

## **REQUESTED WAIVERS 105 Plain Road revised 1/4/2021**

### **Statement Regarding Scope of Requested Waivers**

Section 1802.1 of the Wayland Zoning Bylaw, governing the Site Plan for a Conservation Cluster Development outlines the required information for this application as follows:

In addition to any other documents or information required by the Planning Board pursuant to its rules and regulations adopted hereunder, application for a special permit pursuant to this article shall be accompanied by a site plan (the "plan"), which plan shall show all of the information required for a definitive subdivision plan as specified in the Planning Board Subdivision Regulations, such additional information required by § 198-601 through 605 [Site Plan Approval] of this Zoning Bylaw, as the Planning Board deems necessary, and, to the extent applicable, all proposed instruments to be recorded with the plan.

Accordingly, this list of requested waivers is based on the assumption that waivers from the following sources must be identified:

- I. Waivers from the Zoning Bylaw, Article 18, Conservation Cluster Development District;
- II. Waivers from Town Bylaws, Chapter 301, Conservation Cluster Development (Planning Board's Cluster Regulations);
- III. Waivers from the following sections of the Planning Board's Subdivision Rules and Regulations:
  - A. Section III.B, Definitive Plan. See, Zoning Bylaw, § 301-15.B(1);
  - B. Section IV, Design Standards. See, Zoning Bylaw, § 301-17;
- IV. Waivers from the Zoning Bylaw, Article 6, Site Plan Approval. (Section 198-605, Application Requirements, is the pertinent section.); and
- V. Any other documents or information requested by the Planning Board pursuant to Chapter 301.

### **Waivers Requested**

- I. Waivers from the Zoning Bylaw, Article 18, Conservation Cluster Development District

*No waivers requested*

- II. Waivers from Town Bylaws, Chapter 301, Conservation Cluster Development  
301-10(B) – Waiver from filing all waivers prior to or with application to allow for additional waivers to be discussed and established during public hearing process.

***Basis:*** Promotes public interest/consistent with cluster purposes: allows public comments, Planning Board comments, Conservation Commission and other board comments, and staff comments discussed during public process to be incorporated into plan.

301-15 – Waiver from Wayland Subdivision Rules and Regulations, §§ III.B.3. See below.

***Basis:*** The Applicant's initial application and definitive site plan submitted May 18, 2020 included all aspects of a complete site plan. Since the plan is being revised, not all aspects are included in the latest conceptual plan. This section will be complied with in the definitive plan.

301-17(C) – Waiver from 50-foot perimeter to allow for the preservation of the existing house and a construction of a private way serving Lots 2 to be located in roughly the same location as the existing driveway and curb cut.

***Basis:*** Promotes public interest/consistent with cluster purposes: preserves natural features and buildings, open space and screening of development through reduced land disturbance, tree cutting, cuts-and-fills and impervious surfaces. Locating the private way approximately over the existing driveway and curb cut also preserves more of the stone wall and trees along Plain Road as well as the scenic view.

301-19(A) – Waiver from requirement that the proposed private way conform with the Subdivision Rules and Regulations requirements for a public road.

***Basis:*** Promotes public interest by allowing for an 18' paved private way rather than a conventional subdivision roadway. This reduces land disturbance, tree cutting, cuts-and-fills and impervious surfaces. Locating the private way approximately over the existing driveway and curb cut also preserves more of the stone wall and trees along Plain Road as well as the scenic view.

301-20(A) – Waiver from requirement that the proposed private way conform with the Subdivision Rules and Regulations requirements for a public road, including sidewalks.

***Basis:*** Promotes public interest by allowing for an 18' paved private way rather than a conventional subdivision roadway with sidewalks. This reduces land disturbance, tree cutting, cuts-and-fills and impervious surfaces. Locating the private way approximately over the existing driveway and curb cut also preserves more of the stone wall and trees along Plain Road as well as the scenic view.

III. Waivers from the following sections of the Planning Board's Subdivision Rules and Regulations

A. Section III.B, Definitive Plan. See, Zoning Bylaw, § 301-15.B(1).

III.B.3 i – Waiver from showing 1ft contours or 5 ft contours for slopes on Definitive Plan

**Basis:** *The definitive plan will show 2ft contours, as the site is exceptionally flat. This waiver is consistent with waivers previously granted for other Conservation Cluster applications.*

III.B.3 q – Waiver from showing trees over 10 inch caliper.

**Basis:** *The majority of large mature trees onsite are located on the dedicated Open Land and will not be touched except to the extent they may be hazardous. The removal of any other large trees not within the Open Land will be done in coordination with the Applicant's professional Landscape Architect. Aesthetically, the removal of some of these trees will not have a negative impact on the public interest.*

III.B.3 x – Waiver from filing all other local, state, and federal permits within seven (7) days of submittal of application

III.B.5. d – Waiver from including all reports, permits, etc. from local, state, and federal agencies required for the construction of roads at the time of application

III.B.5. f – Waiver from staking the centerline, right-of-way, and approximate limit of grading of all proposed streets

**Basis:** *The proposed Conservation Cluster does not propose to add a public street; therefore, compliance with these requirements is not necessary to protect the public interest and, further, is consistent with waivers previously granted for other Conservation Cluster applications without public streets. Any required local permits will be filed for and approved prior to the construction of the private way. These waivers promote the public interest and are consistent with cluster purposes generally insofar as reduced infrastructure and associated engineering encourage the use of the Conservation Cluster bylaw while also preserving natural features, open space, and screening of the development through reduced land disturbance, tree-cutting, cuts-and-fills, and impervious surface compared to conventional subdivisions.*

B. Section IV, Design Standards.

IV.B.1.a.- Waiver from requiring the projection of streets onto adjoining properties

**Basis:** *The proposed Conservation Cluster does not propose to add a public street; therefore, compliance with this requirements is not necessary to protect the public interest and, further, is consistent with waivers previously granted for other Conservation Cluster applications without public streets. Only the property at 111 Plain Road is potentially subdividable, and that site has over 1000' of frontage and multiple locations for access without placing an undue burden on the applicant.*

IV.B.1.d.- Waiver from requirement for a minimum separation of fifty (50) feet from the subdivision boundary to the right-of-way

**Basis:** *: Promotes public interest/consistent with cluster purposes: locating the private way within 50' of the subdivision boundary allows for the preservation of the existing house and the use of the existing driveway and curb cut. This preserves more of the existing wall and scenic view from Plain Road.*

IV.B.1.e. Waiver from requirement for a minimum 25' curb radii

IV.B.2. Waiver from requirement that streets have 22' of pavement and 40' of right of way

**Basis:** *The proposed Conservation Cluster does not propose to add a public street; therefore, compliance with these requirements is not necessary to protect the public interest and, further, is consistent with waivers previously granted for other Conservation Cluster applications without public streets. The proposed private way includes 18' of pavement. These waivers promote the public interest and are consistent with cluster purposes generally insofar as reduced infrastructure and associated engineering encourage the use of the Conservation Cluster bylaw while also preserving natural features, open space, and screening of the development through reduced land disturbance, tree-cutting, cuts-and-fills, and impervious surface compared to conventional subdivisions.*

IV.D. Waiver from requirement for land to be set aside for playground

**Basis:** *The proposed conservation cluster provides ample open space and is in close proximity to playgrounds and recreational facilities at the Claypit Hill School. The addition of a playground on site would require additional clearing and would not further the goals of the Conservation Cluster bylaw.*

- IV. Waivers from the Zoning Bylaw, Article 6, Site Plan Approval. (Section 198-605, Application Requirements, is the pertinent section.)

*No waivers requested. At this time, no additional information pertinent to 198-605 has been deemed necessary by the Planning Board.*

- V. Any other documents or information requested by the Planning Board pursuant to Chapter 301.

*At this time, none requested by Planning Board.*