



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

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APPROVED MEETING MINUTES

March 3, 2015

The Wayland Planning Board met on **Tuesday March 3, 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 / Correspondence / Town Planner Update**
7:35 The Wayland Planning Board will hold a public hearing on Tuesday evening, March 3, 2015 at 7:35pm, in the Wayland Town Building, 41 Cochituate Road for a modification and clarification of the Planning Board Special Permit Decisions dated December 22, 2006 and July 12, 2012 for 229 Rice Road for the “Covered Bridge Project”. The applicant is specifically requesting a determination of (i) the number of required Inclusionary Affordable Housing Units required and (ii) the number of Market Rate units permitted. The public is invited to attend and offer comments regarding this application.
8:15 Warrant Articles 2015 Recommendation of report to Town Meeting
8:30 Preliminary Subdivision Plan for 33 Shaw Drive. Proposed one-lot subdivision.
9:00 Wayland Department of Public Works Facility – Extension of Time request.
9:05 Approve Minutes for November 2014, December 2014, January 2015 and February 2015
9:30 Adjourn

Attendance:

Ms. Colleen Sheehan, Chair	Mr. Kevin Murphy, Clerk
Mr. Andrew Reck, Vice Chair	Mr. Ira Montague, Member
Mr. Kent Greenawalt, Member - absent	Mr. Dan Hill, Associate Member

The Town Planner, Mr. Sarkis Sarkisian, was also present.

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.

Public Comment: None

Correspondence / Planner Update:

S. Sarkisian informed the Board that the Kathryn Barton housing project is about to proceed with construction after a long delay. The new owner of the project plans to get started this spring. The Town will need to provide additional data supporting local preference need to allow Wayland employees to use the local preference requirement for procuring finished units.

7:40PM Public Hearing – Covered Bridge:

A. Reck read the public notice.

S. Sarkisian distributed a letter from the Applicant and a letter prepared by Dan Hill, Associate Member. In previous amendments to the Covered Bridge Special Permit, the number of lots and market rate units were amended. The Applicant has now requested the Board to confirm the number of affordable units required based on the current, approved layout. The issue requiring clarification is if the number of affordable units are to be included in the total number of units when calculating the number of required affordable units. In other words is the applicable calculation as follows: $\text{round}(\# \text{ of market rate units} \times 16.67\%) = \text{required affordable units}$ OR is the calculation: $\text{round}((\# \text{ of market rate units plus } \# \text{ of affordable units}) \times 16.67\%) = \text{required affordable units}$. S. Sarkisian noted that there is some ambiguity in the Bylaw that should be clarified.

This is an issue for Covered Bridge because locating the units offsite would allow the 3 units required not impact the density of units on the Covered Bridge development. Bringing them back on-site could now be construed as violating the maximum number of units allowed in the Wayland ZBL.

D. Hill added that in his opinion, the By-Law is clear in that it is based on the total number of units approved. In other words, if the approval provided for 14 units, then 14 units times 16.67% becomes the affordable requirement. He also expressed concern that if the Board were to approve 14 market rate units and then 3 affordable units then the total could exceed the permitted number units in the overall plan.

Ben Stevens, Developer: Noted that the bylaw is not 100% clear as it simply states that 16.67% of the units should be affordable and this could be interpreted as supporting both calculations noted above. However, his concern is that by adding the number of affordable units in the total base of units used to calculate the affordable requirement is somewhat punitive as it would have the effect of compounding the number of affordable units required.

Mark Lanza, Town Council commented that the by-law could be interpreted both ways and that it should be clarified at a future town meeting. He noted further however, that language in the by-law noting that the objective is to encourage affordable housing and this objective should be used to resolve ambiguities allows the Board to interpret the by-law in a way that supports the development of affordable units.

D. Hill cautioned the Board by noting that any decision granted this evening could be precedent setting and that the Board should be aware of the risk that another developer could look at this ruling as a way to demand a higher number of total units than would otherwise be permitted.

Public Comment: Bob Moore, 225 Rice Road, noted that he had previously spoke in favor of locating the affordable units on site. However, he has since changed his position as he feels that Rice Road is very isolated location and including the units elsewhere in Town may allow them to be better included in Town life. The Board noted that this issue had been discussed extensively and it was determined that locating the units on-site is preferable.

The Board discussed the pros/cons of allowing the 3 units on-site along with the 14 market rate units and noted that the spirit of the Conservation Cluster by-law is to give zoning relief for certain development attributes that are attractive to the Town (i.e., open space) and giving an additional density allowance to support the construction of 3 affordable units on-site to comply with the Inclusionary by-law is consistent with this approach.

Given that the request is an amendment to a Special Permit, the Board also discussed including these additional conditions:

1. Move the unit on Lot 2.1 to Lot 6.
2. The final design of the affordable unit must be approved by the Planning Board or its designee.
3. Lot 1.A will be reconfigured and the final design will be approved by the Planning Board or its designee.
4. Lot 2.A will be combined with open space.

C. Sheehan also requested that it be noted in the approval that the language in the by-law is ambiguous.

Motion: Approve amendment to the Special Permit Approval for Covered Bridge to allow 14 market rate units and 3 affordable units subject to all existing conditions and those noted above.

Move: I. Montague

Second: A. Reck

Vote: 4-1(D. Hill against)

Motion: Close Public Hearing

Move: A. Reck

Second: I. Montague

Vote: 5-0

8:25PM Vote Planning Board Support for Certain Town Warrant Articles:

Motion: The Planning Board supports articles 14, 17, 24, 26, 27, 28 and 33

Move: K. Murphy

Second: I. Montague

Vote: 5-0

Note: Planning Board to discuss other articles at a future meeting.

8:40PM 33 Shaw Drive:

A. Reck read the Public Notice

S. Sarkisian reviewed the preliminary design for a one-lot subdivision. The purpose of the proposal is to allow two homes to be constructed on the lot for 33 Shaw Drive whereas one home is located there currently. The layout presented was designed to satisfy sub-division rules and regulations specifically as they apply to road frontage. S. Sarkisian noted that there are still a number of design issues to be resolved as well as potential sub-division applications for adjacent parcels. The meeting this evening is a simple presentation and the meeting will be continued. S. Sarkisian noted that that the proposal would be inconsistent with surrounding properties and expressed concern regarding a potential domino effect. He added that while the proposal does meet subdivision requirements, the Board does have the ability to deny preliminary sub-division applications if they “do not make sound planning sense”.

Applicant: David Storer, 33 Shaw Drive

Legal Rep: Brian Levy

Engineer: Kevin O’Leary, Jillson Co.

B. Levy added additional detail by noting that some discussions with owners of adjacent properties had taken place but that no agreement is in sight. He also noted the property owner and applicant has plans to move from Wayland because of a new job and may not be able to enter into extended negotiations. Levy also noted that the Board cannot require that the road be configured to allow for an adjacent property.

The applicant agreed to grant an extension of the application to April 1st to permit the Board to schedule a site visit prior to making a determination.

Kevin O’Leary, Jillson Co.

Reviewed the technical details of the layout noting frontage and distance from adjacent intersections. He also presented a response to a memo prepared by the Town Planner outlining design concerns.

Public Comment:

Martha Lock, 32 Shaw Drive (directly across for 33 Shaw Drive) expressed concern that a seasonal stream that runs along her property and ponds along the Shaw Drive would be negatively impacted by the development.

Steven Glovsky, 36 Shaw Drive, outlined numerous concerns including potential wetlands, aesthetic impact on both the neighborhood as well as direct sight lines from his house. He pointed out that the proposed development is inconsistent with the layout of the neighborhood. He urged the Board to reject the proposal.

Mary Beth Hagen, 8 Yeager Way. Explained that she is a 20 year resident and noted that the street has experienced persistent flooding that is likely to be exacerbated by the drainage design for the proposed development.

David Gaffney, 8 Yeager Way. Also noted concerns that drainage and water-flow could negatively affect properties on Yeager Way.

Evan McCarthy – Representative for Richard Cormier and Allan Litchfield (purchasers of 41 Shaw Drive), noted that moving the drainage easement (proposed on the plan) will require Town Meeting approval. He expressed concern that a forthcoming plan for 41 Shaw Drive would be identical to the proposal for 33 Shaw Drive and the new roadways would be too close.

David Storer, 33 Shaw Drive, inquired if the proposal for 41 Shaw Drive would require approvals? E. McCarthy noted that road setbacks waivers would be required.

In concluding preliminary discussion, numerous concerns were expressed regarding wetland delineations, drainage, reconstruction of existing drainage pipe as well as the appropriateness of a one-lot subdivision road.

Meeting was continued to March 24th (No vote needed).

9:50PM DPW Extension

Motion: Extend DPW approval to August 1, 2015

Move: I. Montague

Second: K. Murphy

Vote: 4-0

9:55PM Approve Minutes:

Motion: Approve minutes for December 2, 2014 as amended

Move: A. Reck

Second: I. Montague

Vote: 4-0

Motion: Approve minutes for January 6, 2014 as amended

Move: A. Reck

Second: I. Montague

Vote: 4-0

Motion: Approve minutes for January 12, 2014 as amended

Move: A. Reck

Second: I. Montague

Vote: 4-0

Motion: Approve minutes for February 3, 2015 as amended

Move: A. Reck

Second: I. Montague

Vote: 4-0

Motion: Approve minutes for February 18, 2015 as amended

Move: A. Reck

Second: I. Montague

Vote: 4-0

10:25PM Affordable Housing Appointments:

C. Sheehan appointed to Definition of Goals Committee

D. Hill appointed to Monitoring and Assessing Capital Needs Committee

K. Murphy appointed committee for Exploring Potential New Zoning Applications

10:26PM Adjourn

Move: I. Montague

Second: A. Reck

Vote: 4-0

Respectfully submitted,

Kevin Murphy, Clerk

Date