone~~ing district, all of the land shall be considered as lying within that ~~zone~~ zoning district.

[Amended 5-5-2005 ATM by Art. 29^[1]]

[1]:

Editor's Note: This article also repealed former § 198-1803.1.10, which required that all dwelling units be in detached buildings and that there be only one dwelling unit in a building, and redesignated former § 198-1803.1.11 and § 198-1803.1.12 as § 198-1803.1.10 and 198-1803.1.11, respectively.

1803.1-114.

No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the approved, recorded plan.

[Amended 5-5-2005 ATM by Art. 29]

§ 198-1804 Conditions.

1804.1.

The Planning Board may, in appropriate cases, impose as a condition of the special permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.

§ 198-1805 Decision.

1805.1.

In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:

1805.1.1.

A determination of the maximum number of lots upon which dwellings could be constructed by right (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.

1805.1.2.

A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

1805.1.3.

The relation of the proposed development to long-range plans of the Town, if any.

1805.1.4.

The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

1805.1.5.

The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.

1805.1.6.

If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.

1805.1.7.

If the Planning Board denies the special permit, its reasons for so doing.

1805.1.8.

If the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, it shall state its reasons therefor in writing.

1805.1.9.

If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-1803.1-92.3 above.

1805.2.

Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

§ 198-1806 - Common land.

1806.1.

If a special permit is granted, the Planning Board shall impose as a condition that the common land shall be conveyed, ~~free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, of any mortgage interest or security interest~~ and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances.

§ 198-1807 Duration of special permit.

1807.1.

A special permit granted under this article shall lapse within 18 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

§ 198-1808 Amendments.

1808.1.

Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:

1808.1.1.

Grant any reduction in the size of the open land as provided in the permit;

1808.1.2.

Grant any change in the layout of the ways as provided in the permit;

1808.1.3.

Increase the number of building lots as provided in the permit; or

1808.1.4.

Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

ARTICLE FOR ANNUAL TOWN MEETING

Article 4.

SPONSOR: Planning Board DATE RECEIVED: _____
CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Building Height
COST: NO COST COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Under Section 104, strike the definition of "Building Height" and replace it with the following:

The vertical distance measured from the average natural grade to the highest point of the roof. Natural grade shall mean the elevation of the land in its natural state prior to disturbance for construction, filling or excavation, and shall be measured at each exterior corner of the building. In the event of a dispute or question concerning the accuracy of the average natural grade, an applicant shall produce a certification of the elevation from registered land surveyor.

ARTICLE FOR ANNUAL TOWN MEETING

Article 5.

SPONSOR: Planning Board DATE RECEIVED: _____
CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Assisted/independent living and Nursing home
COST: _____ NO COST: x COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Amend the Table of Permitted Principal Uses by District by changing the designation for Line 24, "Assisted/Independent Living" from "SP" to "No" in Single Residence districts, and by changing the designation for Line 32, "Nursing Home" from "SP" to "No" in Single Residence districts.