



# Town of Wayland Massachusetts

## Wayland Planning Board Minutes January 17, 2017

### AGENDA

*Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.*

**7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated by the Chair 48 Hours In Advance Of the Meeting/Town Planner report / Michael Road Subdivision Violation,**

**7:35 P.M. CONTINUATION OF PUBLIC HEARING**

Application for a Conservation Cluster Special Permit called "Parmenter Farm Conservation Cluster" on portions of # 15, # 17 and #21 Training Field Road to develop the property into two single family house lots on 8.7 acres of land. The public is invited to attend and offer comments regarding this application.

**8:15 P.M. Demolition Delay Bylaw Article for Spring Annual Town Meeting 2017 sponsored by Historic Commission.**

**8:40 P.M. Approve minutes November 29, 2016 and January 3, 2017**

**9:00 P.M Adjourn**

Meeting was opened at 7:38 PM by D. Hill.

### **Town Planner Report –**

**Michael Road** – a complaint from the prior Planning Board meeting was discussed involving the working hours of construction on the Michael Road development being exceed. Gary Dennis' email was circulated relating to the ongoing issue. S. Sarkisian sent via certified mail a letter to the developer M. Williamson asking Mr. Williamson to come before the Board. Response from Mr. Williamson provided to the Board, which offered certain responses to the email. S. Sarkisian met with the builder on the particular lot that is exceeding the allowable working hours to discuss the allowable hours of operation and the exclusion of holiday work. Mr. Dennis sent a separate email the day of the Planning Board meeting (1/17/17) to again point out hours of construction exceeding what is allowed by the Planning Board decision for this

development. S. Sarkisian to follow up with Town Counsel KP Law to discuss enforcement options.

As part of the discussion it was mentioned that the development will need an extension in order to complete the road associated with the development. It was confirmed that a cash bond is currently being held. Clarification also needs to be made to the developer that the next lot to be sold to be developed needs to be the affordable lot. K. Murphy asked what happens when you fail to meet a condition of the decision? The Board may normally extend the time to complete the road or waive a requirement but as there are other issues coming up with the development we may need to look back at the decision. D. Hill discussed the separate agreement and pointed out that we may need to consider completion deadlines.

**Public Records Request** – S. Sarkisian told the Board of a new public records request from Attorney Rikleen, dated 1/9/17. S. Sarkisian is in the process of complying with the same, though he mentioned that if meeting minutes or agendas are posted to the Board’s website we are able to send a link to the same rather than making copies and going through any additional administrative steps. S. Sarkisian is unsure what the impetus is behind the request.

### **Continuance of Public Hearing: Parmenter Farm Conservation Cluster**

Kevin O’Leary was in attendance for the petitioner, with John Lehmann being available by phone for any considerations. Mr. O’Leary brought the Board through updates on the wetland delineation, which has been approved by the Conservation Commission, though no ORAD has been issued. Mr. O’Leary discussed changes to the plans since the prior meeting, including: bounds being located per prior request; lot line moving on one of the lots; reconfiguring the turnaround for the private driveway and expanding the driveways from 8’ to 12’ per a request from the Fire Department.

A discussion was had on the draft decision with several revisions being made. A motion was made by K. Murphy to approve the special permit application with the decision as amended and close the public hearing. A. Reck seconded. 5-0 in favor.

### **Demolition Delay By-Law:**

Elisa Scola of the Historical Commission gave a presentation to the Board on the demolition delay by-law. Same by-law as discussed last year, which did not move forward to Town Meeting. Currently there is no way to move forward with protecting historical homes/structures. 148 municipalities currently in Massachusetts with some sort of demolition delay by-law. The process was set forth as: 1) the applicant would apply for a demo permit; 2) if the building or structure being demolished was over 100 years or older it would be referred to the Historical Commission; 3) the Historical Commission would consider two criteria as set forth in the by-law. A discussion on the definition of “significant building” ensued. If the building or structure qualifies as a significant building under one or both of the criteria there would be a one (1) year delay in allowing the demolition.

Ms. Scola mentioned that in 2003 the by-law did not pass though the issue was related to a threshold of 50 years, rather than 100, which would capture a larger number

of buildings or structures. A. Reck asked how many buildings/structures in Wayland were over 100 years old. Answer was over 200. It was clarified that the by-law would also cover accessory structures.

Discussion ensued regarding what constitutes "demolition". Ms. Scola confirmed the intent was to adopt regulations to enforce the by-law on a going forward basis. The by-law is currently before Town counsel. D. Hill suggested the notice provision under the Zoning Act be incorporated into the procedure. K. O'Leary discussed the 12 month delay period.

I. Montague made a motion for the Planning Board to express an indication of support. K. Murphy seconded. 5-0 in favor.

### **Approve minutes November 29, 2016 and January 3, 2017**

K. Murphy moved to approve the meeting minutes of November 29, 2016, as amended. I. Montague seconded. 5-0 in favor.

N. Riley moved to approve the meeting minutes of January 3, 2017, as amended. K. Murphy seconded. 5-0 in favor.

K. Murphy made a motion to adjourn the meeting. A. Reck seconded. 5-0 in favor. Meeting adjourned at 9:57 PM.

Respectfully Submitted,  
N. Riley