
From: Larsen, Geoffrey
Sent: Thursday, May 23, 2019 3:26 PM
To: Miller, Louise
Cc: Sarkisian, Sarkis; Brinkman, Paul
Subject: FW: 490 Boston Post Road; Article 25 River's Edge Housing Overlay District, cursory zoning analysis

Good afternoon Louise,

Article 6 of Town zoning (Site Plan Approval) begins "In all instances specified in §198-802, Table of Permitted Principal Uses..." .

1. Since the River's Edge Housing Overlay District (REHOD) is not referenced in the controlling Use Table and in light of §198-2508 Inapplicability of certain other regulations it may be reasonable to determine that the Planning Board is the SPA board of jurisdiction even if ZBA relief is required.
2. It may be reasonable to determine that lot coverage for the REHOD does not default to a single residential district maximum 20% since it may be argued that the underlying zoning of this site includes both the Wireless Communications Services and Municipal Services Overlay Districts.
3. §198-2505.2 does not permit by right more than 6' of a parking level exposed on north-facing facades. If this cannot be satisfied by the applicant's design it may be determined that zoning relief is required.
4. §198-2505.3 does not permit by right a building to exceed 150,000 sf of gross floor area. If this cannot be satisfied by the applicant's design it may be determined that zoning relief is required.

I spoke with Mr. Lambert on May 6, 2019 and I understood at that time he would submit information related to item #4.

I checked with Town Clerk and they could not find Planning Board REHOD policy book as required by §198-2503.2.

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

From: Larsen, Geoffrey
Sent: Monday, March 11, 2019 10:44 AM

To: Miller, Louise; Sarkisian, Sarkis
Cc: Brinkman, Paul; Hansen, Linda; Junghanns, Julia
Subject: 490 Boston Post Road; Article 25 River's Edge Housing Overlay District, unscaled conceptual plan sheet CP-1 dated 6.13.16

Good morning folks,

In good faith I offer cursory input related to Town zoning following our 3.7.19 meeting:

1. The proposed multi-story residential building on this early conceptual plan appears to encroach the westerly side yard 50' setback (see §198-2505.1).
2. The same plan also shows a 54,500 square foot building footprint where Article 25 limits maximum building size to 150,000 square feet of "gross floor area" (see §198-2505.3)

The reference to gross floor area is assumed to be based upon the definition in Town zoning, Floor area, gross (gross floor area) which is calculated by the sum of all floor areas (see §198-104)

Please advise if you have any concerns and/or comments.

It may be beneficial for this phase of due diligence to verify with the potential developer that the controls of Article 25 of Town zoning are currently providing direction to all aspects of their site design.

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
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From: Brinkman, Paul
Sent: Thursday, March 07, 2019 3:44 PM
To: Larsen, Geoffrey
Cc: Sarkisian, Sarkis; Hansen, Linda; Junghanns, Julia
Subject: 490 Boston Post Road

Geoff,

Brendan's GIS currently has the correct parcel and is numbered as 490. As we are transitioning the on-line GIS over, the existing CAI is not being updated. The new GIS will have it correctly.

Paul

Paul Brinkman, PE | Town Engineer
Wayland Department of Public Works

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From: Larsen, Geoffrey
Sent: Monday, June 24, 2019 12:19 PM
To: Lambert, Jim; Miller, Louise; jward@nutter.com
Cc: Sarkisian, Sarkis; Carlton Quinn; Mike Binette; Matthew Snell; Seck, Mark; Tulipani, Michael
Subject: 490 Boston Post Road, ZBA case #19-09, WP East Acquisitions, LLC
Attachments: River's Edge Zoning Relief Memo

Good afternoon Ms. Louise, Mr. Lambert and Mr. Ward,

As the owner, applicant and agent respectively, please be advised that your ZBA application for the development of a 190-unit multi-family project and associated parking and infrastructure submitted by WP East Acquisitions, LLC on June 20, 2019 is scheduled to be heard on July 23, 2019.

Like all parties I also anticipate that Town Counsel will review all relevant documents/communications in order to help structure the most efficient, zoning-compliant process of site plan approval for this important project.

Following my initial review of submitted application materials and the June 21, 2019 letter to the Building Commissioner from the agent (Mr. Ward) I offer the following observations:

1. It appears that the agent lists 3 requested variances in the June 21, 2019 letter where the ZBA application lists 4 requested variances.

I do not disagree with the agent that it is reasonable to determine that §198-504 (Earth Movement) does not control this project. Both anticipated aggregate limits of quantities of earth proposed to be moved and proposed lot coverage (see applicant's variances #4 and #1 "Summary of Variances") do not appear to be in conflict with §198-2505 "Dimensional requirements and aggregate limits." It may be reasonable to argue that Planning Board conditions of an approved site plan may satisfy Town zoning in lieu of defaulting to the dimensional requirements of Table 198-Attachment 1 where the REHOD (similar to the Mixed Use Overlay District) is omitted.

2. It does not appear that the June 21, 2019 letter or the ZBA application requests zoning relief from the requirement of §198-2503.1 that, "The Planning Board shall be the site plan approval authority under this article." (Article 25 REHOD)

To review, in our June 17, 2019 meeting with Mr. Binette (Architect) and Mr. Quinn (PE), the Town Planner and I also discussed variances # 2 and #3 as listed in the "Summary of Variances".

Variance #2:

At that time I offered that it may be reasonable to propose to limit the exposed north-facing facades to less than 6' by designing stepped retaining landscape features in these areas while still providing the required openings for safe parking access.

Variance #3:

At that time I offered that it may be reasonable to argue that since there is no apparent required minimum separation of proposed buildings per §198-2505 that 780 CMR 706 (State Building Code) may control (see §198-104.1) and define separate buildings by virtue of a code designed fire wall. The definition of floor area in Town zoning does not appear to be in conflict with this concept.

Please advise if you have any questions related to the above.

Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
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From: Lambert, Jim [<mailto:jim.lambert@woodpartners.com>]

Sent: Friday, June 21, 2019 12:51 PM

To: Larsen, Geoffrey

Cc: Sarkisian, Sarkis; Miller, Louise; Carlton Quinn; Mike Binette; James Ward; Matthew Snell; Seck, Mark; Tulipani, Michael

Subject: River's Edge Zoning Relief Memo

Geoff,

In follow up to your meeting earlier this week with our engineer and architect, attached please find a memo from our zoning attorney that outlines the zoning relief we believe is necessary to move the project forward. It is our understanding that you would like to have the town's attorney review this memo and opine on our position that the ZBA is in fact the permit granting authority in this case.

Please let us know if you have any questions. We look forward to getting this resolved and moving forward with the permitting of this project.

Thank you,
Jim

Jim Lambert | Managing Director | Wood Partners
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