



Town of Wayland Massachusetts

Planning Board Meeting Minutes for Meeting of August 22, 2016

In attendance: Reck (Chair), Montague, Hill, Murphy, Riley.

The meeting was called to order at 7:30 PM in the Selectmen's Meeting Room.

7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting

PUBLIC HEARING RE: ZONING BY-LAW AMENDMENTS

The Wayland Planning Board will hold a public hearing on Monday, August 22, 2016 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 2016 Wayland Special Fall 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 4:00 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 Bylaws are summarized as follows:

1. Insert a new section regarding landscaping in parking

areas abutting residential property inserting a minimum 10' landscape buffer.

2. New definition regarding Home Occupation Customary (customary home occupation)
3. Conservation Cluster Developments regarding, open space requirements, total number of dwelling units on the tract of land and affordable units required.
4. New definition regarding Building Height.
5. New requirements for Assisted/Independent Living, Nursing Homes in residential districts.

8:40 P.M. Vote and approve Housing Production Plan 2016

9:00 P.M. Vote and approve recommendations and conditions regarding the Carroll School 39/45 Waltham Road for the Wayland Building Commissioner.

9:30 P.M. Approve minutes for July 26, 2016 and August 16, 2016

9:45 P.M. Adjourn

Andrew Reck read through the agenda and the public hearing notice.

I. Public Comment

Anette Lewis requested that language was removed giving Planning Board Authority to make changes to uses under the Dover Amendment back several years ago when Mr. Sarkisian and Special Counsel was hired to review the Zoning Bylaw.

Dan Hill commented that some Towns have a hybrid model for Special Site Plan Review.

Public hearing on Articles.

S.Sarkisian introduced Barbra St Andre” as special counsel for the Town of Wayland to assist board with zoning bylaw changes

Members of the public that were present at the Article hearing and made comments throughout the hearing were as follows;

Anette Lewis 33Claypit Rd, Gretchen Schuler 126 Old Conn path, Michael Staiti Pain Rd, Molly Upton 23 Bayfield Road, Alice Boelter 106 Lakeshore Road, Tom Greenaway

Article 1.

Article read into the record by Chair Andrew Reck

Anett Lewis commented on Article 1. And wanted to understand what districts the board is trying to protect.

D. Hill stated the proposed language as written is not redundant. We are not protecting pre-existing non-conforming uses.

Article 1: as amended would read as follows:

TEXT:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Replace section 506.8.1 to read as follows:

506.8. Landscaping in parking areas.

506.8.1.

A continuous landscape strip of a minimum width of 10 feet shall be provided along the perimeter of a parking lot which is accessory to a non-residential use on a lot that is in or adjacent to a residential district. This strip shall be adequately landscaped and maintained with natural and living materials so as to form an effective year round screen from adjacent properties in said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.

Existing language below

506.8. Landscaping in parking areas.

506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.

Article 2: The discussion focused on calculating the number of trips for a single family home with the ITE manual states 10 trips per dwelling unit

TEXT: Article 2 as amended below:

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

(1) In Section 198-04, strike the definition of "HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION)" and replace it with the following:

See, Sections 901.1.1 and 901.1.2

(2) Strike Section 901.1.2.4 and replace it with the following new paragraph:

The Customary Home Occupation shall not generate more than ten additional vehicle trips per day, as is predicted by the Institute of Transportation Engineers (ITE) trip generation manual or other competent evidence.

Article 3. D. Hill walked the Board through the following changes:

ZONING BYLAW AMENDMENT / CONSERVATION CLUSTER DEVELOPMENTS

1803.1

After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Historical Commission and the Board of Health, grant such a special permit, provided that:

1803.1.1.

It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2.

The area of the tract of land is not less than 5 acres.
[Amended 5-5-2005 ATM by Art. 27]

1803.1.3.

The total number of dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following:
[Amended 5-5-2005 ATM by Art. 29]

(a) the number of building lots that could be created in the tract shown on such plan without a special permit hereunder), plus one lot for each 10 of such building lots that could otherwise be created; or

(b) the number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones), by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.

1803.1.3.1

For purposes of demonstrating the number of lots under subsection 1803.1.3(a) above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer or land surveyor which shows the maximum number of lots which can be created on a conventional subdivision plan meeting all dimensional and other requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, which submittal shall include a list of requested waivers necessary to implement the subdivision plan, which the Planning Board shall review and determine whether to grant.

1803.1.3.2.

Within the Residence Districts, the Planning Board may allow by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units shall not exceed the total that is allowed under § 198-1803.1.3.

1803.1.3.3.

Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may permit by Special Permit attached and detached dwelling units to be erected on single lot(s). [Added 10-3-2012 STM by Art. 6]

1803.1.4.

Each of the building lots shown on the plan shall have adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5.

Each of the building lots shall be of a size and shape to provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.

1803.1.6.

The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built. All dwellings, accessory buildings, driveways and roadways shall be set back at least 50 feet from the perimeter of the tract, except that the

Planning Board may reduce this set back to not less than 25 feet if it furthers the interests of this by-law, and 15 feet from any open land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development.

1803.1.7.

For Conservation Cluster Developments consisting of at least a majority of single-family detached dwellings, at least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land. For Conservation Cluster Developments consisting of at least a majority of single-family attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open land, The Open Land shall be reserved for open space, conservation, agriculture, passive recreation, park purposes or some combination of the foregoing.

[Amended 5-5-2005 ATM by Art. 29]

1803.2 - Conveyance of the Open Land.

1803.2.1

The Open Land shall be conveyed either:

- (a) To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land;
- (b) To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or
- (c) To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

1803. 2.2

If title to the Open Land is held by an entity other than the Town, provisions shall be made satisfactory to the Planning Board that the Town, through its Conservation Commission, Planning Board, or other board, can enforce restrictions or easements imposed upon the Open Land by the Planning Board as conditions of its special permit.

1803.2.3.

Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the Open Land to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the Open Land.

1803.3.

If the tract of land proposed for the Conservation Cluster development is located in two residence zones or two or more zoning districts, the entire tract, for all purposes of this Bylaw, be considered as lying entirely within the zone or zoning district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residence zone or zoning district, all of the land shall be considered as lying within that zone or zoning district.

1803.1.11, respectively.

1803.4.

No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the approved, recorded plan.
[Amended 5-5-2005 ATM by Art. 29]

§ 198-1804Conditions.

1804.1.

The Planning Board may, in appropriate cases, impose as a condition of the special permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.

§ 198-1805Decision.

1805.1.

In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:

1805.1.1.

A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.

1805.1.2.

A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

1805.1.3.

The relation of the proposed development to long-range plans of the Town, if any.

1805.1.4.

The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

1805.1.5.

The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.

1805.1.6.

If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.

1805.1.7.

If the Planning Board denies the special permit, its reasons for so doing.

1805.1.8.

If the Planning Board disagrees with the recommendations of the Conservation Commission, Historical Commission or the Board of Health, it shall state its reasons therefor in writing.

1805.1.9.

If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-1803.2.3 above.

1805.2.

Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

§ 198-1806 - Open land.

1806.1.

If a special permit is granted, the Planning Board shall impose as a condition that the Open Land shall be conveyed free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot, unless the petitioner shall provide a cash performance bond in an amount sufficient to guarantee the conveyance of the Open Land as required by the special permit. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances. In any event, the Open Land shall be conveyed as required on or before one year after the conveyance of the last lot.

§ 198-1807Duration of special permit.

1807.1.

A special permit granted under this article shall lapse within 18 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

§ 198-1808Amendments.

1808.1.

Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:

1808.1.1.

Grant any reduction in the size of the open land as provided in the permit;

1808.1.2.

Grant any change in the layout of the ways as provided in the permit;

1808.1.3.

Increase the number of building lots as provided in the permit; or

1808.1.4.

Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

Article 4 Definition of Building Height.

The Board did not vote to submit the Article for Town Meeting. Issues were raised regarding where and when do you measure building height? This article needed more time.

A.Reck stated that he would draft new language for the amendment.

Article 5. Assisted/Independent Living

S.Sarkisian explained the purpose of the article to the Board and that it was needed to prevent Assited Living

Amend the Table of Permitted Principal Uses by District by changing the designation for Line 24, "Assisted/Independent Living" from "SP" to "No" in Single Residence districts, and by changing the designation for Line 32, "Nursing Home" from "SP" to "No" in Single Residence districts.

S.Sarkisian introduced the topic of the Affordable Housing Production Plan July 2016

S.Sarkisian described the Housing Production Plan as a planning document that identifies needs of the Wayland community and the strategies it will use to make progress in facilitating the development of affordable housing. The plan provides information on trends in Wayland relating to the people who live here, types of housing in town, and the current development conditions in town to determine the housing needs of the community. The Plan also includes an inventory of affordable housing and an update of our River's Edge Project that will push the Town of Wayland's subsidized affordable housing inventory to over 9%.

Motion by Montague to approve the Affordable Housing Production Plan July 2016.

2nd Riley
Vote 5-0

Reck stated that he needed to leave the meeting.

Motion by I. Montague to approve the minutes of August 16 2016 as amended
2nd by Murphy
Vote 4-0

Motion by Riley to approve the minutes of July 26, 2016
2nd by Montague
Vote 4-0

S.Sarkisian handed out copies of the draft decision on 52-60 Rice Road and the Carroll School draft conditions that will be discussed on September 6, 2016. No action.

Motion by Montague to place the following roads on the Fall Town Warrant with the understanding that roads may be withdrawn if not completed.

To determine whether the Town will vote to accept as a town ways the following streets laid out by the Board of Road Commissioners, Department of Public Works, Board of Selectmen:

Greenways

Summer Lane

Dylan Circle

Spencer Circle

2nd by Riley

Vote 4-0

Motion to adjourn made by Montague, seconded by Riley. Approved 4-0.

Meeting was 4 hours and 31 minutes long.