



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

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MEETING MINUTES

October 14, 2014

Wayland Planning Board

FILED BY: Sarkis Sarkisian, Town Planner

DATE OF MEETING: October 14, 2014

TIME OF MEETING: 7:30 P.M.

PLACE OF MEETING: Wayland Town Building

7:30 P.M. Public Comment

7:35 P.M. Special Permit Hearing for Covered Bridge Off-Site Affordable Housing continuation of hearing of August 26 and September 16, 2014.

8:30 P.M. 150 Main Street – Continuation of Public Hearing Request for Revision to Planning Board Decision 02-2013

Application is requesting 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 NO. 02-2013. the public is invited to attend and offer comments regarding this application.

8:45 P.M. 400 Boston Post Road Town Center

The Wayland Planning Board will hold a public hearing on Tuesday evening, October 14, 2014 at 8:45 PM, in the Wayland Town Building, 41 Cochituate Road for any necessary approvals, special permits, revisions, and amendments for the 2008 Master Special Permit for Town Center Project, 400 Boston Post Road to address the following specific issues: Recognize the 177 k non-residential aggregate limit; update the Town Center Affordable Housing Requirements; update to correspond to 2008 zoning for 177 k sf non-residential area; and allow for residential use in Building Envelope III.

- 9:15 P.M. Appoint Planning Board member to the Council on Aging/Community Center Advisory Committee**
- 9:20 P.M Articles for Town Meeting (buses,ZBA/Planning priorities)**
- 9:30 P.M. Land Planning Committee update of Town Owned parcels and BOS charge.**
- 9:40 P.M. Approve minutes of September 16, 2014/Town Planner update**
- 9:45 P.M Adjourn**

Attendance:

Ms. Colleen Sheehan, Chair-
 Mr. Andrew Reck, Vice Chair
 Mr. Kent Greenawalt; Absent

Mr. Kevin Murphy, Clerk-
 Mr. Ira Montague, Member
 Mr. Dan Hill, Associate Member;

Also present was Mr. Sarkis Sarkisian, Town Planner. Minutes taken by S. Sarkisian

Meeting began at 7:40 P.M.

C. Sheehan opened the public hearing and read through the agenda announced the meeting is being televised..

Public Comment:

S.Sarkisian introduced and welcomed Nan Balmer as our new Town of Wayland Town Administrator.

N. Balmer stated that she is excited about working in Wayland.

S. Sarkisian informed the board on the route 27 sidewalks and the request for additional funds.

K. Murphy asked why the \$75,000 was not enough funds for this work.

S. Sarkisian stated that the original project was going to be constructed in house by DPW personnel and that the original estimate did not include replacing the culvert.

S.Sarkisian informed the Board and update on the bike trail in regards to permitting on the bike trail and the request for engineering services and contracts approved by the Town Administrator.

Covered Bridge

Ben Stevens presented the plans to develop Affordable Homes off-site. The proposal was to redevelop 4 School Street. Lot is a large lot no wetlands on site.

C. Sheehan asked if they would be rental or ownership.

B. Stevens stated that they would be built and sold units. He stated this would be a short process and be able to sell next summer.

C Sheehan raised the issue on the driveway locations and has the Chief commented on this plan.

B. Stevens stated no.

C Sheehan stated we need time to review the letters that we received tonight.

C, Sheehan stated she would take public comment on the public hearing.

Steve Streeter of 7 Decolores Drive questions regarding the inclusionary bylaw. He stated further stated that the applicant needs to prove hardship. Proposed off site units need to be comparable size units.

C. Sheehan the word exceptional can mean is it a benefit for the Town weighing all these issues do we meet more goals and factors quantity quality and type.

D. Schofield raised the issue regarding environmental impacts such as wetlands. Soils are very good on site, however he stated that there is a perennial stream runs through the property.

B. Stevens stated that it is an intermittent stream.

George Bernard 103 East Plain Street. Reported that we had several accidents at this location. G Bernard provided a map that showed a map of all the affordable housing units in Wayland and felt that the density of housing in area around School Street and it should be done on site.

C. Sheehan asked S. Sarkisian of the amount of Affordable Units that have been done in the last 5 years.

Betsy Brigham stated the she finds it disturbing that we are not sticking to the inclusionary bylaw. It would be a wonderful place to call home and a bad precedent to set to allow off site units.

Mary Barber how many lots have not been released and what are the heights of the lots have been released?

Diane Busch concerned with the size of units and would the size and style on School Street be the same as Covered Bridge.

B. Stevens for reference units are 1100 sq ft one car garage. The units would blend in with the neighborhood.

Rachel Bratt Wayland Housing Partnership. The neighborhood made some compelling reasons why it should be on site. She understands that it was not a good decision is their any way affordable units could be done on the other side of Covered Bridge. If the board allows off site please make sure you have a clear reason for off site. The School Street site is not a good site for affordable housing. The Planning board in 2006 or 2007 made a poor decision where they located the affordable units.

C. Sheehan raised a questions as to what are the clear objectives of the housing in Wayland.

R. Bratt we should work together to develop a prioritization that might be helpful we do not have that document. We need a little of everything. There is no lack of need.

Betty Salzberg commented on the advantages of having affordable housing on site. Advantage to interact with people that are a little different than us.

Motion to continue the Covered Bridge on November 6, 2014 Thursday at 7:35 p.m.

Move Andrew Reck.
2nd I. Montague

Vote 5-0

150 Main Street Public hearing

Reopen 150 Main Street

S. Sarkisian enter into the record two emails from Ken Issacson and recommending that we do not remove condition 30.

S. Sarkisian asked Town Counsel to attend tonight's meeting.

C Sheehan asked that a recap of what happened at the court hearing.

Attorney's Lenoard Davidson and Charles Le Ray together approach the Board and gave an update.

C. LeRay started off by saying that they had met with the Judge and no settlement has been reached. He stated that this is a complicated matter and anticipates that Judge

Sands will issue a decision by the end of the month has either an easement or as a private way.

Met with Judge Sands no agreement has been reached between both parties. Judge Sands will probably issue a decision by the end of the month.

L. Davidson further added that no decision has been rendered and that Judge Sands has written part of the decision.

C. Sheehan asked if the Judge had additional comments regarding parking in the way.

C.LeRay stated there was no discussion regarding the site plan.

D.Hill stated that even though I am not a voting member, I strongly believe that the board should not remove condition 30. This is an open legal question and we need clear answers before making a decision. It was put in the decision for a reason.

S. Sarkisian recommended that the site plan be amended as shown on a sketch plan and that condition 30 not be removed.

C.Sheehan asked the applicant if they wanted to extend the public hearing and whether they would want to see a straw vote.

C.LeRay – yes.

Straw vote was taken and no one was in favor of removing condition 30.

C. LeRay requested time to speak with his client.

Appointment to the Council of Aging/Community Center Committee.

Motion to appoint A.Reck

Move k. Murphy

2nd I. Montague

Vote 5-0

C. Sheehan gave an overview scheduling Zoning Articles for the Spring Town Meeting.

D. Hill stated that he has revised the APD and has it ¾ complete and that the remaining article are not super complex, however he would not be able to do it this Town meeting because of his work schedule.

Public Comment

M. Upton requested that the board create a FAR bylaw people are allowed to build large homes on small lots.

K. Issacson recommended that a separate board be created to look at all the public buildings and not the Planning Board.

M. Lanza stated that this matter and an "s" petition is now before the courts and is in the Judge's hands. The Judge's decision becomes the final decision and is binding for everyone. M. Lanza echoed the recommendations of the Town Planner and wait for a decision which is imminent. The matter of Constructive Approval is not valid because this is not a special permit and the law is silent on the matter for site plan.

L Davidson recommended that the board deny without prejudice.

C. LeRay stated that his clients do not wish to continue the hearing and if you do not act tonight it is constructively approved tonight is the 60th day.

M. Lanza stated he would have to look at the Bylaw

D. Hill can you show me case law on that statement.

Motion to close the public hearing.

Move A. Reck
2nd I. Montague
Vote 4-0

Motion to deny removing condition 30 without prejudice.

Move Andrew Reck
2nd I. Montague
Vote 4-0

Approve minutes

Motion to approve the minutes September 16, 2014

Move Andrew Reck
2nd K. Murphy
Vote 3-0

400 Boston Post Road Town of Wayland

A. Reck read the meeting notice into the record.

S. Sarkisian presented his report on the Town Center Development as referenced in his memorandum. Recognize the 177 k non-residential aggregate limit; update the Town Center Affordable Housing Requirements; update to correspond to 2008 zoning for 177 k sf non-residential area; and allow for residential use in Building Envelope III.

1. Amend the Residential and Non-Residential Aggregate limits as specified in the 2008 Zoning Amendments. On November 12, 2008 Section 2308.2.1 of the Mixed Use Overlay District (MUOD) zoning was modified to adjust the aggregate limits for the non-residential component to 177,000 sf and reduce the residential aggregate limit to 155,500 sf. The Master Special Permit (MSP) was issued on January 24, 2008 and preceded the 2008 zoning changes. Update the MSP to recognize the non-residential limit at 177,000 sf and the residential limit at 155,500 sf.

Suggested Motion: Modify Article III (i) and Table A, footnote (1) to replace “165,000” with “177,000” and “167,500” with “155,000”.

2. Modify the Minimum Affordable Housing Requirement From 25% to 12%. The 2008 zone change modified Section 2309.11 to reflect a reduction in the number of affordable units from 25% to 12%. In addition the 2009 Development Agreement affirmed that construction of the 12 apartments on the second floor of Building 2F satisfies the 12% zoning requirement. The application seeks to have Section IV (G)4 of the MSP replaced in its entirety and reference to Section 2309.11 of the current zoning be inserted and to affirm that the 12 apartments meet that criteria.

Suggested Motion: Delete Article G(4) and insert: “The MUOD shall comply with the affordable housing requirements per Article 2309.11.1 in the zoning bylaw as amended November 18, 2009. As of October 14, 2014, 12 affordable units have been constructed and exist over the retail square footage in Building 2F of Building Envelope VII as shown on Exhibit A, dated January 17, 2008, of the Master Special Permit.

D. Hill questioned the total aggregate of the Town Center and why the increase in Square footage. He further stated that Town Center started as a Developer’s Agreement and did not want to see any more funds go to the sewer lawsuit.

I. Montgue was concerned that if we approved this would it make it easier to slide the building in without approval.

K. Murphy stated that we need an application for this type of change and we cannot approve a site plan with no plan. He also stated that it was the intent of Town Meeting to approve the increase to 177,000.

C. Sheehan recommended that we take the votes in three motions.

Motion to approve the housing as stated in the memorandum above.

Move A. Reck
2nd K. Murphy
Vote 5-0

Motion to approve the 177,000 maximum limit on the non-residential component.

Move K. Murphy
2nd A. Reck
Vote 4-0

Motion to deny request #3 as stated in the memorandum without prejudice with a letter of support.

Move I. Montague
2nd A. Reck
Vote 4-0

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Move to adjourn I Montague
2nd A. Reck
Vote 5-0

Respectfully submitted,

Sarkis Sarkisian, Town Planner

Date