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PLANNING BOARD

Findings and Decision

RE: Approval of Application of Ciccolo Property Trust for Definitive Subdivision Approval

Date: October 7, 2003

Location: 171 Concord Road, Assessor's Map 11, Lot 090

I) Procedural History

- A) Application for the division of land into five building lots pursuant to Town of Wayland Subdivision Regulations was made by the above referenced applicants and owners and filed with the Planning Board on June 4, 2003.
- B) A public hearing on the Definitive Subdivision Application was held on July 1, 2003 and continued to July 21, 2003; August 5, 2003; September 2, 2003; and September 16, 2003 at which time the Board closed the hearing.
- C) The Definitive Subdivision Approval application is accompanied by and augmented by a definitive subdivision plan, entitled "Field Stone Estates, 171 Concord, Wayland, MA" dated February 12, 2003, and prepared by Seltec Engineering, Inc., 265 Main Street, Northborough, MA 01532.
- D) The applicant submitted revised plans dated July 14, 2003; July 31, 2003; and August 24, 2003.
- E) The plans and other submission material were reviewed by the Planning Board and its consulting engineer Paul Marchionda. Throughout its deliberations, the Planning Board took into consideration the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

II) Application submittals and Related Documents

The following documents were submitted to the Board in connection with the above referenced application:

A) Application Submittals

- 1. Entitled – "Field Stone Estates, 171 Concord, Wayland, MA"
- 2. Survey Prepared by – Bruce Kinsman, P.L.S. 34617.
- 3. Engineering Prepared by – Ralph Romano, Jr., Seltec Engineering, Inc., 265 Main Street, Northborough, MA 01532.

Dylans Circle – Field Stone Estates Definitive Subdivision

4. Dated – February 12, 2003 and revised on July 14, 2003; July 31, 2003; and August 24, 2003.
5. Comprised of seven (7) sheets as follows
 - a. "Cover Sheet"
 - b. Sheet 1 "Existing Conditions Plan"
 - c. Sheet 2 "Proposed Subdivision Plan"
 - d. Sheet 3 "Proposed Site Plan"
 - e. Sheet 4 "Dylans Way Proposed Profile"
 - f. Sheet 5 "Dylans Way Cross Sections"
 - g. Sheet 6 "Tree Planting Sheet"
 - h. Sheet 7 "Detail Sheet"
6. Related Documents
 - a. Form C dated June 2, 2003 and received on June 4, 2003;
 - b. Form D dated February 12, 2003 and received on June 4, 2003;
 - c. Form K dated June 4, 2003 and signed by Board of Health on June 4, 2003;
 - d. Form O received by the Planning Board on June 5, 2003;
 - e. Certified List of Abutters dated June 5, 2003.
 - f. Drainage Calculations received by the Planning Board on June 4, 2003.

B) Reports and other technical material submitted by the applicant relevant to the application:

1. Letter to Planning Board from Peter O'Connell from Seltec Engineering dated July 11, 2003 responding to Marchionda and Associates comments dated June 30, 2003.
2. Revised Drainage Report dated June 30, 2003.
3. Revised subdivision plans dated February 12, 2003 and revised on July 14, 2003 including sheets 1 through 8.
4. Revised Drainage Report dated August 4, 2003.
5. Revised subdivision plans dated February 12, 2003 and revised on August 24, 2003 including sheets 1 through 9.
6. Letter to Planning Board from Peter O'Connell from Seltec Engineering dated July 11, 2003 and received by the Planning Board on August 29, 2003 responding to Marchionda and Associates comments dated July 17, 2003.
7. Definitive Subdivision Review and Approval Agreement for Extension of Time from Steven Breitmaier, Applicant for applicant received June 4, 2003 requesting an extension for the filing of a decision for Wayland Meadows Estates from through September 19, 2003.
8. Definitive Subdivision Review and Approval Agreement for Extension of Time from Steven Breitmaier, Applicant for applicant received June 4, 2003 requesting an extension for the filing of a decision for Wayland Meadows Estates from through October 10, 2003.

C) Documents regarding the application for Definitive Subdivision Approval:

1. Planning Board Meeting minutes of July 1, 2003 and continued to July 21, 2003; August 5, 2003; September 2, 2003; and September 16, 2003.
2. Land Use Technical Review Meeting Minutes dated June 25, 2003.

D) Documents including memos, letters, reviews and others information regarding the application for Definitive Subdivision Approval.

1. Letter to Paul Marchionda from Town Planner dated June 5, 2003 requesting the review of the Definitive Subdivision plan.

Dylans Circle – Field Stone Estates Definitive Subdivision

2. Memo dated June 5, 2003, from Town Planner to Town Departments regarding the submittal of the Definitive Subdivision Plan application.
3. Staff Review of Definitive Plan Subdivision requirements dated June 6, 2003.
4. Facsimile dated June 9, 2003 to Wayland Town Crier/Legal Department for legal notice in the June 12, 2003, and June 19, 2003 editions.
5. Memo from Police Chief to Town Planner dated June 11, 2003 regarding comments on the proposed subdivision.
6. Memo from Brian Monahan, Conservation Administrator to Town Planner dated June 13, 2003 regarding the review of the proposed subdivision.
7. Letter from Eric Durling to Director of Public Health dated June 15, 2003 regarding drainage review.
8. Letter from Paul Marchionda to Town Planner dated June 20, 2003 regarding review of the Definitive Plan.
9. Staff Report from Town Planner to Planning Board dated June 25, 2003 regarding Definitive Subdivision Plan Application.
10. Memo from Town Surveyor to Town Planner dated June 26, 2003 regarding comments on the proposed subdivision plan.
11. Letter from Paul Marchionda to Town Planner dated July 17, 2003 regarding review of Seltec Engineering's response letter dated July 16, 2003.
12. Letter from Eric Durling to Director of Public Health dated July 20, 2003 regarding drainage review.
13. Memo from Stephen Kadlik, Director of Highway Operations to Town Planner dated July 22, 2003 regarding the proposed subdivision.
14. Memo to Town Planner from Health Director dated August 1, 2003 regarding the Board of Health's denial of the proposed subdivision.
15. Letter from Paul Marchionda to Town Planner dated September 3, 2003 regarding review of Seltec Engineering's response letter dated July 11, 2003.
16. Letter from Eric Durling to Director of Public Health dated September 10, 2003 regarding drainage review.
17. Letter from Eric Durling to Director of Public Health dated September 12, 2003 regarding drainage review.
18. Letter from Paul Marchionda to Town Planner dated September 12, 2003 summarizing a meeting held on September 12, 2003 between the Seltec Engineering, the Town Planner, and Mr. Marchionda.

III) Findings**A) General**

1. The subject property is located at 171 Concord Road, Assessor's Map 11, Lot 090 as shown on the development plan entitled "Field Stone Estates, 171 Concord, Wayland, MA" dated February 12, 2003, and prepared Seltec Engineering, Inc. The application states that the property consists of 8.3 acres.
2. The Applicant proposes to subdivide the property into five lots.
3. The new residential road named Dylans Circle will provide access for Lots 1 through 5.
4. Dylans Circle is designed as a public road and will be constructed to meet Town of Wayland Road Standards and the conditions of this decision.

B) Specific Findings

1. The Planning Board finds that the applicant has submitted the required information for determination of definitive subdivision plan approval.
2. The Planning Board finds that the applicant's proposal satisfies the subdivision criteria as outlined in Section IV of the Town of Wayland Subdivision Regulations.
3. The Planning Board finds the roadway alignment for Dylans Circle is substantially opposite Moore Road according to Section IV. B) 4) of the Town of Wayland Subdivision Regulations.
4. The Planning Board finds that the requested waivers and special conditions consistent with the intent of the Town of Wayland's Subdivision Rules and Regulations.

IV) Decision

In view of the foregoing, the Planning Board hereby determine to approve the application for Definitive Subdivision Approval with the following conditions:

A) Standard Conditions

1. There shall be full compliance with all of the changes and revisions depicted on the final paper print plans dated February 12, 2003 and revised through August 24, 2003 plus all of the standard conditions cited herein; all of which shall appear on the final revised endorsed mylar plans. Failure to so comply shall be cause for rescission of this decision. All references to specific lots shall coincide with the designated numbers as shown on Sheet 2 entitled "Proposed Subdivision Plan" of the Definitive Plan for Field Stone Estates (Dylans Circle) dated February 12, 2003 and revised through August 24, 2003. The standard conditions of this decision are as follows:
 - a. Planning Board approval is subject to the requirements and conditions of the Board of Health given that said requirements and conditions are consistent with the approved plan.
 - b. If there is no appeal of this decision, the reproducible set of the subdivision plans shall be revised as required by this Approval (with Conditions and Modifications) and returned to the Planning Board within fifteen (15) calendar days after the expiration of the appeal period and notification to the Planning Board by the Town Clerk that no appeal has been filed. If there is an appeal, the applicant shall consult with the Planning Board regarding the resolution of the appeal and relevant timetables. The revised reproducible plans shall be endorsed by the Planning Board, after it determines that they comply with this Approval (with Conditions and Modifications); and after receipt of two certified or bank checks made out to the Town of Wayland as follows: \$5,000 for the inspection fee deposit required by Section VI.D. of the "Subdivision Regulations;" and the balance of the review fee, if any, as required by Sections III.B.2.b.4) and 5).
 - c. A properly executed Form I, Approval with Covenant Contract, or its equivalent shall be submitted in a form acceptable to the Planning Board.
 - d. This Approval with Conditions and Modifications, the revised and endorsed plans, and the Form I, Approval with Covenant Contract, or its equivalent, if applicable, all properly executed, shall be recorded and registered, as appropriate, at the Middlesex South District Registry of Deeds within fifteen (15) calendar days after the revised plans are endorsed by the Planning Board; and

Dylans Circle – Field Stone Estates Definitive Subdivision

within the same fifteen (15)-day period one reproducible set and five (5) sets of blue line prints of the fully endorsed revised plans, plus a copy of the layout plan in electronic form (*.DWG or *.DXF File Format) suitable for use by the Town Surveyor, shall be returned to the Planning Board, together with documentation verifying that said recording(s) have been completed, noting the specific location (referenced by deed book and page, etc.) where said document(s) and plans have been recorded, and the date of recording; all recording information shall be attached to said notification. Neither the entire subdivision, nor any portion thereof, to include any lot or lots, shall be sold or offered for sale until said notification occurs.

- e. Each and every owner or owners of the lots shall be jointly and severally responsible and liable for the costs of the maintenance, snow plowing, repairs and construction of Dylans Circle and all services the installation of which is required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain Dylans Circle in a good safe and passable condition, providing access from each lot in a public way, and to provide adequate services to said lots, all in accordance with these conditions. For purposes hereof, owner shall mean the record owner of the said lot or lots as of the date that maintenance, repair or reconstruction work as the case may be is begun. All such maintenance, etc. shall be done under the supervision of the appropriate Town department, and shall comply with and conform to all requirements of the Town of Wayland and other requirements imposed by law or governmental authority. The Town of Wayland and its designees shall have the right to enter upon Dylans Circle for all purposes for which ways are used in the Town of Wayland. These conditions shall apply until the road is accepted as a public way, with the exception of the drainage facilities that are not within the right-of-way.
- f. No proposal that Dylans Circle become a public way shall be presented to the Town unless said street has been constructed to fully comply with this decision and that the Planning Board's agent has verified its compliance.
- g. With the exception of initial development and construction activities, the respective owner or owners of the lots shall not use or permit use of Dylans Circle for any purpose other than ingress and egress from the lots by the residents of the lots and their guests and invitees, such use to be limited to pedestrian and private passenger vehicular traffic as is necessary from time to time in cases of emergency, delivery or customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of Dylans Circle and services installed thereon and there under. No owner or owners of any lot shall park or cause to be parked any motor vehicle on Dylans Circle in such a way as to impede or obstruct the passage of pedestrian or vehicular traffic on Dylans Circle.
- h. Any and all maintenance, repair or reconstruction work performed on or to Dylans Circle or in connection with services installed thereon or there under by or at the direction of any owner or owners of the lots as provided herein shall be carried out so as to ensure that no fill material nor any products of excavation or erosion resulting from or arising in connection with such work shall be discharged into the storm drainage system or wetlands, and soil and other materials or debris shall be removed from the site only to the extent necessary in connection with such work and the construction of the subdivision.
- i. The construction of all ways and the installation of all associated municipal services shall be completed in accordance with the "Subdivision Regulations of the Planning Board" in effect on

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October 3, 2002, as conditioned and modified by the Planning Board in this Approval (with Conditions and Modifications) (October 3, 2002 being the date the preliminary subdivision application was accepted as being complete).

- j. The construction of all ways and installation of all associated municipal services shall be completed within two (2) years from the date of this Approval (with Conditions and Modifications), unless a request for an extension thereof is filed with, and approved by, the Planning Board. Failure to so complete the ways and municipal services shall be cause for rescission of this Approval (with Conditions and Modifications).
- k. At least one (1) week prior to construction of the right-of-way and associated utilities, the Planning Board, Highway Department, Conservation Commission, Board of Health, Fire Department, Water Department, Building Department, and Wayland's Engineering Consultant shall be notified in writing of the construction commencement date and schedule, so that pre-construction conferences between the developer, his engineers and contractors, and all involved town agencies can be scheduled to discuss construction schedules, standards, and compliance with Town regulations. The Planning Board or its agent must be contacted for the required inspections throughout the development of the project.
- l. The water distribution system shall be installed in accordance with the requirements of the Water Department. One (1) week's notice shall be given to the Water Department before work on the ground commences. Specific cross-section details will be determined at the time of construction. Upon completion of the work, the connections shall be tested in conformance with Water Department requirements.
- m. Prior to final release of the lots shown on the plans, or, if appropriate other security has already resulted in the release of said lots, prior to the release of said other remaining security, one reproducible copy, ten (10) blue line print copies, and an electronic copy (*.DWG or *.DXF File Format) of an "as built" plan shall be submitted to the Planning Board or its agent. Said "as built" plan shall be suitable for locating all subdivision improvements required by this decision, both above and below ground. Said plan shall include sufficient elevations so that the Town can verify that improvements will perform as designed and approved. Said plan shall clearly indicate all deviations from the approved subdivision plans. No deviations from the approved subdivision plans shall be allowed or commenced without prior written approval from the Planning Board or its agent. All such deviations shall be requested in writing, clearly citing justifications for said deviations.
- n. Prior to final release of the performance guarantee, any construction, drainage, trail, perimeter, and building envelope easements shall be approved by the Planning Board, and fully executed and recorded.
- o. All utilities shall be installed underground.
- p. The applicant agrees as a condition of approval (with conditions and modifications) that in any sale or transfer by the owner or any successor owner of the lots, the deed or other instrument shall refer to and incorporate by reference hereto all conditions set forth herein.
- q. No lot shall be further divided so as to create additional lots suitable for any subdivision; that is, the subdivision and Dylans Circle parcel frontage and area is limited to 5 dwelling lots.

B) Waivers Granted

The Planning Board has granted the following waivers as part of its approval.

- a. The Planning Board grants the waiver of requiring a 22-foot paved road and grants a reduced width roadway with a pavement width of 18-feet as depicted on the plans revised through August 24, 2003.
- b. The Planning Board waives the requirement for the construction of sidewalks as depicted on the plans revised through August 24, 2003.

C) Special Conditions

The Planning Board requires the following conditions as part of its decision.

- a. The final set of plans shall be amended to revise the road name to Dylans Circle.
- b. The final set of plans shall be amended to require the installation transition stones on each side of any granite curbs required by the Board.
- c. The Plans shall be amended to show the installation of bituminous concrete berm within the cul-de-sac as recommended by the Highway Director.
- d. The final set of plans shall contain a signature block on the coversheet for the Board's endorsement.
- e. The final set of plans shall contain the date of the plan along with subsequent revision dates.
- f. The "no cut" areas as shown on Sheet 6 of 9 entitled "Planting Schedule Sheet" as revised on August 24, 2003, shall be delineated in the field through the installation of silt fencing. The Planning Board's Agent shall inspect the "no cut" areas after installation of fencing.
- g. In any "No Disturb" areas depicted on Sheet 6 of 9 entitled "Planting Schedule Sheet" as revised on August 24, 2003, no tree cutting, uprooting, weeding or clearing shall be undertaken except for the removal of certain rampant and noxious plants, such as poison ivy, poison oak, poison sumac, bittersweet or multiflora rose, which may be unhealthful or which may threaten to overwhelm and kill other naturally occurring trees and wood plan species. An Owner may add new plantings to the No Disturb Area, including native trees, shrubs, or perennials, to replace dead or diseased plant materials or trees, or to increase the density or to add to the beauty thereof. Owners shall not plant or extend maintained lawn area into the No Disturb Area(s), however.
- h. Deeds conveying the lots created hereby shall include a description of and bounds of all encumbrances including No Disturb Areas and easements. A copy of each deed, in its final form, shall be submitted to the Planning Board.
- i. The applicant shall notify the Planning Board and its agent to schedule a walk-through of the site prior to the clearing of land for the roadway for the purpose of identifying trees to be conserved.

- j. The grading plan as shown on the final endorsed plans shall be adhered to, and only minor deviations for the installation of septic systems or the avoidance of natural features shall be allowed. Notice shall be given to the Planning Board's if there are discrepancies with the grading shown approved plan.
- k. In conjunction with Building Permit applications, and/or prior to clearing of lot, applications for driveways accessing Dylans Circle shall be reviewed and approved by the Highway Department.
- l. To the extent possible movement of fill should be within the site. Based on information provided by the project proponent, the Planning Board understands that earth movement will be contained within the site. If there is a need to transport earth to or from the site, the applicant must first contact the Planning Board agent with a plan.
- m. Any fill that is imported to the site shall be clean and any debris found within the fill, such as but not limited to asphalt, metal, wood, shall be removed.
- n. The Planning Board does not require streetlights and no streetlights shall be installed.
- o. Each lot shall have access from Dylans Circle. No driveways or ingress/egress points are to be from any other road.
- p. If the Conservation Commission requires a Conservation Restriction, the "As-Built" plans shall show the location of said restriction.
- q. Prior to the release of lots, the Applicant shall submit a copy of the homeowner's association documentation for Dylans Circle for review. Said documents shall be recorded at the Registry of Deeds and referred to in the deed for each lot.
- r. All Drainage and Access easements shall be written in a manner acceptable to the Planning Board and shall be recorded in the respective deeds of the lots, prior to the release of the lots shown on the plans, or sale of lots if appropriate other security has already resulted in the release of said lots. Copies of said deeds shall be submitted to the Planning Board.
- s. The Stormwater Pollution Prevention Plan as amended by the shall be included and referenced as part of this decision by revising the final mylar by adding a note to sheet 3 of 9 entitled "Proposed Site Plan" of the plan dated February 12, 2003 and revised through August 24, 2003 to read "See Stormwater Pollution Prevention Plan filed with the Wayland Planning Board with this subdivision application."
- t. The Applicant shall submit a Operation and Maintenance Plan to the Planning Board for review and approval. The Operation and Maintenance Plan shall be recorded prior to the recording of the endorsed definitive subdivision plan and referenced in each deed for Dylans Circle. A receipt of the Operation and Maintenance Plan's recording shall be submitted to the Board.

V) Record of Vote

On October 7, 2003, members of the Planning Board voted 5 to 0 to Approve the application for Definitive Subdivision Approval based on the above stated facts and findings.

DATE OF DECISION:

BY ORDER OF THE BOARD

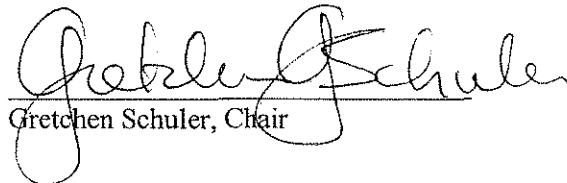
October 7, 2003


Gretchen Schuler, Chair

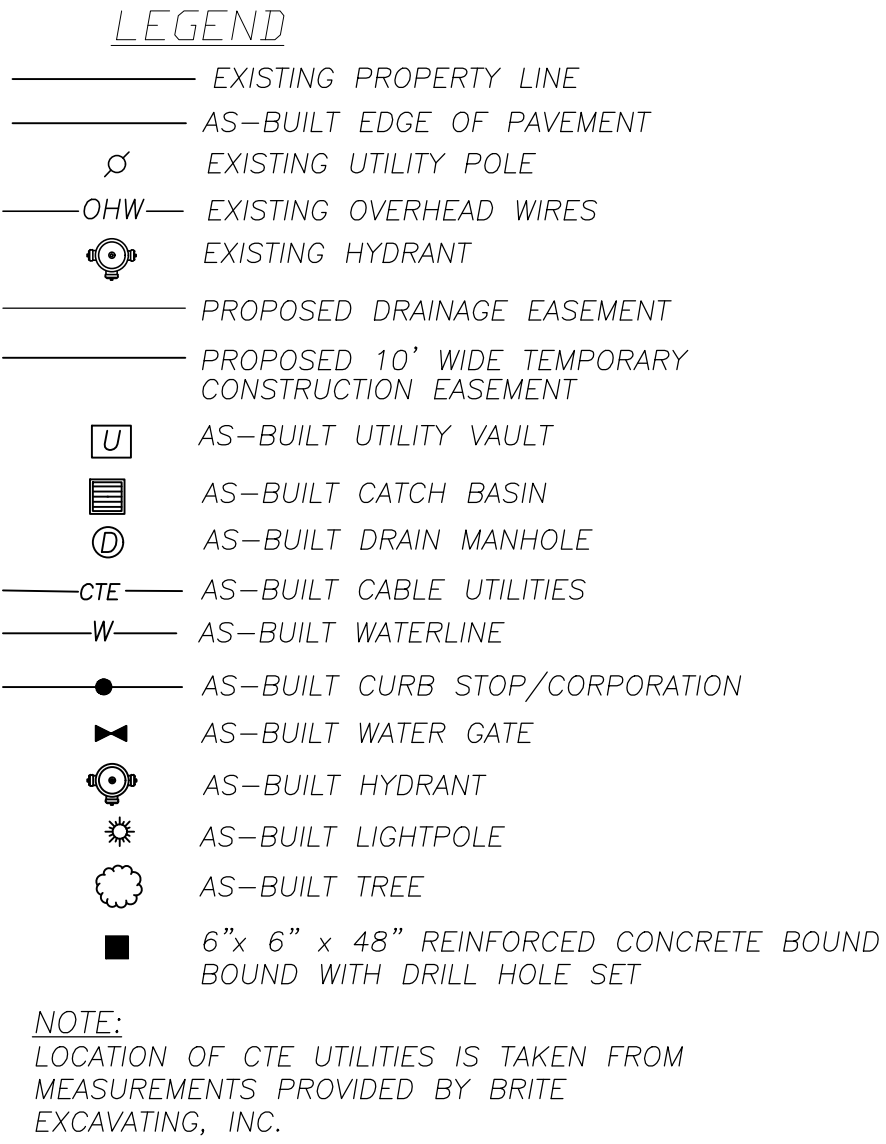
CERTIFICATION:

The Planning Board, by delivery of a copy of this Decision to the Applicant, *Ciccolo Property Trust*, does hereby certify that a copy of this Decision has been filed with the Town Clerk of the Town of Wayland.

PLANNING BOARD

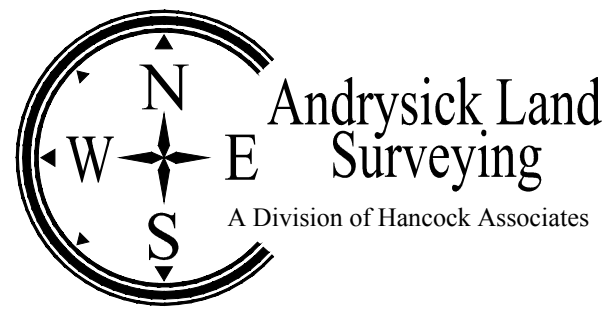

Gretchen Schuler, Chair

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PREPARED FOR:

14 PATRICIA DRIVE
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VOICE (978) 464-5890, FAX (978) 464-5383
DWANDRYSICK@HANCOCKASSOCIATES.COM
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STRUCTURES	STATION	RIM	INVERT IN	INVERT OUT	
CB 1		142.40'		139.15'	
	0+07 10'RT	142.78'		138.95'	AS-BUILT
CB 2		142.40'		139.15'	
	0+10 12'LT	142.83'		139.03'	AS-BUILT
DMH 1		142.90'	139.00'	139.00'	
	0+13 3'LT	143.20'	138.90'	138.86'	AS-BUILT
DMH 2		157.80'	153.00'	153.00'	
	2+90 5'LT	157.87'	152.87'	152.67'	AS-BUILT
CB 3 (DBL CB)		157.00'		153.10'	
	2+72 9'RT	156.57'		152.88'	AS-BUILT
CB 4 (DBL CB)		157.00'		153.10'	
	2+74 9'LT	156.62'		152.85'	AS-BUILT
DMH 3		165.80'	151.40'	151.40'	
	4+58 6'LT	165.68'	151.32'	151.28'	AS-BUILT
DMH 4		168.00'	150.70'	150.70'	
	5+00 50'RT	167.67'	151.01'	150.91'	AS-BUILT
DMH 5		155.00'	148.40'	148.40'	
		154.83'	148.33'	148.23'	AS-BUILT
DMH 6		143.78'	138.08' 12"	137.88'	AS-BUILT
			138.68' 6"		
CB 5 BEEHIVE GRATE		143.31'	141.81'	139.11'	AS-BUILT
DMH 7		143.79'			AS-BUILT


ASBUILT CERTIFICATION

THIS IS TO CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, DYLAN CIRCLE HAS BEEN CONSTRUCTED AS SHOWN ON THIS PLAN AND WITHIN ACCEPTABLE CONSTRUCTION TOLERANCES OF THE REQUIREMENTS OF THE SUBDIVISION PLAN AND THE SUBDIVISION RULES AND REGULATIONS OF THE TOWN OF WAYLAND.

DOUGLAS W. ANDRYSICK DATE

ANDRYSICK LAND SURVEYING AN OFFICE OF HANCOCK ASSOCIATES DID NOT AND WAS NOT RESPONSIBLE FOR OBSERVATION OF CONSTRUCTION

AS-BUILT PLAN
DYLAN CIRCLE
WAYLAND, MA

WVG:	
LAYOUT: AS-BUILT	
SHEET: 1 OF 1	
PROJECT NO.: 6786B196-BASE	



Dylans Circle

Recommendations:

As built plans

Any drainage maintenance plan

Remove, Replace, Finish area where line is above grade