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TOWN OF WAYLAND

MASSACHUSETTS
01778

PLANNING BOARD

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3778

To: Zoning Board of Appeals

From: Planning Board

Chair: Ira Morige

Re: Application of ALTA at River's Edge, 484-490 Boston Post Road, Wayland, MA: Advisory Report & Recommendations on Site Plan Review

Date: December 2, 2019

I) PROJECT SUMMARY

WP East Acquisitions, LLC (the "Applicant"), has submitted an application and supporting information regarding its Variance and Site Plan Review and Approval Application (the "Application") to the Zoning Board of Appeals ("ZBA"). The Applicant proposes to construct a 218-unit multi-family rental residential community, with 55 of the 218 units being designated as affordable (the "Project"). The Project will consist of 64 age-restricted units, 16 of which will be affordable. The Project is comprised of three (3) buildings, an on-site wastewater treatment facility, emergency generator(s), 180 garage and 164 surface parking spaces, driveways, drainage improvements, and other site amenities including elevators, a pool, gym, bus stop enclosure, tenant-available gardens, electric vehicle charging stations, roof-top solar arrays, and bicycle storage areas. Proposed access to the site from Boston Post Road (Route 20) would be via an existing driveway owned by the Town of Wayland. The Project will be serviced by municipal water and an on-site wastewater treatment plant with associated leach field. The ZBA has jurisdiction over the site plan review application. The Planning Board's responsibility is to issue a report and advisory comments on the Site Plan Application to the Zoning Board of Appeals.

II) SITE LOCATION AND ACCESS

The subject parcel is located at 484-490 Boston Post Road (the "Property"), and directly abuts land in the Town of Sudbury. The Property consists of 8.25+/- acres and is identified on the Town of Wayland Assessor's database as Map 22, Lots 003 (portion) 006, and 007 (portion). The Property is currently owned by the Town of Wayland. The Property is located in the River's Edge Housing Overlay District (the "REHOD") and the underlying zoning district is the R-40 Residential District (the "R-40 District"). The Property is also located within the Municipal Service District, Refuse Disposal District, and Wireless Communications District.

The Property has frontage on Boston Post Road to the south. To the north and east is land owned by the Town of Wayland. To the west is the Town of Sudbury landfill and transfer station. The Property abuts bordering vegetated wetland to the North, which are tributary to the Sudbury River.

III) EXISTING SITE CONDITIONS

The Property currently contains a 7,000+/- square-foot (SF) one-story brick and concrete building, a loading dock, a paved parking lot, several circular storage tanks, and multiple outbuildings including sheds from the former Wayland-Sudbury Septic Treatment Facility. A portion of the Property was used for stockpiling gravel and construction debris and was used as a police firing range.

The site topography varies significantly over the site, due to its use as a materials stockyard. Some existing slopes are relatively steep, with multiple localized high points throughout the site. Elevations range from a high point of 160+/- at the southwest corner of the site along Boston Post Road to a low point of approximately El. 117+/- abutting the wetlands near the northerly property line.

IV) PROCEDURAL SUMMARY

- a. The Applicant is currently before the ZBA for site plan review and approval for the Project pursuant to Articles 6 and 25 of the Town of Wayland Zoning Bylaw (the "Zoning Bylaw").
- b. The ZBA has jurisdiction over the application based on the requested variances. The Planning Board's responsibility is to issue a report and advisory comments on the Site Plan Application to the Zoning Board of Appeals.
- c. The Planning Board held public meetings on November 5, 2019, November 19, 2019, November 25, 2019 and December 2, 2019 at which time the Board voted to recommend site plan approval subject to conditions detailed in this report.
- d. The Applicant's plans and other submission materials were reviewed by the Planning Board, the Design Review Board, other town boards and departments, and the Planning Board's peer review consultant, BSC Group. The Planning Board also received verbal comments from all of the above-mentioned parties and the general public.

V) APPLICATION SUBMITTALS AND RELATED DOCUMENTS

A) Applicant: WP East Acquisitions, LLC

1. Site Plans, consisting of the following 26 Plan Sheets:

<u>Drawing Title</u>	<u>Sheet No.</u>	<u>Issued</u>	<u>Revised Through</u>
Abbreviation & Notes	C-001 - C-002	06-20-2019	11-12-2019
Existing Conditions	V-101	06-18-2019	--
Demolition & Erosion Control	C-101	06-20-2019	11-12-2019
Layout & Materials	C-102	06-20-2019	11-12-2019
Grading & Drainage	C-103	06-20-2019	11-12-2019
Utilities	C-104	06-20-2019	11-12-2019
Truck Turning	C-105A – C-105B	06-20-2019	11-12-2019

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Lighting	C-106	06-20-2019	11-12-2019
Proposed Easements	C-107	06-20-2019	11-12-2019
Civil Details	C-501 – C-508	06-20-2019	11-12-2019
Landscape Materials	A1.07	06-20-2019	11-14-2019
Architectural	A1.01 – A1.05	10-09-2019	10-18-2019

(the "Plans").

2. Drainage Report by Allen & Major Associates, Inc. prepared June 20, 2019 and revised through November 12, 2019.
3. Hydrogeologic Evaluation Alta at River's Edge 490 Boston Post Road prepared by GeoHydroCycle, Inc. dated September 19, 2019.
4. Traffic Impact Assessment prepared by TEC, dated September 18, 2019.
5. "Phase I Environmental Assessment & Phase II Limited Site Investigation" prepared by The Vertex Companies, Inc. (Vertex) of Boston, Massachusetts dated August 7, 2019.
6. SPA Form C, Application for Site Plan Review and Approval, ALTA at River's Edge 484-490 Boston Post Road, Wayland, MA, dated Oct. 10, 2019, filed with the Town Clerk on October 10, 2019.
7. ALTA at River's Edge presentation dated November 5, 2019 (30 slides),
8. ALTA at River's Edge presentation dated November 12, 2019 (29 slides),
9. Allen & Major Associates, Inc response letter to peer review comments dated November 12, 2019.
10. Memo from David Formato of Onsite Engineering, Inc. regarding Alta at River's Edge Effluent Disposal System Layout dated November 4, 2019.
11. Email regarding Peer Review and Town Planner comments, from Jim Lambert, Wood Partners dated November 4, 2019.

B) Town Departments & Town's Peer Reviewer Reports/Comments

1. Memo to Department Heads regarding the Application, from Sarkis Sarkisian (Town Planner), dated October 22, 2019.
2. Staff Report from Sarkis Sarkisian (Town Planner) dated October 28, 2019 to Planning Board and Zoning Board of Appeals.

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3. Fire Chief Neil McPherson memo dated November 4, 2019 to Sarkis Sarkisian, Town Planner regarding River's Edge Development.
4. Email regarding 490 Boston Post Road request for code review, from Building Commissioner Geoffrey Larsen dated November 4, 2019.
5. Peer review of drainage/reports from BSC Group, dated October 31, 2019.
6. Peer review of Environmental reports by CMG Environmental Services Report dated November 4, 2019.
7. Memo with comments on River's Edge revised submission, from Paul Brinkman, (Town Engineer) dated November 5, 2019.
8. Letter regarding the zoning analysis, new ZBA case #19-13. from Geoffrey Larsen, (Building Commissioner) dated October 22, 2019.
9. Email from Julia Junghanns (Health Director) dated November 5, 2019 regarding environmental consultant services.

VI) FINDINGS

- A. Section 198-606 of the Zoning Bylaw concerning site plan review requires the following standards and criteria to be considered:

198-606.2.1 Minimize the use of wetlands, steep slopes, floodplains and hilltops; preserve natural or historic features; maximize retention of open space; preserve scenic views from publicly accessible locations; minimize tree, vegetation and soil removal, blasting and grade changes; and screen objectionable feature from adjacent properties and roadways.

The Property contains wetlands and wetlands buffer areas, and a portion of the Property is located in Flood Zone "AE". As shown on the Site Plans, the proposed structures and other improvements will be located in a manner that minimizes the disturbance of, and impacts on, these portions of the Property. The Project includes extensive landscaping, including, without limitation, retaining certain existing trees, as well as planting new trees for screening, as shown on "Landscape Materials Plan," dated September 27, 2019, included as part of the Site Plans (the "Plantings Plan").

198-606.2.2 Include an adequate water supply system, sewage, and other waste disposal systems.

The Project will be served by municipal water (the final loop connection of which will be

completed by the Town by the end of November 2019). An on-site wastewater treatment plant and associated leaching field is being proposed on site. The on-site wastewater treatment plant, which will meet the groundwater quality standards as required by the Massachusetts Department of Environmental Protection ("MassDEP") and the Town's Board of Health prior to discharge, will be reviewed and approved by MassDEP and the Board of Health.

198-606.2.3 The proposal shall incorporate measures adequate to prevent pollution of surface water or groundwater; to minimize erosion and sedimentation; to prevent changes in groundwater levels and increased rates of runoff; and to minimize potential for flooding. Drainage shall be designed to maximize groundwater recharge and to prevent any increase in the rate and volume of runoff at the site's perimeter

The Site Plans detail the extensive erosion and sedimentation control measures that will be implemented and maintained for the Project, which, collectively, meet or exceed the criteria set forth in § 198-606.2.3. of the Zoning Bylaw.

Further, the Project proposes to not introduce any new stormwater conveyances that discharge untreated stormwater directly to or cause erosion in wetlands, and a Long-Term Operation and Maintenance Plan has been developed for the proposed stormwater management system (SMS). The SMS incorporates structural and non-structural Best Management Practices (BMPs) to provide stormwater peak flow mitigation, quality treatment, and conveyance. The SMS includes deep-sump, hooded catch basins, drain manholes, hydrodynamic separators, underground infiltration chambers, outlet protection, and concrete headwalls with rip-rap lined aprons.

198-606.2.4. To the extent feasible, the proposal shall minimize demands placed on Town services and infrastructure.

The Project will not contribute to the Town's stormwater system, will be served by an on-site wastewater treatment facility, and will not over-tax the Town's access road to the dump or the Town's water supply. The Town of Wayland was awarded a \$2.4 Million MassWorks Grant to provide water to the site. The grant covered replacing an existing 100 year-old water main on Route 20 and installing a new water main to the site, which required crossing the Sudbury River. This connection is nearing completion and will provide the Town with a major Fire Loop and improved water quality.

198-606.2.5. The proposal shall provide safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.

The Project includes a proposed driveway that will provide access to the Property from an existing access drive immediately adjacent to Boston Post Road. In addition, crosswalks and appropriate signage will be installed throughout the Property. A Traffic Impact Assessment for the Project was completed as part of the Town's due diligence prior to putting up the land for sale as part of the RFP process, which has been updated by The Engineering Corp. as Project No. T0923, dated September 18, 2019.

The Applicant will provide financial mitigation for future off-site pedestrian and bike facilities. The Town of Wayland is working with DCR to bring the westerly section of the Mass Central Rail Trail to fruition, which Trail will run parallel to Route 20 past the Property. Sidewalks among the buildings and a Bus Shelter will be constructed on site for future transit (MWRTA) and, potentially, a shuttle bus to Town Center. The MWRTA is currently running a pilot Express Commuter Service ONLY shuttle along Route 20 going to or from Riverside T station during commuting hours.

- 198-606.2.6. Design of buildings, structures and landscaping shall be in harmony with the prevailing character and scale of said buildings, structures and landscaping of the zoning district of the site and of adjacent properties. Such design shall include the use of appropriate building materials, screening and similar architectural techniques.*

As noted above, the Property is in the REHOD, which allows multi-family residential uses by right. The aesthetic design of the Project is consistent with the prevailing character and scale required by the REHOD. The Applicant voluntarily submitted to design review by the Town's Design Review Board. Through that iterative process, the design of the Project was materially improved. The Planning Board finds, as did the DRB, that the Project is consistent with the Design Guidelines established by the Board of Selectmen.

- 198-606.2.7. To the extent practicable, electric, telephone, cable television and other utilities on the site shall be placed underground.*

All utilities will be located underground.

- 198-606.2.8. Exposed storage areas, machinery, service areas, truck-loading areas, utility buildings and structures and similar unsightly buildings, structures, uses and activities shall be set back and/or screened to the extent feasible to protect adjacent properties from objectionable features.*

The wastewater treatment and maintenance facility will be enclosed in a structure located on the northern side of the Property away from Boston Post Road. Screening, including landscaping, will be used to minimize the exposure of other storage and service areas and equipment.

- 198-606.2.9. To the extent feasible, proposals shall be designed to minimize shadows cast on adjacent properties in residential zoning districts.*

There are no adjacent residential structures.

- 198-606.2.10. There shall be no unreasonable glare from lighting, whether direct or reflected, onto roads and other ways, into the night sky or onto adjacent properties in residential zoning districts.*

Lighting is designed to light the Project only and to minimize impacts on adjacent roadways and properties. A photometrics design has been provided in the site plans and illustrates minimum light being cast off the site. In addition, all lighting will be dark-sky friendly,

meaning it will minimize glare while reducing sky glow.

198-606.2.11. The proposal shall comply with this Zoning Bylaw. However, proposals that do not so comply may be approved hereunder if such noncompliance is permitted by the ZBA pursuant to other articles of this Zoning Bylaw and the applicable provisions of this Article 6.

The Project materially complies with the Zoning Bylaw, and for those limited areas of nonconformity, the Applicant is seeking zoning variances from the ZBA.

- B. Section 198-2506 of the Zoning Bylaw concerning the REHOD site plan review requires the following performance standards and criteria to be met:

§ 198-2506. Performance Standards

2506.1 Landscaping.

2506.1.1. Landscaping within the REHOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant materials; preserve natural tree cover; and promote inclusion of new tree plantings in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase groundwater discharge, create shade, and reduce solar overheating.

The proposed landscaping and site layout for the Project includes extensive landscaping, including, without limitation, retaining certain existing trees, as well as planting new trees for screening, as shown on "Landscape Materials Plan," dated November 14, 2019, included as part of the Site Plans (the "Plantings Plan"). The Landscaping plan provides protection and screening from objectionable features, and buffers against light, sound, dust, noise, and vibration. Grass will be added in key areas adjacent to buildings and parking, including a large lawn at the courtyard between buildings one and two. Small areas for vegetable and herb gardens for resident use will also be designated with the courtyards. Native trees, shrubs, and perennials will be planted in mulched beds around the foundations of buildings and behind retaining walls to prevent soil erosion and reduce stormwater runoff.

2506.2. Screening and buffer requirements.

2506.2.1 Screening and buffering should create visual barriers between features of the housing development from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or on rooftop, service entrances and utility facilities for building operation, loading docks and spaces, aboveground backflow preventers, and other components of the development as may be reasonably determined by the Planning Board to require screening and buffering.

The Project plans are consistent with the general purpose and intent, set forth in Section 2506.2.1

above. The buffer strip along Route 20, will contain a screen of tree plantings, shrubs and low grass berms. The arrangement of Plantings in the buffer strip is both linear and clustered as permitted. All of the utility facilities have been designed to be constructed behind the proposed buildings out of public view including loading docks. There will be no exterior dumpsters on site.

2506.3. Parking Standards.

2506.3.1 Parking spaces shall be provided at a minimum of 1.25 parking spaces per dwelling unit and maximum of 15 parking spaces for any accessory café or diner in addition to said dwelling unit parking spaces. If over 50% of the total number of dwelling units are age restricted as set forth in §198-2506.6 below, parking may be provided at a minimum of 0.50 parking spaces per age-restricted dwelling unit.

The Project requires that 273 parking spaces be required or 1.25 spaces per 218 units Or 273 parking spaces. The Project is proposing 344 total parking spaces including 180 spaces within the podium parking areas and 164 surface parking stalls, for a proposed parking ratio of 1.58 spaces per dwelling unit. Therefore exceeds the minimum required.

2506.4. Lighting Standards.

2506.4.1. The exterior lighting design within the housing development should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for the development shall, at a minimum, include the following:

The lighting has been designed to achieve no greater than the minimum luminance levels for the project as shown on the lighting plan dated November 12, 2019. All outdoor lighting fixtures proposed shall have full cutoff shields.

2506.5. Affordable units.

2506.5.1. In lieu of the requirements set forth in Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the REHOD. A minimum of twenty-five (25%) of the dwelling units shall be affordable units. The term "affordable unit" shall mean a "low or moderate income housing" dwelling unit as that term is used in M.G.L. Chapter 40B, §20-23 and associated regulations, which shall be restricted in perpetuity for rental or ownership by a household earning less no greater than 80% of area median family income, and priced to conform with the standards of DHCD for rental or ownership units set forth in DHCD's guidelines and regulations, as amended from time to time, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory for the Town under M.G.L. Chapter 40B, §20-23. Affordable units shall be subject to the following conditions:

The Project is proposing 218 Units and 55 Units will be affordable (25%) to low or moderate income household earning less no greater than 80% of area median family income.

2506.5.1.1. All affordable units shall be affordable in perpetuity. A deed rider or other suitable

restriction shall assure be required to ensure compliance with this condition. The restriction shall be structured to survive any and all sales, transfers or foreclosures.

The Applicant has agreed to a condition that within 30 days of the issuance of this Decision the Applicant shall submit an application to the Town of Wayland for submittal to the state Department of Housing and Community Development (DHCD) for approval of the Project under the state Local Initiative Program (LIP) Local Action Units (LAU) (with the consent and participation of the Wayland Board of Selectmen), in order to ensure that the Project's residential units will be qualified in the Town of Wayland's Subsidized Housing Inventory for purposes of G.L. c. 40B, §20-23. Prior to the issuance of a building permit, the Applicant shall furnish evidence to the Building Commissioner that an Affordable Housing Regulatory Agreement under the LIP in a form acceptable to DHCD and Town Counsel has been executed and recorded with the Middlesex South Registry of Deeds.

2506.5.1.2. *In the event that an affordable unit or the project in part or whole is proposed for sale, the continuing enforcement of the restriction through subsequent resales shall be the subject of a monitoring agreement and in accordance with the provisions of §198-2207 § 198-2207.3 and 198-2207.6 of Article 22 of this Zoning Bylaw.*

The Applicant has agreed to execute a Monitoring Services Agreement with the Town of Wayland within 30 days of said decision.

2506.5.1.3. *The restriction and the monitoring agreement shall be drafted in compliance with DHCD's Local Initiative Program guidelines and regulation, as amended from time to time, and guidelines promulgated thereunder, unless another low or moderate income housing subsidy program is applicable, which conforms to M.G.L. Chapter 40B, §20-23. The restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel to ensure compliance with this section, and shall be executed and recorded prior to the issuance of the first building permit for any dwelling unit in the development.*

2506.5.1.4. *The affordable units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory for the Town. Any assisted living units as allowed under 2504.1.2 above shall conform to DHCD standards for inclusion as rental units (either as market or affordable) in the DHCD Subsidized Housing Inventory for the Town.*

2506.5.1.5. *A right of first refusal in accordance with § 198-2207.7 of this Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after receipt of notice thereof.*

2506.5.1.6. *The affordable units must satisfy the design and construction standards of the Local Initiative Program, as set forth in DHCD's guidelines and regulations, as amended from time to time, with regard to indistinguishability from any market-rate units. The range of affordable units must be representative of the overall market-rate units in terms of unit mix, size and location, except for the unique three bedroom units described above. It is the intent of this Article 25 that the affordable units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory for the Town as Local Initiative Program units, unless another low or moderate income housing subsidy program is applicable, which conforms to*

M.G.L. Chapter 40B, §20-23.

The Affordable Units shall be reserved in perpetuity to households earning no more than eighty percent (80%) of the median household income. The Affordable Units as presented are of comparable quality to the other units in the Development and, to the greatest extent practicable, have been dispersed evenly throughout the Development as generally shown on the floor plans November 12, 2019 that denotes and represents unit locations which may be subject to change.

2506.5.1.7. To the greatest extent practicable, the affordable units must be constructed and occupancy permits obtained at the rate of not less than one affordable unit for every three market-rate units.

2506.5.1.8. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result shall be the number of affordable units to be built within the development.

The Project is proposing to construct 218 units at 25% = 54.5 and the Applicant shall provide 55 Units of Affordable Housing.

2506.6 Age restricted units.

2506.6.1 A minimum of twenty-five percent (25%) of all dwelling units shall be age restricted to a minimum of at least one occupant aged 55 or over.

The Project will contain 64 age restricted units or 25%, thereby meeting the minimum requirement. The Project will also have 16 of the age restricted units as affordable.

2506.7. Efficiency of design.

2506.7.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy efficiency; to minimize exposure to and consumption of toxics and nonrenewable resources; and to incorporate appropriate "green" design techniques.

The project is consistent and will incorporate the following Green/Efficiency Design techniques:

STRETCH CODE

Massachusetts utilizes the 2015 IECC (International Energy Conservation Code) which is the most stringent in the nation. The project will be designed to meet the Massachusetts Stretch Code requirements for energy efficiency (adopted by Wayland in 2010) which is 10% more efficient than the 2015 IECC. The project will meet NGBS Silver (National Green Building Standard) which requires 3rd party verification for: Grade 1 Insulation installation, Air sealing, Blower door testing and duct testing for air sealing

HEATING & COOLING

The heating and cooling system for the apartments will be individual vertical fan-coil air handling units (Aquatherm) with energy efficient motors and seven day programmable thermostats that will help reduce the demands on utilities. Per the 2015 IECC, all apartments will have fresh air intake ducted directly from the exterior. All units will utilize MERV 8 air filters. Each apartment will be provided with a gas-fired hot water heaters producing hot water for the plumbing fixtures and the fan-coil. The heaters will be 90%+ efficient.

WATER: HOT WATER

All residential units will have a high efficiency (93%+/-) tankless hot water heater that provides hot water on demand only when needed by the resident

WATER: PLUMBING FIXTURES

Low flow/flush Water Sense plumbing fixtures are specified as 1.28 GMP for toilets, 1.0 GPM for lavatory faucets, 1.5 kitchen faucets and 1.5 shower heads for a reduction in water usage of 30% compared to the baseline.

LIGHTING

Almost all of the building will be equipped with high efficiency LED lighting in the apartments, common areas, garages and exterior site lighting. Occupancy sensors will be installed in all common areas and back of house spaces to reduce energy consumption when the spaces are not occupied. We strategically lamp the apartments to limit the need for residents to provide additional lighting that may not be LED.

APPLIANCES

Residential appliances that qualify are specified as ENERGY STAR. There are no ENERGY STAR certified ovens, ranges, range hoods, or microwave ovens.

RADON MITIGATION:

A Radon mitigation system will be provided in each building.

EV STATIONS

The Project will have (48) EV charging stations which represents 14% of the 348 parking spaces on site. Of that total, (12) EV charging stations will be provided at occupancy with conduit to install (36) future spaces.

BICYCLE STORAGE

Each building will be provided with a bicycle storage room and a fix-it station for maintenance. There is capacity for 137 bicycles in the rooms and the ability to add wall mounted racks in front of the parking spaces if additional spaces are needed after occupancy.

WINDOWS

Operable, Low E insulated glass windows are provided in each unit with a U-value = .29, SHGC = .31 and VT = .55. Standard glazing can have a U value of .48.

ROOF:

The roof is a 'bathtub' style roof with a pitched roof at the perimeter and a recessed flat roof in the middle to hide the rooftop condensing equipment. A high albedo white roof will be specified at the flat portion of the roof to reflect sunlight and absorb less heat than a standard black roof surface.

SOLAR PANELS & GREEN ENERGY

Rooftop area is limited due to the pitched roof required to hide the condensing units per the River's Edge RFP. The Project will provide (100) solar panels located on the west facing pitched roof areas which will produce approximately 40,000kw/hrs per year. The Applicant will engage a solar consultant during the design phase to design a plan to maximize solar capacity on the site.

2506.8. Utilities.

2506.8.1. To the greatest extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.

All utilities will be placed underground on site.

VI) RECOMMENDATIONS

In view of the foregoing, the Planning Board finds that the aforesaid application meets the standards and criteria set forth in Sections 198-606 and 198-2506 of the Zoning Bylaw concerning Site Plan Approval and REHOD and recommends approval of the application for Site Plan Approval subject to the following conditions:

A) Proposed Conditions

- 1) The Project shall be constructed on conformity with the Plans and supporting documentation set forth in Section V.A above.
- 2) Prior to the issuance of a Building Permit, the Applicant shall submit a final set of site and architectural plans for administrative review by the Planning Board to ensure compliance with the conditions of this [the ZBA's] decision. The submission shall be accompanied by a

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narrative explaining any substantive changes to the site plans from those identified in Section V.A. The review by the Planning Board shall run concurrent with the review of the building permit application by the Building Department in the timeframe allowed by MA state law.

- 3) Prior to the issuance of any building permits, the Applicant shall submit a revised Landscaping Plan and Signage Plan to the Planning Board and the Design Review Board ("DRB"). The dimensioned landscaping plan shall include: (a) a planting schedule, and (b) locations and materials of landscaping improvements. This Site Plan Approval is conditioned upon the Planning Board's approval of the revised Landscaping Plan and Signage Plan.
- 4) Prior to the start of construction of residential structures, the Applicant shall construct a one-story wall section mock-up (model) of the southeast corner of Building #1 (excluding the porch), for review by the DRB. The mock-up shall include an integrated window with representative wall details, materials and colors. Such mock-up may be a stand-alone structure or done on the building.
- 5) The Plans shall be amended to incorporate a school and shuttle bus waiting shelter in the northeast corner of the Property, adjacent to the Project's northeast driveway entrance. The location and design of the shelter shall be subject to the approval of the Planning Board. The specifications for the shelter shall be submitted to the Planning Board contemporaneous with the Landscaping Plan submittal.
- 6) Prior to the issuance of a structural building permit, the Applicant shall have:
 - a. Obtained a water connection permit and any permits for the wastewater treatment plant (i.e., Groundwater Discharge permit) from the Town of Wayland and/or state Department of Environmental Protection (DEP);
 - b. Obtained any approvals from the Wayland Conservation Commission or DEP that may be required under any statute, code or regulation under its jurisdiction, including a final Order of Conditions or Superseding Order of Conditions under the Wetlands Protection Act as to any portion of the Site subject to the Wetlands Protection Act;
 - c. Obtained a National Pollutant Discharge Elimination System ("NPDES") stormwater permit for the Project, if applicable;
 - d. Where an Environmental Notification Form (ENF) or Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act (MEPA) is required, obtained either confirmation that an EIR is not required or, if one is, a Certificate of the Secretary of Environmental Affairs of compliance pursuant to 301 CMR 11.08(8)(a);

- e. Delivered to the ZBA with copies to the Building Commissioner, Planning Department, Board of Health, Conservation Commission, Director of Public Works, Fire Chief, and Police Chief, and obtained the ZBA's approval of, a Construction Management Plan (CMP), which shall address the following topics and items:

(1) Construction Administration

- Hours of construction
- Truck routes
- Trash and debris removal
- Construction Phasing and Schedule (critical path)
- Timing and Phasing of Construction
- Site Clearing; Construction of roadways and utilities;
- Communications (Emergency Contacts)
- Noise and Dust Control
- Tree removal (chipping. etc.)
- Public street cleaning and repair

(2) Blasting, if applicable

- Blasting Plan
- Identification of petitioner's blasting consultant
- Selection of independent blasting consultant
- Selection of blasting contractor
- Pre- and post-blast survey (scope and content)
- Insurance coverage
- Blasting limits
- Notification to abutters of blasting schedule
- Road closures (if necessary)
- School bus conflicts (limits on hours)

(3) Construction Staging

- Staging areas
- Site office trailers
- Storage trailers/containers
- Open storage areas
- Delivery truck holding areas
- Re-fueling areas.

(4) Traffic and Parking (during construction)

- On-site locations
- Off-site locations
- Snow removal
- Police details
- Warning signs

The scope of the ZBA's review of the CMP shall be for completeness and for consistency with generally-accepted construction practices and for compliance with all the conditions of this Decision. The ZBA shall issue its decision on the CMP within 30 days after a complete submission from the Applicant.

- f. Delivered to the Town Treasurer an initial deposit of \$10,000 into an escrow account established pursuant to G.L. c. 44, §53G (the "Escrow Account") for the costs of the Town's inspectors, engineering consultants and attorneys performing the tasks set forth in this Decision. The Applicant's obligation to fund and pay for on-site inspections of the Project's infrastructure shall be limited to \$10,000.
- 7) Each condition in this Decision shall run with the land and shall, in accordance with its terms, be applicable to and binding on the Applicant and the Applicant's successors and assigns. Reference to this Decision shall be incorporated in every instrument of title conveying a real property interest in all or a portion of the Property. This site plan approval shall expire in one year if construction of the Project has not commenced. For purposes of this Condition, commencement of construction shall be deemed to have occurred upon the issuance of a foundation or structure permit under the state Building Code.
- 8) Erosion controls shall be installed and maintained in accordance with Conservation Commission and other Town department requirements.
- 9) During construction, the Property shall be secured in a manner approved by the Building Commissioner so as to prevent injury or property damage.
- 10) The Project, and all construction, utilities, roads, drainage, earth removal or relocation of structures and all related appurtenances with respect to the Project, shall comply with all applicable local, state and federal regulations.
- 11) Prior to the commencement of any site activities such as site clearing and grubbing, the Applicant shall furnish evidence to the Building Commissioner that a copy of this decision and final endorsed plans have been recorded with the Middlesex South Registry of Deeds. The Applicant shall provide a Mylar set of plans to the Town Surveyor contemporaneously with their recording.
- 12) Within 30 days of the issuance of this Decision the Applicant shall submit an application to the Town of Wayland for submittal to the state Department of Housing and Community Development (DHCD) for approval of the Project under the state Local Initiative Program (LIP) (with the consent and participation of the Wayland Board of Selectmen), in order to ensure that the Project's residential units will be qualified in the Town of Wayland's Subsidized Housing Inventory for purposes of G.L. c. 40B, §20-23. Prior to the issuance of a building permit, the Applicant shall furnish evidence to the Building Commissioner that an Affordable Housing Regulatory Agreement under the LIP in a form acceptable to DHCD and Town Counsel has been executed and recorded with the Middlesex South Registry of Deeds, and that a Monitoring Services Agreement has been executed with the Town of

Wayland.

- 13) Twenty five percent (25%) of the dwelling units in the whole Project (the "Affordable Units"), shall be reserved in perpetuity for rental to households earning no more than eighty percent (80%) of the median household income in the applicable Metropolitan Statistical Area, as may be modified by the DHCD under the LIP.
- 14) To the extent permitted by law, preference for the rental of seventy (70%) of the affordable units in the initial lease up of the Project and at all subsequent times shall be given to persons or families who are either: (a) Wayland residents, regardless of duration of residency; or (b) are employees of the Town of Wayland, regardless of duration of employment; or (c) have a child enrolled in the Wayland Public Schools at the time of application; or (d) are Wayland residents and veterans of United States military service.
- 15) The Affordable Units shall be of comparable quality to the other units in the Project and, to the greatest extent practicable, shall be dispensed evenly throughout the Development.
- 16) Five percent (5%) of the units shall Comply with the building code requirements for accessibility. The Project shall consist of no less than 64 units that are age-restricted to households where at least one member is 55 years old or older. At least 25% of the age-restricted units shall be restricted as affordable. A preconstruction conference with the Building Commissioner, Town Planner, the Director of Public Works, the Town Administrator and the Police Chief shall be held prior to the commencement of construction or demolition, whichever occurs first. The Applicant's contractor shall request such conference at least (2) two weeks prior to commencing construction by contacting the Building Commissioner in writing.
- 17) The Applicant shall ensure safe and convenient vehicular access to the Property during construction of the entire Project. Municipal representatives shall be permitted access to the Property to observe and inspect the site and construction progress until the Project has been completed. The Town or its appointed agents may conduct periodic inspections during the construction of the Project, to ensure compliance with the terms of this Decision and for consistency with generally-accepted construction and engineering practices for the installation of roadways, stormwater management facilities, utilities, and other common development infrastructure. Inspections during the construction phase shall be conducted at the expense of the Applicant, from funds deposited in the Escrow Account.
- 18) The final design of all driveways and parking areas shall be submitted to the Fire Chief for confirmation that the paved width, shoulders and turning radii of all internal roadways are adequate to accommodate all public safety vehicles before the final Approved Plans are presented to the ZBA for final approval.
- 19) The proposed fire access road on the northwest corner of the building shall be constructed and designed to support the department's ladder truck, as determined by the Fire Chief.

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- 20) The Fire Department building connections for the sprinkler system and standpipes shall be placed in locations approved by the fire department.
- 21) Full-size elevators capable of accommodating a medical stretcher shall be installed in each of the buildings.
- 22) The Applicant shall provide funding for a third-party fire protection engineer (chosen by Fire Department) to review all plans and participate in site inspections. Prior to the application for a Building Permit, the Applicant shall (A) certify in writing to the Fire Chief and the Building Commissioner that: (i) the Project's building has NFPA-13 designed sprinkler systems, and (ii) the Project's building has direct alarm notification to the Fire Department designed in accordance with the applicable version of Building and Fire Codes; (B) submit a construction site safety plan in compliance with NFPA 241 by a third-party fire safety professional ("Construction Site Safety Plan") for the review and approval of the Building Commissioner and the Fire Chief with all costs thereunder borne by the Applicant; and (C) submit a fire safety and emergency procedures plan for the review and approval of the Fire Chief or his designee.
- 23) The Applicant shall comply with all requirements under the for fire suppression systems. The Applicant shall satisfy all of the requirements of the Fire Chief as stated in his Nov. 4, 2019 memo to the Town Planner.
- 24) Prior to the issuance of a building permit, the Applicant shall, as agreed during the hearing, grant to the Town of Wayland a sum as may be agreed upon by the Board of Selectmen, but in any event no less than Fifty Thousand Dollars (\$50,000.00) for the Town to use for future pedestrian and bicycle facilities in the vicinity of the Project.
- 25) The Applicant shall work with the Board of Selectmen to design and install DPW-approved signage and pavement markings to control vehicular and pedestrian traffic on the Transfer Station Access Road.
- 26) The Applicant shall comply with all environmental legal obligations pursuant to the Massachusetts Contingency Plan and General Laws Chapter 21E. Prior to issuance of building permit, Applicant shall obtain all required easements for site access, drainage, grading, demolition, construction work and any other eventuality. Prior to the issuance of any occupancy permits, the Applicant shall convey any easements that are contemplated on the Plans or that were negotiated by the Town of Wayland.
- 27) Following the completion of all construction related activities, there shall be no exterior dumpsters at the Property. Trash and recyclable collection shall be managed inside the buildings.
- 28) All aspects of the Project shall be and shall remain private, including but not limited to:

All driveways, sidewalks and parking area;
Storm water management facilities
Snow Plowing
On-site landscaping and irrigation
Trash removal
Street and site lighting
Building repair and maintenance
On-site water main and water services
On-site septic treatment plant or septic system/leach field
Drainage structures
Wastewater Treatment Plant

- 29) The Applicant shall be responsible for the installation and maintenance of all aspects of the common or private facilities in the Project. The Applicant shall provide the contact information of the management company to the Town Planner upon first occupancy of the Project. The Applicant shall inform the Planning Board of any changes to the management company.
- 30) The Applicant shall pay all fees typically imposed by the Town of Wayland for residential construction projects unless otherwise expressly waived in this Decision.
- 31) As security for the completion of the infrastructure related to the Project as shown on the Plans, including, but not limited to, the binder coat of the driveway, sidewalks, parking areas and common areas, drainage facilities, utilities, landscaping, and any other specific infrastructure shown on the plans (the "Infrastructure"), the release of occupancy permits for all housing units and the sale of all housing units in the Project shall be subject to the following restrictions:
 - a. No occupancy permit for a unit in any building shall be issued, and no lease of any unit shall be permitted, until: (1) the base coat and all stormwater management infrastructure serving the entire Project has been installed; (2) the base and binder course for the Project's main driveway and parking areas shown on the Approved Plans associated with said building has been installed; and (3) all Infrastructure described herein and as shown on the Plan; been constructed or installed so as to adequately serve said building
 - b. No more than half of the occupancy permits for the Project shall be issued before all the Infrastructure shown on the Approved Plan (except the final coat of pavement on the driveways) is fully installed.
 - c. If, in Applicant's reasonable judgment, weather circumstances preclude the installation of plantings to complete landscaping before the issuance of occupancy permits, the Applicant shall post a bond or a deposit with the ZBA an amount equivalent to 1.5 times the reasonably expected cost of the plantings to ensure completion by the Applicant as soon as weather allows, and in no event

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later than the first growing season following the issuance of the Certificate of Occupancy.

- 32) Prior to the commencement of Construction Activities (i.e., demolition and site clearing), and prior to the Planning Board review of the final plans, the Applicant shall post a bond or enter into a Tri-Party Agreement with its construction lender to provide surety to the Town in the event that the Property is disturbed, cleared, grubbed, etc. and abandoned in a state with insufficient erosion control, site stabilization or interim stormwater management. Said surety shall be in an amount determined by the Planning Board's Consultant Engineer to cover the cost of permanently stabilizing the site with vegetative (grass) cover and ancillary work
- 33) The Applicant and its successors and assigns shall be responsible for the maintenance of all landscaped open space. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Landscaped materials shall survive for a minimum of two complete growing seasons following installation. In the event any plant material dies within such two year period it shall be replaced as soon as practical. An additional two-year period for survival shall apply to such replacement plant.
- 34) Before the occupancy or use of the final dwelling unit constituting a part of the Project, the Applicant shall submit to the Planning Board an "As-Built Plan" in paper and CAD format, showing all pavement, buildings, stormwater management structures and other infrastructure as they exist on the Site, above and below grade, including appropriate grades and elevations. The plans shall be signed by a registered land surveyor and civil engineer, certifying that the Project as built conforms and complies with the conditions of this Approval. Said "as built" plan shall be suitable for locating all infrastructure required by this decision, both above and below ground. Said plan shall include sufficient elevations, tied to the NGVD Datum, so that the Town can verify that all infrastructures will perform as designed and approved. Said plan shall clearly indicate all deviations from the approved Plan. No material deviations from the approved Plan shall be allowed or commenced without prior written approval from the Planning Board. All such material deviations shall be requested in writing, clearly citing justifications for said deviations.
- 35) If there is insufficient area on the Property to store snow in the event of a snowstorm, the Applicant shall truck any excess snow off site. The Applicant shall conduct winter weather management operations in a manner that will not place snow or other spoils onto the Transfer Station Access Road ("TSAR").
- 36) The Project will require the installation of utilities on the TSAR. The Applicant shall manage the utility installation in a manner that will minimize impacts to patrons of the Transfer Station.
- 37) The Project proposes to use the TSAR for access to the Property during construction and after the Project is complete and in use as a residential housing development. The Applicant shall coordinate construction access with the DPW to minimize impacts to users

of the TSAR.

- 38) The use of the TSAR by the Project will require the relocation of the Transfer Station access gate, to a spot approximately 300 feet north of its current location. The Applicant shall relocate and install the gate at a location to be determined by the Director of Public Works.
- 39) Post construction, the Applicant shall not restrict vehicular access through the Property by Transfer Station patrons who may need to reverse direction when the Transfer Station is closed.
- 40) In 2019 the DPW completed a roadway restoration to a major portion of the TSAR. The Applicant shall mill and pave the TSAR to DPW specifications from Boston Post Road to the location of the new gate at the Transfer Station.

The Planning Board thanks the Zoning Board of Appeals for providing this opportunity to comment on the subject application.