



**TOWN OF WAYLAND**  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
**PLANNING DEPARTMENT**

SARKIS SARKISIAN  
WAYLAND TOWN PLANNER  
TEL: (508) 358-3615  
FAX: (508) 358-4036

**APPROVED MEETING MINUTES**

**February 4, 2014**

The Wayland Planning Board met **on Tuesday February 4, 2014 at 7:30PM** in the Wayland Town Building, 41 Cochituate Road, Wayland, MA relative to the following agenda items:

- 7:30 P.M. Public Comment**
- 7:35 P.M. Town Meeting Articles to be presented at the April 2014 Town Meeting/Amend the Housing Trust Article regarding public comments.**
- 9:05 P.M. Approve Minutes/Meeting Schedule**
- 9:15 P.M. Adjourn**

Attendance:

Mr. Kent Greenawalt, Chair - Absent	Mr. Ira Montague, Member
Ms. Colleen Sheehan, Vice Chair	Andrew Reck, Member
Mr. Kevin Murphy, Clert - Absent	Mr. William Whitney, Associate Member

Also present was Sarkis Sarkisian, Town Planner

Minutes taken by S. Sarkisian

**7:30PM OPEN MEETING:**

C. Sheehan opened the meeting at 7:35 PM and announced that the hearing was being televised. S. Sarkisian reviewed the agenda.

**7:35PM PUBLIC COMMENT: None**

**7:36 P.M. The Public hearing was opened up to discuss the proposed amendments to the Town's Zoning By-Law.**

I. Montague read the public hearing notice. Below is a copy of the notice and the Articles.

The Wayland Planning Board will hold a public hearing on Tuesday, February 4, 2014 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 2014 Wayland Spring Annual 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 4:30 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 Bylaw are summarized as follows:

**I. Create a new Overlay District "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.

§ 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 the underlying zoning district 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.

§ 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:

2504.1.1 Single-Family Affordable Housing Dwelling Units.

2504.1.2 Multi-Family Affordable Housing Dwelling Units.

## **II. Create a new Ground Mounted Solar Energy Overlay District.**

The purpose of this by-law is to regulate large-scale Ground-Mounted Solar Photovoltaic Facilities by: establishing a Solar Photovoltaic Facility Overlay District for construction of a Ground-Mounted Solar Photovoltaic Facility; providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, which standards address public safety and minimize impacts on scenic, natural and historic resources; and providing adequate financial assurance for the eventual decommissioning of such facilities.

## **III. Create a new Specimen Tree Overlay Protection District.**

Protect the health, safety and property of the residents of the Town Wayland by regulating tree cutting and preserving existing trees and vegetation, minimizing fragmentation of wildlife habitat and loss of vegetation;

- Limit land clearing and alteration of natural topography;
- Protect specimen trees and significant forest communities from damage or removal;
- Provide additional protection for the Great Meadows National Wildlife Refuge.

## **IV. Replace sections of the Zoning Bylaw in all commercial districts regarding the construction of sidewalks with the following new paragraph:**

In the event of the construction, reconstruction or substantial alteration of any premises that are used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be a minimum of five feet in width along and within the entire right of way of the lot. The sidewalk shall be constructed of concrete and have at least six inches in height of raised granite curbing. The Special Permit Granting Authority and the Site Plan Approval Authority shall determine the sidewalk's final location. The sidewalk location shall be such as to join in a reasonable manner existing or potential sidewalks on abutting land. Pedestrian walkways shall also be required and integrated to the maximum extent possible, into the interior and/or perimeter landscaping of the parking lots.

**Comment [PAC1]:** I see that you have deleted "paved," presumably because it is not necessary in light of the construction requirements. You may want to keep it as it the term does appear in other Bylaw sections regarding sidewalks and the term does make it clear that the sidewalk is to be paved.

Insert a new section regarding Landscaping in parking areas abutting residential property:

A continuous 10' landscape strip shall be provided for parking lots immediately adjacent to a residence district which shall be adequately landscaped and maintained with natural and living materials so as to form an effective screened year round view from said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.

Insert a new section 505.1.1 regarding signs so as to read:

Alteration, Repair and Replacement of On-Premise Signs. Except for copy changes on signs with changeable letter panels, no sign shall be reconstructed, extended, changed structurally or in content or replaced except in accordance with this Article.

#### **V. Municipal Affordable Housing Trust Fund**

The Wayland Planning Board will also discuss the establishment of a Municipal Affordable Housing Trust Fund under the provisions of Massachusetts General Laws Chapter 44, Section 55C.

#### **Discussion - General**

S. Sarkisian presented all the articles in the Warrant and announced that the wrong Article for River's Edge was in the packet.

R. Stannizi asked if we could take the other Articles first so that she could prepare a highlighted version for the Board and for members of the Public comparing last year's proposal to this year's By-Law.

#### **Discussion – Specimen Tree Overlay Protection District**

S. Sarkisian introduced the next Article “ The Specimen Tree Overlay Protection District” (STOP). He explained to the Board that the October 3, 2012 Special Town Meeting created a committee that was charged with developing an amendment concerning tree cutting and land clearing. A Committee was created and comprised of six voting members, one appointed by the Conservation Commission, one appointed by the Planning Board, one appointed by the Board of Health, one appointed by the Board of Public Works, and two appointed by the Oak Hill Wayland Neighborhood Association, Inc. and two non-voting members, which were the Building Commissioner and the Town Planner.

S. Sarkisian stated that the committee met several times, there were also several planned meeting dates when a quorum was not present and no meeting took place. He further explained the bylaw is needed to create a process under which abutters that are to be affected by land clearing will be notified prior to the commencement of any such clearing.

D. Diaz, a member of the Land Clearing Committee, commented on the destruction that NSTAR left on the Oak Hill neighborhood and the poor notification process.

S. Sarkisian described the limits of the STOP district and its connection to the Wildlife Corridor. The By-law that is being proposed is that no person shall remove more than two species trees. He also went through the exemptions such as repairs to a septic system or the construction of an addition. All work associated with an earth removal permit and land disturbance permit issued by the Town of Wayland is also exempt.

A. Boschetto questioned the number of trees that one could take down and why only 2? His concern was this limit would place an undue burden on homeowners doing routine maintenance.

G. Schuler raised questions and concerns regarding the more than two trees and exemptions. She noted that the Article could lead to confusion regarding construction schedules and exemptions relating to doing road work.

L. Segal stated that notification to the Tree Warden is not the Board of Public Works responsibility. L. Segal also request details regarding the Legal action against NSTAR and the status of the court action?

E. Collins stated that NSTAR must provide proper notification to the Tree Warden and he does not think the Tree Warden was notified when NSTAR last began clearing. We need better notice and there is no excuse. He further commented on the problems that occurred in Natick and Sudbury.

A. Boschetto stated that he will work with Town Administrator and be proactive with NSTAR.

M. Lanza gave a status update of the Town of Wayland's legal action against NSTAR regarding the application of chemical treatments within right of ways.

### **Discussion - River's Edge Housing Overlay District**

R. Stanizzi gave an overview of the changes from last year's Town Meeting Article. The proposal differs in several ways including:

- A reduction in the number of units from 216 to 190.
- A reduction in the maximum height of any building or portion thereof located less than 100 feet from a public way Boston Post Road/Route 20 to 35 feet.

- A reduction in the maximum height (generally) to 45' with only the back northwest quadrant allowed to be 58'.
- The By-law would also have a minimum requirement of 25% being age restricted.

R. Stanizzi explained that REHOD would supersede zoning in the district. The article will provide for initial development via Site Plan Approval and if the use is to be changed in the future, any change would require a Special Permit.

R. Stanizzi also noted that the proposal would allow up to 25% assisted living.

A. Lewis - noted that single family requirements had been dropped.

R. Stanizzi stated that minimal setback had also been added. She referred to a plan that shows the areas of height of building.

A. Lewis - the access road is not a public way.

M. Lanza - the driveway will not be a public way and has not been laid out by the BOS or the Road Commissioners.

R. Stanizzi wants all the units to count which means that units must meet the size and kitchen requirements.

E. Collins - asked how much of the Wireless Overlay District would be impacted by the REHOD. He noted that REHOD would impact 900 foot setback requirement in the district.

P. Patton - noted that the Wireless District would be reduced when you place housing in the middle of the district.

E. Collins - Asked for confirmation that there are four viable areas that are left in the district after all construction contemplated via REHOD.

C. Sheehan confirmed that Collins is correct.

R. Bratt – cautioned that a concern could be raised at Town Meeting claiming that cell towers are a health risks to residents that live in River's Edge.

L. Segal – asked if there will there be a visual in the Warrant.

L. Segal - asked where the school buses going to be parked.

R. Stanizzi responded that school bus contract is going out to bid and will include an item to store the school buses off site.

S. Potter – added that the school bus contract is being put out to bid both ways.

D. Hill - commented on the affordability section and suggested linking the language into the actual 40 B statute. Reference would be made to the LIP program. The program can always change and should be consistent. Restriction should be in place at the building permit.

W. Whitney - questioned if the changes are within in the scope of the article.

M. Lanza – Responded by stating that the changes are within the scope and it does not have to be advertised.

G. Schuler – concurred that the changes are within the scope of the Article

### **Discussion - Landscaping residential buffers**

S. Sarkisian explained that this amendment makes for clearer and more consistent language and provides proper guidance to zoning bodies, town departments and developers with regards to business district parking lots that abutts residential land. The current Zoning Bylaw does not have a minimum standard, and the proposed 10' buffer in this amendment would provide room for proper plant material and fencing as may be required by the Special Permit Granting Authority and the Site Plan Approval Authority. Planning Board believes this standard will improve sound, screening and safety concerns of residential districts that are adjacent to commercial districts.

A.Lewis - was concerned that the language drafted did not provide the protection you are looking for because what happens if you are already in the district? The current language does not work.

M. Lanza - stated to add language which are accessory to non-commercial uses.

A.Reck - can we add language that states “in or adjacent to”.

M.Lanza – suggested “immediately adjacent to parking which are accessory to a non residential use”.

A. Lewis stated that this was a very productive meeting and that her recommendation would be that to start now working on Zoning Bylaws for the next year Town Meeting so that we have enough time to debate the articles.

L. Segal - commented that we may have a Fall Town meeting and that there are several areas within the definitions section of the Zoning Bylaw that need to be reviewed and amended.

Motion: Continue the Public Hearing to February 10 at 6:30 P.M. and February 11 at 7:30 P.M.

Moved: I. Montague

Second: A. Reck

Vote: 4-0 in favor (unanimous)

**10:35PM ADJOURN:**

Motion: Adjourn

Moved: I. Montague

Second: A. Reck

Vote: 4-0 in favor

Respectfully submitted,

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S. Sarkisian

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Date