



**TOWN OF WAYLAND**  
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**PLANNING DEPARTMENT**

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**DRAFT MEETING MINUTES**

**November 13, 2014**

The Wayland Planning Board met on **Thursday November 13, 2014 at 7:00AM** in the Wayland Town Building, 41 Cochituate Road, Wayland, MA relative to the following agenda items:

**7:00 Review Agenda / Public Comment**

**7:05 Planning Board action on Notice of Constructive Approval on Amendment of Planning Board Approval No.02-2013 dated October 28, 2014**

**7:20 Adjourn**

**Attendance:**

Ms. Colleen Sheehan, Chair - Absent

Mr. Kevin Murphy, Clerk

Mr. Andrew Reck, Vice Chair

Mr. Ira Montague, Member

Mr. Kent Greenawalt, Member - Absent

Mr. Dan Hill, Associate Member - Absent

The Town Planner, Mr. Sarkis Sarkisian, was not present. Minutes taken by K. Murphy

**7:30AM Open and Public Comment:**

A. Reck opened the meeting, reviewed the agenda and informed those in attendance that the meeting is being taped.

**Public Comment:**

Mr. Steven Zieff, 42 Shaw Drive – Mr. Zieff asked if the members of the Planning Board are elected. He was informed that members are elected.

**7:05 PM :**

Mr. Mark Lanza, Town Counsel, review the draft of the response to 150 Main Street, LLC's Notice of Constructive Approval. Key points are as follows:

- M. Lanza recommends that the Board respond to the notice
- He is of the opinion that no constructive approval has been granted
- Rescinding a Constructive Approval is not permitted under Site Plan approval
- The timing and process for responding to an application is governed by a combination of the Wayland Zoning Bylaw (ZBL), adopted rules and regulations, and by reference, Massachusetts state regulations. In this case a window of 14 days is provided to provide a record of the Boards actions and the Board did, in fact, file its report within this window.
- Finally, submitting a Notice of Constructive Approval does not itself provide the developer with the ability to proceed. Wayland's Town Clerk would have to certify the notice (an action which Lanza would advise against) and an appeal period would have to transpire.

- The main points expressed in the response include (i) the Board did act within the extended time by voting on October 14, 2014 and (ii) applicable rules and regulations provide 14 days for the Board to submit its report.

And Reck asked Lanza to confirm that the response did not include a rescission of the alleged Constructive Approval because none had been granted. M. Lanza confirmed this and added that there is no provision for rescinding a Constructive Approval for Site Plan Review.

Ms Gretchen Dressens, 155 Main Street asked M. Lanza to clarify that the 14 day window applied to filing the initial decision as well to a notice required at the end of the 20 day appeal period. M. Lanza responded that it applies to both.

Ms. Dressens also asked if Mass. General Law always applied to Planning Board actions and requirements. M. Lanza replied that Mass. Gen Law only applies when incorporated.

Mr. Brett Liefer, East Plain St. asked if today (11/13/2014) was the 90<sup>th</sup> day after submission of the application to amend. He was informed that it is not the 90<sup>th</sup> day.

Motion: Approve response to 150 Main St. LLC's Notice of Constructive Approval.

Move: K. Murphy

Second: I. Montague

Vote: 3-0

Other comments made by the Public:

Ms. Molly Upton, Bayfield Rd., wondered if this response was sufficient.

Mr. Gilbert Wolin, 201 W Plain St., noted that he felt this was a 'set-up' and that more legal steps and costs are next.

**7:28PM Adjourn**

Move: I. Montague

Second: K. Murphy

Vote: 3-0

Respectfully submitted,

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Kevin Murphy, Clerk

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Date