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## Article 19. ZONING: Conservation Cluster Bylaw

*Proposed by: Planning Board*

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaws, by making the following revisions to Article 18 Conservation Cluster Development District, Section 198-1803.:

[Key to changes: underlining denotes additions; ~~strikethroughs~~ denote deletions]

### § 198-1803. Public hearing; general requirements.

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.

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:~~

~~(a) The number of building lots that could be created in the tract shown on such plan without a special permit hereunder~~ through a conventional subdivision in full conformity with the dimensional requirements of this Zoning Bylaw and the Planning Board's Subdivision Rules and Regulations, 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~~ and land surveyor ("Proof Plan") showing the layout of lots and roadways for a development tract that fully complies with the requirements of the Zoning Bylaw and the Planning Board Subdivision Rules and Regulations for a conventional subdivision and is a feasible development plan under state and local environmental statutes and regulations. ~~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 consider.~~

1803.1.3-2.4. 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.

1803.1.3-3.5. Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may ~~permit~~ allow by Special Permit attached and detached dwelling units to be erected on single lot(s).

1803.1.4-6. Each of the building lots shown on the site plan shall have adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5-7. Each of the building lots shall be of a size and shape as shall 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~~.

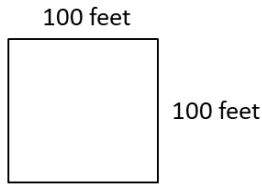
1803.1.6-8. The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built. All dwellings, accessory buildings, driveways and roadways shall be set back at least 50 feet from the perimeter of the tract except that the Planning Board may reduce this setback to not less than 15 feet if it furthers the interests of this bylaw, 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.

1803.1.7-9. 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. For the purpose of this article, "Open Land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private; The Open Land shall be reserved for open space, conservation, agriculture, passive recreation, park purposes or some combination of the foregoing.

1803.1.9.1. The minimum required Open Land shall not contain a greater percentage of wetlands as defined in the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones), than the percentage of wetlands found in the overall tract of land on which the cluster development is located.

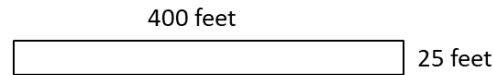
1803.1.9.2. In order to limit the degree to which the Open Land may have an irregular shape, and to optimize the public and ecological value of the Open Land, the following Lot Shape Factor formula shall be used: Lot perimeter squared ÷ Actual Lot area = Lot Shape Factor. Eighty-five percent (85%) of the area of the minimum required Open Land shall not have a Lot Shape Factor greater than 50. See examples below:

**Illustration #1**  
**Conforming Lot Shape Factor**



Perimeter = 400 feet  
Perimeter<sup>2</sup> = 160,000 feet  
**Area = 10,000 square feet**  
Lot Shape Factor = Perimeter<sup>2</sup> / Area  
**Lot Shape Factor = 16**

**Illustration #2**  
**Non-Conforming Lot Shape Factor**



Perimeter = 850 feet  
Perimeter<sup>2</sup> = 722,500 feet  
**Area = 10,000 square feet**  
Lot Shape Factor = Perimeter<sup>2</sup> / Area  
**Lot Shape Factor = 72.25**

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 or more residential districts, the entire tract, for all purposes of this, shall be considered as lying entirely within the 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 residential district, all of the land shall be considered as lying within that district.~~

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.

**PROPOSER’S COMMENTS:** The proposed amendments make minor changes to the Conservation Cluster development bylaw (Article 18 of the Zoning Bylaws). The purpose of the amendments is to make the permitting process more consistent with the underlying purposes of Article 18, which include promoting more efficient residential development designs that consume less land (“cluster” buildings closer together), and preserve open spaces and natural features. The amendments clarify the density limitations for Conservation Cluster projects. The amendments also require that the open land within a Conservation Cluster development maintain a minimum lot shape factor greater than 50, and not comprise a greater proportion of wetlands than the development tract as a whole. One of unintended consequences of the Conservation Cluster bylaw has been the creation of open space parcels that are serpentine in shape, or are comprised predominantly of wetlands, which does not further the interests of the bylaw. The proposed amendments are consistent with “cluster zoning” provisions in other communities similar to Wayland.

**FINANCE COMMITTEE COMMENTS:** The proposed amendments to the Conservation Cluster Bylaw are intended to achieve three purposes:

- (1) To simplify determination of the total number of dwelling units allowed on a tract of land in a conservation cluster development by removing the “90% calculation option” and relying on the number of units that would be allowed in a conforming conventional subdivision. The “90% calculation option” added confusion and had unintended consequences.
- (2) To define “open land” with regard to otherwise undevelopable wetlands. The definition clearly restates the bylaw’s intent to have open land provide protection to otherwise unprotected or developable land.
- (3) To require that the open land be ecologically and recreationally valuable, i.e., not predominantly linear and skinny. Lot Shape Factor describes the relative linearity of a parcel: parcels with low Lot Shape Factors are more predominantly square.

The Board of Selectmen recommends approval. Vote: 4-0-0

**ARGUMENTS IN FAVOR:** The amendments bring the bylaw more in line with its stated purposes, which include preserving undeveloped open areas and natural features that aren’t already protected by other regulations, and encouraging more sensible development of land for residential purposes.

The amendments will lead to better development designs that provide meaningful and useable open spaces, and will provide greater clarity and certainty to applicants for what will be expected in the permitting process.

**ARGUMENTS OPPOSED:** Opponents of the amendments may argue that the changes to the by-law could reduce the number of buildable lots that could be allowed under the existing bylaw, by eliminating the 90% option and requiring a proof plan that shows a “by right” subdivision without waivers from the Subdivision Rules and Regulations.

Opponents may also argue that the new shape factor requirement and the wetlands restriction imposes a burden on developers, by limiting the area within the tract of land that could be used for the construction of homes and roads.

Some have argued that the shape factor requirement is not simply "50" as described in the by-law but is applicable to 85% of the lot area, which imposes a cumbersome and potentially costly trial-and-error.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote: 5-0-0

**QUANTUM OF VOTE:** Majority.

For more information about this article, contact Sarkis Sarkisian, Town Planner at [ssarkisian@wayland.ma.us](mailto:ssarkisian@wayland.ma.us).