



**TOWN OF WAYLAND**  
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WAYLAND, MASSACHUSETTS 01778  
**PLANNING DEPARTMENT**

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**APPROVED MEETING MINUTES**

**January 6, 2015**

The Wayland Planning Board met on **Tuesday January 6, 2015 at 7:30pm** in the Wayland Town Building, 41 Cochituate Road, Wayland, MA relative to the following agenda items:

- 7:30 Review Agenda / Public Comment**
- 7:35 Public hearing on Zoning Articles**
- 8:50 Municipal Space Capital Planning Committee proposal**
- 9:00 ANR Plan - 40 Claypit Road**
- 9:05 ANR Plan – Covered Bridge**
- 9:10 Review Building 2B Elevations for Town Center Site Plan Approval**
- 9:30 Adjourn**

Attendance:

Ms. Colleen Sheehan, Chair  
Mr. Andrew Reck, Vice Chair  
Mr. Kent Greenawalt, Member

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

The Town Planner, Mr. Sarkis Sarkisian, was also present. Ms. Patricia Cantor, Kopeleman and Paige, acting as counsel for the Town accompanied the Town Planner in the discussion of Warrant Articles. Minutes taken by K. Murphy

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

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

**Correspondence / Planner Update:**

S. Sarkisian informed the Board that the inspection of the Rail Trail bridge over the Sudbury river was complete. Results were very good and a report is forthcoming.

S. Sarkisian also noted that the Board was asked to co-sponsor a warrant article for completing the sidewalk from the Town Center Historic District to Wayland Commons.

**Public Comment:**

Linda Segal, Aqueduct Rd. stated that the posted agenda is not identical to the agenda given to the Board. S. Sarkisian researched the matter and noted that the two agendas are different. Only items on the posted agenda will be discussed during the meeting.

M. Lowery, Lake Shore Drive, noted that the bridge over the Sudbury river leaches tar/oil during the summer and asked that steps be taken to protect the water when the rail trail is constructed.

**7:47 PM Public Hearing Zoning Articles :**

A. Reck read the Public Notice for the Warrant Article Hearing

S. Sarkisian introduced P. Kantor from Kopelman and Paige who will be assisting the Board in preparing Warrant Articles.

**Article 1: Sidewalks**

S. Sarkisian introduced the article by noting that the current bylaw is not clear in indicating how, where and if sidewalks are required for new construction. This revision clarifies sidewalk requirements as to location and construction criteria.

Discussion points included:

Q: Does the Board have agreement from the Board of Public Works (BOPW) as to the recommended location for sidewalks?

A: No, but standard practice in the State of Massachusetts is to locate sidewalks within the right-of-way (ROW).

Q: Has Wayland adopted a policy regarding location of sidewalks within the ROW or on private land?

A: No, no policy has been set (but should be). The proposed article requires locating within ROW with the ability to waive this requirement as needed.

M. Lowery, Lake Shore Drive, stated that Town Meeting presentation for this article will be sloppy if the BOPW has not been consulted.

A, Lewis, Claypit Road, stated that the Board cannot require a private developer to locate sidewalks within the ROW as a developer does not control the ROW.

N. Liefer, E. Plain St, provided the Board with comments from G. Dresens, Main St. who stated that the removal of the four foot buffer requirement will create a visual problem as well as a safety concern.

Ms. Liefer also noted that she is not comfortable with Board's ability to grant waivers.

Ms. Liefer also noted that CVS should pay for sidewalks at 150 Main St. and that she doesn't think they will pay if the sidewalks are located in the ROW.

C. Sheehan noted that construction specifications for concrete need to be more flexible.

A. Lewis, Claypit Hill Rd., noted that sidewalks in a ROW can be problematic if the road is widened.

G. Shuler, Old Ct. Path, stated that P. Kantor shouldn't attend meetings until the warrant articles are finalized. She also noted that construction standards should reflect BOPW standards.

M. Lowery noted that he had just forwarded an electronic copy of BOPW regulations to the Town Planner.

K. Isaacson, Lake Shore Drive, stated that he was concerned about the removal of sidewalk buffers.

**Article 2: Landscaping Requirements for Parking Lots**

S. Sarkisian introduced the article by noting that the current bylaw does not contain buffer requirements and instead contains language pertaining to screening. The proposed bylaw would introduce a ten foot buffer requirement for parking lots that abut residential zones.

During the discussion, several edits were discussed. These included:

- Specifying more clearly where the buffer would be required
- Construction criteria for items to be located within the buffer such as fencing or plantings

The Board also discussed the possibility that these new requirements might be too onerous for the Wayland business community. It was agreed that input from EDC and businesses in Town would be advisable prior to proceeding with this article.

**Article 3: Specimen Tree Overlay Protection (STOP)**

S. Sarkisian noted that this is the article that was originally drafted in response to aggressive pruning and cutting by NSTAR along power lines.

The Board had previously expressed concern that the article, if passed, would not be enforceable given the easement rights afforded to the power utility. P. Kantor addressed these by noting that she was unable to find any precedent for such an article in a search of all zoning bylaws in the state. She also noted that other attorneys who practice in this area were consulted and they raised additional concerns regarding enforcement and monitoring. She also questioned if this is a zoning bylaw or a general bylaw.

M. Lowery, BOPW, noted that there are references in the article to the Tree Warden along with new responsibilities assigned to that position. He expressed concern that the BOPW had not been consulted regarding these new responsibilities and stated that BOPW employees are permitted under state law to conduct activities contemplated by the bylaw.

**Article 4: Home Occupation**

S. Sarkisian noted that this article was introduced in response to a request from the ZBA. The proposed article removes some redundant language, adds language addressing alterations made to support activities carried out for gain and adds a new traffic clause.

G. Shuler noted that the traffic concerns raised are actually addressed in section 901.1.2.4

The Board then discussed if a by-law amendment or a legal opinion regarding the implementation of the existing bylaw would be the preferred way to address concerns raised by the ZBA.

**Article 5: Non-conforming lots and structures**

S. Sarkisian noted that the intent of this article is to provide clearer language regarding what constitutes an increase in the non-conforming nature of a dwelling.

Several methods of measuring the change in a structure were discussed along with a review of the threshold currently contained in the ZBL.

Also discussed were instances where damage to a structure is potentially encouraged by an owner through neglect in order to seek relief under 401.1.5. It was agreed that further discussion regarding this item is required.

**Article 6: Amend Article 12 – Refuse Disposal District**

S. Sarkisian noted that this article replaces “Board of Health” with “Board of Public Works”. The change was requested by Jay Abelli, Building Commissioner, because the Board of Health no longer oversees the Refuse Disposal District and the Board of Public Works does.

A. Lewis, Claypit Rd., noted that MA State Law requires that the Board of Health perform the duties in Article 12.

T. Klem, Chair of the Board of Health, noted that they were not aware of the proposed changes and confirmed that the BOH is currently performing the duties required in Article 12.

**Action:** The Board determined that the best course of action for all of the potential warrant articles is to defer submitting them to a future Town Meeting and continue to research issues raised during the hearing and refine the proposed articles.

Motion: Close Public Hearing  
Move: I. Montague  
Second: A. Reck  
Vote: 5-0

**10:50PM Next Meeting Date and Agenda:**

The next meeting of the Planning Board will be on January 12, 2015. The agenda is expected to include ANRs not reviewed this evening, the Municipal Space Capital Planning Committee (which will be known as the Town Land and Building Capital Committee) and the sidewalk construction article.

**10:55PM Adjourn**

Move: I. Montague  
Second: K. Greenawalt  
Vote: 5-0

Respectfully submitted,

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Kevin Murphy, Clerk

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Date