



Town of Wayland Massachusetts

Planning Board Meeting Minutes for Meeting of January 3, 2017

In attendance Daniel Hill (Chair), (Vice Chair) Ira Montague, (Clerk) Nichole Riley, Andrew Reck, Kevin Murphy
S.Sarkisian Town Planner

RevAGENDA

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

7:00 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated by the Chair 48 Hours In Advance Of the Meeting/Town Planner report on Michael Road Subdivision, 139 Old Conn Path Reeves Hill, Open Meeting Complaint decision OML 2016 – 174 and Interest for Associate Planning Board Member Jennifer Steel

7:10 P.M. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS with Members of Board Health.

See KP Law Model Bylaw (attached to agenda)

7:20P.M. Whittemore Place (Klempner) Lot 1 Release 209 Old Conn Path. Preliminary discussions and conceptual plan on subdivision approved on January 13, 1998. The owner is planning to update plans to bring the project to current standards.

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.

8:30 P.M. Review and start the process for reviewing the following Zoning Articles, Bylaws and Street Acceptance for the Annual Spring 2017 Town Meeting:

ARTICLE 1: PRE-EXISTING, NONCONFORMING LOTS AND STRUCTURES

The Planning Board has heard numerous complaints from Zoning Board members and

the general public concerning the language of Article 4, specifically as it applies to applications to reconstruct, change, or alter pre-existing, nonconforming structures. The law governing such structures has evolved considerably since our Bylaw provisions were adopted, and therefore our Bylaw needs to be modernized, and made easier for the special permit granting authority (Zoning Board) to implement and enforce.

ARTICLE 2: BUILDING HEIGHT

Under the current definition of building height, the height of a structure is measured from the *finished* grade elevation of a lot, to the roof of the structure, meaning that a property owner could artificially build a taller house than what is permitted under the Bylaw by adding fill and increasing the ground elevation. The current working draft amendment is below, the Board recognizes that this will require further refinement to preclude unintended consequences such as owners electing to construct flat roofs, and to account for unique circumstances where there may be a high water table that justifies increasing the ground elevation.

Under Section 104, strike the definition of “Building Height” and replace it with the following:

The vertical distance measured from the average natural grade to the highest point of the roof. Natural grade shall mean the elevation of the land in its natural state prior to disturbance for construction, filling or excavation, and shall be measured at each exterior corner of the building. In the event of a dispute or question concerning the accuracy of the average natural grade, an applicant shall produce a certification of the elevation from registered land surveyor.

ARTICLE 3: LIMITED SITE PLAN REVIEW

Under our current Zoning Bylaw, land uses that are protected by Section 3 of the Zoning Act (religious, educational, agricultural, day care) are not subject to any formal site plan review process. The recent application for the Carroll School underscored the need for such a process, particularly where project proponents are not as accommodating as the Carroll School folks were. Many towns have Bylaw provisions, requiring site plan review for Section 3 uses – the Planning Board feels that this is an omission in our Zoning Bylaw.

ARTICLE 4: WIRELESS COMMUNICATIONS BYLAW

This article was raised based on the application of Mobilitie LLC before the Board of Selectmen. There may be a need to supplement our existing wireless communication facility provisions to manage the types of applications presented by Mobilitie.

ARTICLE 5: TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

See KP Law Model Bylaw (attached to agenda)

STREET ACCEPTANCE ARTICLE Update for Spring Annual Town Meeting 2017

Dylan Circle

Summer Lane

Greenways

Spencer Circle

Demolition Delay Bylaw Article for Spring Annual Town Meeting 2017 sponsored by Historic Commission.

10:30 P.M. Approve minutes November 29, 2016

10:35 P.M Adjourn

D.Hill called the meeting to order at 7:05. Introductions of Planning Board members

Public Comment.

Molly Upton requested that the Planning Board rescind the Site Plan Approval for 150 Main Street. She stated that there are 10 bylaw violations of the Site Plan Approval.

Michael Road subdivision- S.Sarkisian reported to the Board that it we received another complaint regarding the Michael Road Subdivision hours of operation and incomplete work. S.Sarkisian is going to request an opinion of KP Law and that S.Sarkisian will request that the Developer attend our next meeting and set a schedule.

K.Murphy stated that this is another case regarding this development and asked what recourse we have.

D.Hill further gave the board an update on what issues are remaining to complete the Michael Road subdivision and Developer was supposed to complete the road by July 2016. He also displayed the recorded covenant for this project.

Sherre Greenbaum asked a question - Was the developer required to install bounds?

S.Sarkisian yes and bond is in place to assure they will be installed.

D.Hill also recommended that we provide better access to the Rail Trail from this development.

139 Old Conn Reeve Hill. T – Mobile Northeast LLC Generator ADD

S. Sarkisian informed the board that T-Mobile is proposing to install a “Genset” Emergency Generator for the Wireless Communication system. This is a minor plan change and he further recommended additional screening for the site.

OML 2017 174 Linda Segal - No discussion OML Violation decision acknowledged by D. Hill.

Associate Member Position

D. Hill stated that Jennifer Steel is interested in serving on the Planning Board. J. Steel applied for the opening last spring and was not selected. She has further expressed an interest to serve on the board again.

D. Hill introduced Jennifer Steel.

Jennifer Steel stated that she is interested in serving; however she is now serving on the Housing Trust Board.

Nicole Riley stated she spoke to Will Caitlan that maybe interested.

Steven Freundlich asked what is the difference between associate member and regular member?

D. Hill stated that Associate Members can only vote on Special Permits in absence of a member and that both positions are elected. The Board does allow the associate member to participate in all matters.

TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS with Members of Board Health.

See KP Law Model Bylaw (attached to agenda)

Members of the Board of Health approached the board

Tom Klem Chair, John Schuler, Elisabeth Brewer and Julian Junghanns Health Director
And Department Assistance Patricia White

Tom klem stated that we both have a different domain regarding this subject and what to see what action the Planning board wants to take at this time.

S.Sarkisian handed out a model by law from KP Law, Town of Wayland's new Town Counsel. He further advised the Board that KP Law recommends no action at his time because the legislature just enacted a 6 month delay. S.Sarkisian also informed the board that Concord and Lincoln are still going forward with their moratorium. S.Sarkisian asked if the board of health would lead this effort.

Julia Junghanns asked what the extension of time is of other Town's and a big zoning questions?

John Schuler asked why the 6 month delay.

S.Sarkisian stated that regulations need to be created by the Cannabis Commission.

Elisabeth Brewer recommended that the Board of Health develop rules and regulations similar to our Tabaco Regulations.

Tom Klem asked what is the distinction in Town verses medical marijuana and recreational marijuana?

Steve Freundlich stated that there is a big difference between medical facilities and recreational facilities would be happy smoking and sharing my experience with the board.

Dan Hill stated the no one knows how this is going to work. Dan stated that he does not have a preference.

John Schuler recommended that the town should continue planning for this use.

Tom Klem recommends that the State Moratorium take place.

Dan Hill recommended that there is a benefit of moving forward with a moratorium because of the timing of the State Moratorium time line falling in line with a Fall Town Meeting. He reminded everyone that this is a zoning amendment requiring a 2/3 vote and it is difficult to obtain at a Fall Town Meeting. D.Hill also stated that he is not interested in quarterbacking this bylaw not top priority for Planning Board.

Nicole Riley stated that in other communities the Board of Selectmen are taking a major role.

Kevin Murphy asked about the interpretation in our bylaw from Town Counsel that if it is not listed then it's not allowed.

S. Sarkisian confirmed language exists in our bylaw.

S. Sarkisian also commented on land controlled by the Town of Wayland Housing Authority, which is 100% federally funded and what are the implications of said law.

Steve Freundlich stated that there is a process you have to go through and will not be inundated with marijuana on the streets of Wayland.

Jason Verhoosky from Wayland Cares stated that Recreation Marijuana will be regulated similar to alcohol. Medical marijuana allowed the Town to zone areas in town for Medical Marijuana. He also pointed out that the law allows cities and towns to opt out a Town meeting requiring a 2/3 vote. Medical Marijuana was an opt in.

Encourage the boards to extend the moratorium and potentially gives us an opportunity

Dan Hill asked if he would support extending moratorium.

Dan Hill again requested and talk to each other board of health and Wayland Cares to discuss this and we will support.

Whittemore Place (Klempner) Lot 1 Release 209 Old Conn Path. Preliminary discussions and conceptual plan on subdivision approved on January 13, 1998. The owner is planning to update plans to bring the project to current standards.

Robert Dionisi representing the owners of Lot 1 appeared before the Planning Board requesting that Lot 1 be released from the 1989 Covenant and Planning Board Lot release. Lot 1 closed without the above release. The existing Modifications to the Subdivision Approval restrict the sale or transfer of Lot 1 to and among Dr. Klempner and his wife.

The board discussed this matter and recommended that the only way to release said lot is by Approval Not Required Plan and to amend the original subdivision plan. Lot 1 does not have the required 180' of frontage on Old Conn Path.

No action was taken and the board discussed the proposed concept proposal.

Whittemore Place Subdivision modification concept. Please see correspondence to Planning Board from Fred King Senior Engineer for Schofield Brothers dated December 20, 2016.

Dr. Klempner, owner of the Whittemore Place Subdivision and Fred King, Senior Engineer for Schofield Brothers appeared before the Planning Board to present the concept plan modifications.

Dr. Klempner provided a history of the project and stated it was approved in 1998. He further stated that the lots have been taxed as buildable lots since the original approval.

Fred King presented a plan which showed the following modifications and benefits: Road design, Stormwater Management, Water Service and other utilities, Private Road and Lot Layout.

A discussion followed regarding having the proposed common driveway serving three lots and having it remain private. The board did not take a vote on this issue but were not in favor of a private way serving this many homes.

K. Murphy was concerned about having a common driveway serve this many lots and gave examples of areas in town that it did not work out so well when developed and completed.

The entire board commented on the concern of having the three curb cuts on Old Conn Path.

The board requested that Dr. Kelpner have all the existing driveways come off the proposed subdivision road. The board did support a revised plan that shows a narrow road and less pavement, which would provide a 45% reduction of the previous designed road.

S. Sarkisian recommended the revised plan stated that it would require an advertised public hearing.

D. Hill requested that a resolution be developed to address all the issues in the subdivision and before we release of lot 1.

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.

The Board, Mr. Lehmann and Kevin O'Leary reviewed a letter to the Planning Board from the Wayland Conservation Commission dated December 19, 2016. The letter submitted is general comments/recommendations and are part of the record on file with the Planning office.

Motion by K. Murphy to continue meeting to January 17th at 7:30 P.M.

Seconded by I. Montague, Approved 5-0

ARTICLES FOR TOWN MEETING 2017

Zoning Articles:

Peg Patton approached the board and wanted to read and submit a letter regarding Wireless Communications. Letter is entered and is part of the record.

S. Sarkisian read a letter as submitted by Alice Boetler dated Tuesday January 3, 2017. Regarding the inclusion of articles for Town Meeting Warrant.

Recommendation to take no action on Article 4 related to the Wireless Communications Bylaw was made by the Town Planner. The Board agreed with the same Peg Patton approached the board and wanted to read and submit a letter regarding Wireless Communications. Letter is entered and is part of the record. S. Sarkisian read a letter as submitted by Alice Boetler dated Tuesday January 3, 2017. Regarding the inclusion of articles for Town Meeting Warrant. S. Freundlich shared his experience regarding prior approvals.

Article 2 – there was an ongoing discussion regarding the need for an update to this portion of the Bylaw related to the definition of building height, but not a consensus on the language. D.Hill discussed that we do not want to inadvertently advocate for flat roofs and asked whether we need to account for high water tables. The discussion on Article 2 was tabled, and will not be included in the Spring Town Meeting.

The Board discussed the above Articles as stated on the agenda and recommended that the only article the Board would submit it Limited Site Plan Approval. The Board felt that the Articles would require several public hearings and education especially Non-conforming lots and structures.

D.Hill led the Board through Article 3, the Limited Site Plan Approval Bylaw and explained that the Board can adopt statutory language for a limited site plan review process. He further stated we have a gap in our bylaw and that the Carroll School was very cooperative in appearing before this board for site plan review.

K.Murphy asked what language is in our Bylaw?

D.Hill responded that it refers to a foot note by the Building Commissioner and actually is the wrong footnote it should be 603.3.

N. Riley raised a question as to what can we legally regulate.

D, Hill stated bulk, height and parking.

D.Hill presented draft language and the board voted to submit article for the Spring 2017 Annual Town meeting

Motion by K.Murphy and seconded by N. Riley Approved 5-0.

Street Acceptance Article

S.Sarkisian presented an oral report regarding the streets. Board members were concerned about having streets accepted at Town Meeting that were not ready or are in poor condition. S.Sarkisian stated that two of the roads Spencer Circle and Greenways were approved 16 years ago and no bonds are in place.

Town Planner went through the list of Streets that are up for acceptance and the condition of each. D. Hill and Sarki attended the Street hearing with DPW. Greenway in particular is in need of \$75,000 worth of work for the roadway and detention and drainage. Greenways would like to have the road accepted without completing that work, Traditions (owner of Greenways) is willing to fix the detention basin. Open question for town counsel on whether the road can be conditionally released.

N. Riley asked what is the alternative?

I.Montague asked what happens if we don't accept them?

S.Sarkisian explained that eventually these roads are going to need major repair at a substantial costs and who will pay for them. A legal issue will be raised.

K.Murphy felt that it's not right to have the homeowners pay in that they purchased homes in subdivision that was approved as an accepted road.

Motion to include all four streets except that a condition will be that Greenways Detention Basin will be corrected before acceptance and approved by legal counsel.

Motion by K.Murphy seconded by N. Riley approved 5-0

Demolition Delay.

S.Sarkisian stated that the Historic Commission will be submitting an article.

I.Montague requested that they appear at our next meeting so we can support their efforts in passing this bylaw.

Motion to adjourn 10:15P.M. made by K.Murphy, seconded by I.Montague, Approved 5-0.

Respectfully Submitted,
N. Riley