

**Appendix A: Table of Provisions of Zoning Bylaw and Planning Board  
Regulations Analyzed for Waivers or Nonconformity**

Each table includes the language of the bylaw or regulation in the first column, whether a variance or waiver is needed in the second column, and further explanation or notes in the third column.

**Article 18**

Bylaw Section	Variance Needed?	Notes/Public Benefit
<a href="#"><u>1801.1.</u></a> For the purpose of promoting the more efficient use of land in harmony with its natural features; encouraging the preservation of open land for conservation, agriculture, open space and recreational use; preserving historical and archaeological resources; and protecting existing or potential municipal water supplies, all in accordance with the general intent of this Zoning Bylaw to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland, an owner or owners of a tract of land within a Single Residence District, or an authorized agent or agents of such owner or owners, may submit an application for a special permit exempting such land from the lot area and frontage, yard, setback and width of lot requirements of Article 7.	No	
<a href="#"><u>1801.2.</u></a> The Planning Board is hereby designated as the special permit granting authority for all purposes under this article and shall adopt rules and regulations with respect to the administration of applications for special permits under this article. <a href="#"><u>[1]</u></a>	No	
<a href="#"><u>1802.1.</u></a> In addition to any other documents or information required by the Planning Board pursuant to its rules and regulations adopted hereunder,	No	

<p>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,<a href="#">[1]</a> such additional information required by § <a href="#">198-601</a> through 605 of this Zoning Bylaw, as the Planning Board deems necessary, and, to the extent applicable, all proposed instruments to be recorded with the plan.</p>		
<p><a href="#">1803.1.</a> 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:</p>	No	Public Hearing opened over 65 days after filing due to Governor's emergency order
<p><a href="#">1803.1.1.</a> It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.</p>	No	
<p><a href="#">1803.1.2.</a> The area of the tract of land is not less than 5 acres.</p>	No	Tract is 5.49 Acres
<p><a href="#">1803.1.3.</a> 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:</p> <p>(a) The number of building lots that could be created in the tract shown on such plan without a special permit hereunder, plus one lot for each 10 of such building lots that could otherwise be</p>	No	<p>The total number permitted under a, per peer review, is 4.</p> <p>The total number permitted under b, as shown on the latest plan dated 12/28/20, is 5.38</p> <p>The proposed number of dwelling units is 5, which does not exceed the larger of 4 and 5.38.</p>

<p>created; or</p> <p>(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.</p>		
<p><a href="#"><u>1803.1.3.1.</u></a></p> <p>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 land surveyor which 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.</p>	No	The lotting plan has been submitted and peer reviewed.
<p><a href="#"><u>1803.1.3.2.</u></a></p> <p>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.</p>	No	The Applicant is not proposing any multi-unit structures.
<p><a href="#"><u>1803.1.3.3.</u></a></p> <p>Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may</p>	No	The Applicant is requesting multiple (four) detached dwelling units on a single lot

permit by Special Permit attached and detached dwelling units to be erected on single lot(s).		
<a href="#"><u>1803.1.4.</u></a> 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.	No	Lot 1 and Lot 2 each have more than 50 feet of frontage on the proposed private way
<a href="#"><u>1803.1.5.</u></a> 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.	No	Lot 1 is 29,699 S.F Lot 2 is 93,552 S.F.
<a href="#"><u>1803.1.6.</u></a> 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.	No	The Applicant requests that the Planning Board reduce roadway setbacks to not less than 15 feet in order to preserve the existing house and utilize the approximate location of the existing driveway and curb cut, thereby furthering the interests of the bylaw.
<a href="#"><u>1803.1.7.</u></a> 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	No	The project is detached single family dwellings and proposes 40% open space (not including additional do-not-disturb areas). This exceeds the 35% required.

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.		
<p><a href="#">1803.2.</a> Conveyance of the Open Land.</p> <p><a href="#">1803.2.1.</a> The Open Land shall be conveyed either:</p> <p><a href="#">(a)</a> To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land;</p> <p><a href="#">(b)</a> 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</p> <p><a href="#">(c)</a> 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.</p>	No	The open land shall be conveyed to either the Town or a homeowners association
<p><a href="#">1803.2.2.</a> 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.</p>	No	

<p><a href="#"><u>1803.2.3.</u></a> 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.</p>	No	
<p><a href="#"><u>1803.3.</u></a> 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.</p>	No	<p>There are two building lots with total area of 123,222.</p> <p>Of that area, 92,648 SF (75.2%) are in the R-40</p> <p>30,573 SF (24.8%) are in the R-60</p> <p>Therefore, for all purposes (including 1803.1.3.b), the tract shall be considered as lying within the R-40</p>
<p><a href="#"><u>1803.4.</u></a> 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.</p>	No	
<p><a href="#"><u>1804.1.</u></a> The Planning Board may, in appropriate cases, impose as a condition of the special permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.</p>	No	
<p><a href="#"><u>1805.1.</u></a> In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:</p>	No	

<p><a href="#"><u>1805.1.1.</u></a> A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein. [Amended 11-15-2016 STM by Art. 4]</p> <p><a href="#"><u>1805.1.2.</u></a> A general description of the neighborhood in which the tract lies and the effect of the plan on the area.</p> <p><a href="#"><u>1805.1.3.</u></a> The relation of the proposed development to long-range plans of the Town, if any.</p> <p><a href="#"><u>1805.1.4.</u></a> The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.</p> <p><a href="#"><u>1805.1.5.</u></a> The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.</p> <p><a href="#"><u>1805.1.6.</u></a> If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.</p> <p><a href="#"><u>1805.1.7.</u></a> If the Planning Board denies the special permit, its reasons for so doing.</p> <p><a href="#"><u>1805.1.8.</u></a> If the Planning Board disagrees with the recommendations of the Conservation Commission, Historical Commission, or the Board of Health, it shall state its reasons therefor in writing. [Amended 11-15-2016 STM by Art. 4]</p> <p><a href="#"><u>1805.1.9.</u></a> If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-</p>		
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<p>1803.2.3 above. [Amended 11-15-2016 STM by Art. 4] <a href="#">1805.2.</a> Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.</p>		
<p><a href="#">1806.1.</a> If a special permit is granted, the Planning Board shall impose as a condition that the Open Land shall be conveyed, free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot, unless the petitioner shall provide a cash performance bond in an amount sufficient in the judgment of the Planning Board to guarantee the conveyance of the Open Land as required by the special permit. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances. In any event, the Open Land shall be conveyed as required on or before one year after the conveyance of the first lot.</p>	No	
<p><a href="#">1808.1.</a> Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause</p>	No	

<p>shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:</p> <p><a href="#"><u>1808.1.1.</u></a> Grant any reduction in the size of the open land as provided in the permit;</p> <p><a href="#"><u>1808.1.2.</u></a> Grant any change in the layout of the ways as provided in the permit;</p> <p><a href="#"><u>1808.1.3.</u></a> Increase the number of building lots as provided in the permit; or</p> <p><a href="#"><u>1808.1.4.</u></a> Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.</p>		
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## Article 301: Conservation Cluster Planning Board Regulations

Regulation Section	Variance Needed?	Notes/Public Benefit
<p><a href="#"><u>§ 301-1 Authority.</u></a> Pursuant to the authority granted by Article 18 of the Zoning Bylaws of the Town of Wayland, the Planning Board has adopted the following regulations governing special permits for conservation cluster development in the Town of Wayland.</p>	No	
<p><a href="#"><u>§ 301-2 Purpose.</u></a> The purpose of these regulations is to guide the planning, design and construction of developments in accordance with Article 18 of the Zoning Bylaws of the Town of Wayland in a manner consistent with the following objectives:</p> <p><a href="#"><u>A.</u></a> Promoting the more efficient use of land in harmony with its natural features.</p> <p><a href="#"><u>B.</u></a> Encouraging the preservation of open land for conservation, agriculture, open space and recreational use and preserving historical and archaeological resources.</p> <p><a href="#"><u>C.</u></a> Protecting existing or potential municipal water supplies.</p> <p><a href="#"><u>D.</u></a> Protecting and promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.</p> <p><a href="#"><u>E.</u></a> Implementing the Zoning Bylaws.</p>	No	
<p><a href="#"><u>§ 301-3 Effective date; copies on file.</u></a> The effective date of these regulations is the date of adoption by the Wayland Planning Board, March 1, 1988. Copies of the regulations will be available at the office of the Planning Board and will be furnished to the public at a reasonable cost to</p>	No	

cover preparation, reproduction and handling.		
<p><a href="#">§ 301-4 Compliance.</a> A development or any phase thereof under Article 18 of the Zoning Bylaws shall comply with these regulations as in effect as of the date an application is duly submitted for the special permit and when all requirements for an application contained in Article 18 and in these regulations are met to the satisfaction of the Board.</p>	No	
<p><a href="#">§ 301-5 Definitions.</a></p>	No	
<p><a href="#">§ 301-6 Forms.</a> All forms required by the Rules and Regulations for the purposes of these regulations will be supplied to the applicant by the Planning Board or its agent.</p>	No	
<p><a href="#">§ 301-7 Fees and costs.</a> All costs incurred by the Town of Wayland to administer the requirements of the Massachusetts General Laws, the Zoning Bylaws, the Rules and Regulations Governing the Subdivision of Land, these regulations and other applicable rules and regulations of the Planning Board and other boards and commissions or departments of the Town of Wayland in connection with an application for a special permit for conservation cluster development shall be borne by the applicant for the special permit as provided in Section 3.4 of the Rules and Regulations of the Planning Board for Conduct of Planning Board Functions, Meetings and Hearings.</p>	No	
<p><a href="#">§ 301-8 Relation to Zoning Bylaws.</a> The Wayland Zoning Bylaws shall apply to the development insofar as they are applicable and</p>	No	Note: Article 18 of the Zoning Bylaw controls in the event of an inconsistency with 301

shall control if there is any inconsistency between the Zoning Bylaws and these regulations.		
<p><a href="#">§ 301-9 Relation to Rules and Regulations.</a></p> <p>The Rules and Regulations Governing the Subdivision of Land as revised from time to time shall apply to the development unless inconsistent with these regulations, in which case these regulations shall control.</p>	No	
<p><a href="#">§ 301-10 Waivers.</a></p> <p><a href="#">A.</a></p> <p>Strict compliance with the requirements of these regulations may be waived only when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the intent and purpose of Article 18 of the Zoning Bylaws and these regulations.</p> <p><a href="#">B.</a></p> <p>Any request from an applicant for a waiver of these regulations must be submitted in writing to the Board at the time of, or prior to, submission of the application and must clearly identify the provision or provisions of these regulations from which relief is sought. Such request must be accompanied by a statement setting forth the reason or reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaws and these regulations.</p> <p><a href="#">C.</a></p> <p>In waiving strict compliance, the Planning Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. All waivers shall be granted in writing by the Planning Board.</p>	Yes	Waiver requested to allow for the request of additional waivers after the initial submission, as the plan has changed substantially since the initial submission
<p><a href="#">§ 301-11 Severability.</a></p> <p>If any section, paragraph,</p>	No	

<p>sentence, clause or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged, and the remainder of these regulations shall be deemed valid and effective.</p>		
<p><a href="#">§ 301-12 Amendments.</a> These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the concurring vote of at least three members of the Board.</p>	No	
<p><a href="#">§ 301-13 Additional information.</a> The information identified herein is not exclusive. The Planning Board may from time to time require any additional information which it feels is necessary in evaluating a proposal or plan or in connection with construction. The applicant shall be notified in writing of such requirement(s). If the need is not evident to the Board prior to the public hearing and/or the information cannot be furnished prior to the public hearing, the Board may continue the hearing until the information is provided.</p>	No	
<p><a href="#">§ 301-14 Concept plan.</a> <a href="#">A.</a> General. A concept plan of development may be submitted by the applicant at his expense to the Planning Board. The concept plan is for the purpose of discussion prior to final engineering and shall be accepted and acted on in the same manner as a preliminary plan under the Rules and Regulations. <a href="#">B.</a> Filing procedure. <a href="#">(1)</a> The concept plan shall be filed in the same manner as a preliminary plan and shall be considered submitted when delivered to the Planning Board at the next</p>	No	Applicant chose not to submit a concept plan ("may")

<p>regular Planning Board meeting after being accepted during normal business hours as a complete filing by the Planning Board agent.</p> <p><u>(2)</u></p> <p>The applicant shall also submit copies of the concept plan, at his expense, to the Town Clerk, the Conservation Commission, the Finance Committee, the Fire Chief, the Board of Health, the Building Commissioner, the Park and Recreation Commissioners, the Police Chief, the Road Commissioners, the School Committee, the School Building Planning Committee, the Selectmen, the Commissioners of the Water Department and the Zoning Board of Appeals.</p> <p>[Amended 10-7-1997]</p>		
<p><u>§ 301-15 Site plan.</u></p> <p><u>A.</u></p> <p>General. A site plan as required in § <u>198-1802</u> of the Zoning Bylaws shall be filed in the same manner as a definitive plan under the Rules and Regulations. The site plan may be submitted at the same time as the application for a special permit for a conservation cluster development described in § <u>301-16</u> of these regulations.</p> <p><u>B.</u></p> <p>Contents. The site plan shall include all the item listed below:</p> <p><u>(1)</u></p> <p>All the requirements of the Rules and Regulations, Section III.B.3.</p> <p><u>(2)</u></p> <p>All the information required in the Zoning Bylaws, §§ <u>198-1801</u> through <u>198-1805</u>.</p> <p><u>(3)</u></p> <p>To the extent applicable, all proposed instruments to be recorded with the plans.</p> <p><u>(4)</u></p> <p>A plan showing:</p> <p><u>(a)</u></p> <p>The number of building lots which could be created in the tract shown on such plan without</p>	<p>Yes</p>	<p>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.</p>

<p>a special permit; and</p> <p><a href="#">(b)</a> The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land situated within the floodplain or designated as wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located.</p> <p><a href="#">(5)</a> The front, side and rear yards of each lot shown on the plan by dashed lines indicating the area within which a building may be built.</p> <p><a href="#">(6)</a> The use and ownership of adjacent land and the location and use of any buildings thereon within 200 feet of the boundary of the tract.</p> <p><a href="#">(7)</a> Provisions for screening, surfacing, lighting and landscaping, including fences, walls, planting areas and walks.</p> <p><a href="#">C.</a> Format.</p> <p><a href="#">(1)</a> The site plan shall be prepared by a land surveyor, landscape architect or professional engineer registered in the Commonwealth of Massachusetts. Said plan shall be drawn at a scale of one inch equals 40 feet, or such other scale approved by the Planning Board. Sheet size shall be no larger than 24 by 36 inches. When more than one sheet is submitted, a key sheet shall be provided.</p> <p><a href="#">(2)</a> Each sheet shall have a title.</p>		
<p><a href="#">§ 301-16 Special permit application.</a> A special permit for a conservation cluster development shall be submitted on a form supplied by the Planning Board in accordance with Section 3.0 of the Rules and Regulations of the Wayland Planning Board for</p>	No	Applicant submitted said form on May 18, 2020.

Conduct of Planning Board Functions, Meeting and Hearings. Where the submittal procedure in said Section 3.0. is in conflict with those of § <a href="#">301-15</a> of these regulations, § <a href="#">301-15</a> of these regulations shall apply.		
<a href="#">§ 301-17 Basic requirements.</a> The design standards contained in the Rules and Regulations shall govern all development in a conservation cluster development. In addition, the conservation cluster development shall met the following design standards:	No	Enumerated below
<a href="#">A.</a> The standards contained in § 198-1803.1.2 through 1803.1.7 and 1803.1.10 and all other sections of the Zoning Bylaws which are not in conflict with these regulations.	No	
<a href="#">B.</a> Each building site shall have access by way of a relatively level drive which shall not have a grade in excess of 10%.	No	Grades are generally around 2% and do not exceed 10%
<a href="#">C.</a> There shall be a buffer strip at least 50 feet wide around the perimeter of the tract when the abutting use is not a conservation cluster development or dedicated open space or dedicated to conservation purposes.	Yes	The buffer strip has been reduced to 20 feet in order to preserve the existing house and utilize the approximate location of the existing driveway and curb cut.
<a href="#">D.</a> There shall be a buffer strip at least 30 feet wide between the groupings of building lots within the conservation cluster development.	No	There is a minimum of 30' between buildings
<a href="#">E.</a> Each principal building shall have access from a street: <a href="#">(1)</a> Contained within the conservation cluster development; and	No	Each building lot is accessed from the proposed private way

<u>(2)</u> Not in existence prior to the development of the cluster.		
<u>F.</u> No building, structure or pavement shall be located within areas which are required to be maintained as open land.	No	
<u>G.</u> Buildings shall be compatible with other buildings in the conservation cluster development.	No	
<u>H.</u> Buildings, open spaces, driveways and other development features shall be located and designed in a manner which conforms to the existing natural terrain of the site.	No	
<u>I.</u> All existing or proposed utilities shall be installed underground at the time of initial construction.	No	
<u>§ 301-18 Additional specifications.</u> All improvements not specifically mentioned in the Rules and Regulations or these regulations shall be subject to standards approved by the Planning Board.	No	
<u>§ 301-19 Basic requirements.</u> <u>A.</u> The applicant shall design, install and maintain all improvements in accordance with the requirements and procedures, including performance guaranty, as required by the Rules and Regulations.	Yes	The applicant seeks a waiver of this section to the extent that the private way does not conform with the roadway standards of the Rules and Regulations governing subdivisions. This is to the public benefit in that it reduces impervious surfaces, pavement, and clearing, consistent with the goals of the Conservation Cluster Bylaw.

<p><u>B.</u> All elements of the development shall be installed in a sequence acceptable to the Planning Board. Phases shall include complete building lot groups.</p>	No	
<p><u>§ 301-20 Additional specifications.</u> <u>A.</u> General. The minimum specifications of the Rules and Regulations and of this article shall govern the installation of all roadways, walkways, utilities and other improvements in all conservation cluster developments. <u>B.</u> In addition, the following improvements are required: <u>(1)</u> All trees to be taken down in the development shall be visibly marked in the field at the request of the Planning Board, and such markings shall be maintained until the trees are cut. No marked trees shall be cut until approved by the Planning Board.</p>	Yes	The applicant seeks a waiver of this section to the extent that the private way does not conform with the roadway standards of the Rules and Regulations governing subdivisions. This is to the public benefit in that it reduces impervious surfaces, pavement, and clearing, consistent with the goals of the Conservation Cluster Bylaw.
<p><u>§ 301-21 Procedure.</u> <u>A.</u> Special permit. A special permit submitted under § <u>198-1801</u> will be acted on in the same manner as a special permit prescribed in § <u>198-203</u> of the Zoning Bylaws and in MGL c. 40A. <u>B.</u> Definitive plan. A site plan submitted under § <u>198-1802</u> will be acted upon in the manner of a definitive plan, except that the hearing required on a definitive plan and the hearing required for a special permit may be held simultaneously.</p>	No	
<p><u>§ 301-22 Findings.</u> Prior to granting a special permit, the Planning Board must make findings that: <u>A.</u> The objectives of the Zoning Bylaws and in particular of</p>	No	

<p>§§ <a href="#">198-203</a> and <a href="#">198-1803</a> are met; and  <a href="#">B.</a>  All other requirements of the Zoning Bylaws of the Town of Wayland and of the Rules and Regulations are met.</p>		
<p><a href="#">§ 301-23 Review; public hearing; decision; conditions.</a>  Review, public hearing, notification and recording shall be in the same manner as is required for a definitive plan. Reasonable conditions may be incorporated in the decision to approve a special permit, which shall include all requirements of § <a href="#">198-1806</a> and may also include but are not limited to hours of construction, measures to mitigate adverse impacts, review of floor plans for phases after the first phase (which phase is reviewed with the original submission) and provision of a clerk of the works.</p>	No	
<p><a href="#">§ 301-24 Security.</a>  Negotiable instruments, deposits of money, a performance bond of a surety company qualified to do business in the Commonwealth of Massachusetts and/or such other security as provided in the Rules and Regulations may be required by the Planning Board to cover the cost of construction of ways and the cost of installation of municipal utilities.</p>	No	
<p><a href="#">§ 301-25 Inspections.</a>  Inspection of all areas not covered under inspections by the Planning Board or its designee and the Board of Health or its agent shall be carried out under the direction of the Planning Board at appropriate times during the improvements of the planned development in accordance with Section V.C of the Rules and Regulations.</p>	No	
<p><a href="#">§ 301-26 Title certification.</a>  Whenever the fee or any lesser</p>	No	

<p>interest in land is offered to the town under these regulations, conveyance of the same shall be by a deed granting good and clear record and marketable title thereto, subject only to such exceptions as the Planning Board may approve. Further, at least 10 days before such conveyance, the party offering such interest shall, at its expense, deliver to Town Counsel an opinion of counsel certifying that the title is of the quality required hereby, which opinion shall be updated and confirmed to the time of conveyance.</p>		
<p><a href="#"><u>§ 301-27 Communications.</u></a> Except as otherwise required by law, all communications with town officials or consultants must be forwarded through the Chairman of the Planning Board or his/her designee.</p>	No	

### Rules and Regulations

Regulation Section	Variance Needed?	Notes/Public Benefit
Section III.B Definitive Plan		
1) General The Definitive Plan shall conform substantially to the Preliminary Plan as approved but may constitute only that portion which is proposed to be recorded and developed at that time. The Planning Board may disapprove a Definitive Plan if it violates sound land use planning principles and design, even though all requirements hereafter enumerated are met. The subdivision rules and regulations and zoning in effect at the time of the submission of the Preliminary Plan shall govern the Definitive Plan if it is duly submitted within seven months.	No	
2) Filing Procedure	No	
3) Contents  The Definitive Plan shall be clearly and legibly drawn in black	Yes	Enumerated Below

waterproof ink on tracing cloth and of an overall size 36" x 24" with a margin of 15" on left 24" side for binding unless otherwise directed by the Planning Board. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development. The Definitive Plan shall contain the following information and shall include by reference the profiles required by paragraph 4 following of this subsection		
a) Subdivision name including the way or ways on which it is situated, boundaries, north point, date, scale, bench mark and datum. All elevations to refer to U.S.C. & G.S. bench marks.	No	All will be shown on Definitive Plan
b) Name and address of record owner, subdivider and engineer or surveyor.	No	
c) Names and addresses of all abutters as they appear in the most	No	

recent tax list.		
d) Existing and proposed lines of streets, ways, lots, easements, waterways and public or common areas within the subdivision. The proposed street names shall be shown in pencil until they have been approved by the Planning Board.	No	
e) Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within 500 feet of a Massachusetts Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments.	No	
f) Location of all permanent monuments properly identified as to whether existing or proposed. The	No	

distance and bearing to the nearest town, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street side lines, or where designated by the engineer retained by the Town.		
g) Location, names, elevations and present width of streets, bounding, approaching or within reasonable proximity of the subdivision.	No	
h) Suitable space to record the action of the Board and the signatures of the members of the Board	No	
i) Existing and proposed topography at a one (1) foot contour interval for gentle slopes and at a five (5) foot contour interval for steep slopes.	Yes	2-foot contours shown on Definitive Plan as the site has very little topographical change
j) Length, radii and central angles of all curves in lot lines and street lines.	No	
k) Zoning classifications of all areas shown on the	No	

Plan.		
l) Areas of lots with lot numbers and areas of other adjoining land of applicant not included in the subdivision.	No	
m) Size and location of existing and proposed storm drainage and water supply facilities.	No	
n) All information required on the Preliminary Plan shall be shown on the Definitive Plan.	No	
o) A storm drainage system will be shown on a separate sheet. The Plan shall include invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at 100 foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used,	No	Drainage system shall be shown with Definitive Plan

drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge		
p) Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, and location and results of soil percolation tests if individual sewage disposal systems are proposed (on a separate sheet). Percolation tests satisfactory to the Board of Health are to be taken on each lot within the subdivision.	No	
q) Water courses, ponds, marshes, flood plains, rock outcrop, trees of over 10 inch caliper (unless otherwise specified by the Board), and other significant natural features.	Yes	Waiver requested as most of the Open Land consists of trees over 10" caliper which will not be disturbed
r) Key plan, showing location of the subdivision at a scale of 1 inch equals 1000 feet and an accurate	No	

index plan at at a scale of 1 inch equals 200 feet or 1 inch equals 100 feet as required for the Town Atlas.		
s) Minimum building set-back lines on all lots and a sketch plan showing proposed house sites.	No	
t) Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street signs, street lighting standards, all utilities above and below ground, curbs, gutters, street trees, storm drainage, all existing and proposed easements, and fire alarm boxes (on a separate sheet).	No	
u) A legend denoting any signs and symbols used on the plan and not otherwise explained	No	
v) A sketch plan, acceptable to the Board, showing a possible or prospective street layout for any adjacent land owned	No	The applicant does not own any adjacent land

or controlled by the owner or the applicant of the subdivision.		
w) The filing of Form 0, detailing environmental data. A copy of this form is available from the Planning Board.	No	Applicant submitted said form on May 18, 2020.
x) Within seven (7) days after the time of submittal of the initial Definitive Plan to the Planning Board, the Applicant shall have filed application for all other local, state, and federal permits required for the construction of streets, easements, utilities, and other improvements of the subdivision as provided for in these Rules and Regulations. Evidence of such filing, in the form of a copy of such application, shall be submitted to the Planning Board within the above time period.	Yes	Local street opening permits and stormwater permits will be filed for upon approval of plans by the Planning Board.
y) Copies of all reports, permits, etc., and all amendments thereto, filed by the applicant with all federal, state and local agencies, and all	No	

responses from these agencies.		
<p>4) Profiles of Proposed Streets (may be drawn on a separate sheet) Profiles shall be drawn with:</p> <p>a) A horizontal scale of 1 inch to 40 feet.</p> <p>b) A vertical scale of 1 inch to 4 feet.</p> <p>c) Existing center line in fine black solid line with elevations shown every 50 feet.</p> <p>d) Existing right side line in fine black dash line.</p> <p>e) Existing left side line in fine black dotted line.</p> <p>f) Proposed center line grades and elevations in red, with elevations shown at every fifty (50) foot station, except that in vertical curves elevations shall be shown at every twenty-five (25) foot station and at the PVC and the PVT.</p> <p>g) All existing intersection walks and driveways shown on both sides.</p> <p>h) All elevations referred to the U.S. Coast and Geodetic Survey bench marks. Bench</p>	No	

<p>marks shall be located every 500 feet along proposed road ways and shall be installed prior to fine grading of the gravel course.i)</p> <p>Rates of gradient shown in red figures.j)</p> <p>Size and location of existing and proposed water mains and their appurtenances and surface drains and their appurtenances.k)</p> <p>All center lines, street lines and curb lines (with elevations every 25 feet) of streets for 200 feet either side of each intersection on a connecting street.l)</p> <p>Profiles shall show vertical location of water lines, drainage lines and other utilities as well as required new waterways. Sizes of all pipes shall be shown as well as inverts of all pipes at each man-hole or catch basin, together with invert elevation and rum elevation of each proposed main water line and all proposed sewerage system lines as well as all proposed drainage lines</p>		
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whether or not within the subdivision.		
<p>5) Additional Submittal Materials a) For all subdivisions, the Applicant shall be required to submit a technical memorandum prepared in conformance with the latest version of AASHTO Standards and by a qualified traffic engineer to provide the following existing street information at proposed new street intersections:</p> <p>(i) representative daily traffic and peak hour volumes(ii) available horizontal and vertical sight distance (iii) travel speed measurements and calculation of 85<sup>th</sup> percentile speed.</p>	No	See Form O
<p>b) In addition, for all residential subdivisions over five (5) lots and for commercial subdivisions over two (2) lots, or where otherwise deemed necessary by the Board, the Applicant shall furnish a traffic</p>	No	

analysis of the impact of the additional traffic to be generated by the proposed development on the adjacent ways and intersections. The study shall be compiled in accordance with the most recent AASHTO criteria.		
c) The Filing of Form O, detailing environmental data. A copy of this form is available from the Planning Board.	No	Applicant submitted said form on May 18, 2020.
d) Within seven (7) days after the time of submittal of the initial Definitive Plan to the Planning Board, the Applicant shall have filed applications for or submit a plan for obtaining all other local, state, and federal permits required for the construction of streets, easements, utilities, and other improvements of the subdivision as provided for in these Rules and Regulations. Evidence of such filing, in the form of a copy of such	Yes	Local street opening and stormwater permits will be filed for upon approval of plans by the Planning Board.

application, shall be submitted to the Planning Board within the above time period.		
f) Staking - To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing the Definitive Plan, the Applicant shall stake the center line, right-of-way, and approximate limits of grading of all proposed streets on fifty foot (50') center line stations. Cut or fill dimensions to finished grade profile shall be marked on the stakes. The Developer shall also stake the center line of all trails at a minimum of every one hundred feet (100').	Yes	The applicant requests a waiver of this section as the project does not propose a publicly-maintained street
6) Performance Guarantee	No	
7) Suitability of the Land a) All lots in a subdivision shall be laid out with the minimum areas required by the Zoning Bylaws to be exclusive of the areas of any pond within such lots.b) The Board will transmit copies of the	No	

<p>Definitive Plan to Town Departments as follows:</p> <ol style="list-style-type: none"> <li>1. Health Department</li> <li>2. Police Department</li> <li>3. Conservation Department</li> <li>4. Building Department</li> <li>5. Highway Department</li> <li>6. Assessors Department</li> <li>7. Water Department</li> <li>8. Town Surveyor</li> <li>9. Fire Department</li> </ol> <p>Before a Definitive Plan is approved, the Board will request written statements from the above officials with regard to the proposed improvements in the following respect</p>		
8) Public Hearing	No	
9) Recording of Plan and Notification of Planning Board	No	
<p>SECTION IV. DESIGN STANDARDS A) GENERAL</p> <p>1) Basic Requirements</p> <p>The subdivider shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered</p>	No	

minimum standards and shall be varied free or waived, only as provided in Section VI.		
2) Conformance with Master Plan Any proposed subdivision shall conform to the proposals and intentions of the Wayland Master Plan which includes the Conservation Plan of the Conservation Commission and the Recreation Plan as adopted in whole or in part by the Planning Board, unless substitute proposals may be shown to the satisfaction of the Board to serve better the general area of the subdivision and the Town.	No	
3) Lot Size and Frontage All lots shall be of such size and dimensions to meet the minimum requirements of the Zoning Bylaws.	No	
4) One Dwelling per Lot Only one residential dwelling may occupy each lot. Customary accessory structures are	No	The Zoning Bylaw shall control in the event of inconsistency between the Rules and Regulations and the Zoning Bylaw. Article 18 permits

permitted.		multiple dwelling units per lot.
5) Protection of Natural FeaturesAll natural features, such as large trees, water courses, wetlands, scenic points, historic spots, and similar community assets, which will add attractiveness and value to the property shall be preserved.	No	
6) Access through Another MunicipalityIn case access to a subdivision crosses land in another municipality, the Board may require certification, from appropriate authorities, that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.	No	
7) Vehicular Access and Lot ArrangementVehicular	No	

access to each lot in a subdivision shall be such as to provide actual or potential vehicular entry onto each lot from the street from which each lot calculates its frontage for zoning purposes. Lots shall be arranged so that there will be no foreseeable difficulties for reasons of topography, soils, bedrock, improper drainage, or other conditions in securing building permits to build on all lots in compliance with the Zoning Bylaws of the Town of Wayland, or in providing practical, feasible driveway access to the building on such lots		
B) STREETS 1) Location and Alignment	Yes	Requested Waivers enumerated below
a) Streets shall be continuous, of uniform width, and in alignment with existing streets, as far as practicable.	No	
b) Provision shall be made for the proper projection of streets, if adjoining property is	Yes	Waiver requested as the adjoining properties are either not able to be subdivided or have

not subdivided.		multiple points of existing access.
c) All curved streets must be designed to permit safe vehicular travel. A minimum 200-foot length tangent shall be provided between the point of tangency (PT, the end) of one curve and the point of curvature (PC, the beginning) of any following curve.	No	
d) Dead-end streets shall be permitted on Residential and Limited Residential Streets only. Any dead-end street shall be provided with a circular turn-around at its dead-end terminus having a curb radius of forty five (45) feet, and a right-of-way radius of sixty (60) feet. A dead-end street is any street or way or combination of streets or ways having only one terminus at a through street. A through street is a street that has two completed and usable ways of access. No dead-end street shall be more than six	Yes	The Applicant requests that the Planning Board reduce roadway setbacks to 20 feet in order to preserve the existing house and utilize the approximate location of the existing driveway and curb cut. The applicant proposes a private way with a pavement radius of 45'.

<p>hundred ninety (690) feet in length, as measured along its center line from its intersection with the sideline of the right-of-way of the through street to the center point of the circular turn-around (making the overall length no more than seven hundred fifty (750) feet). The minimum length of dead-end streets shall be two(2) times the minimum lot frontage in the zoning district in which the street and the lots abutting the street are located. In the event that the street and the abutting lots are located in more than one zoning district, the most restrictive minimum lot frontage shall apply. This minimum length shall be measured along the center line of street from its intersection with the sideline of the right-of-way of the through street to the center point of the circular turn-around. A minimum separation</p>		
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of fifty (50) feet from the subdivision boundary to the right-of-way shall be required		
e) Street lines at intersections shall be cut back so as to provide for curb radii of not less than twenty-five feet (25').	Yes	The Applicant requests a waiver to allow reduced curb radii for the private way
2) Right-of-Way Width and Street Design Standards On all classifications of streets, the following characteristics shall be the minimum acceptable:  Residential402229081	Yes	The Applicant requests 18' of pavement rather than 22' for the private way to allow a reduction in impervious surface and overall disturbance for the limited conservation cluster development.
3) Sight Distance Applicants must demonstrate that, for vehicles entering from a proposed street onto an existing street, adequate sight distance exists in accordance with AASHTO standards. Applicants also must demonstrate that adequate sight distance exists along the proposed road in accordance with AASHTO standards	No	
4) Street Offset	No	

<p>5) Intersection Rights-of-way shall be laid out so as to intersect as nearly as possible at right angles. No right-of-way shall intersect any other right-of-way at less than 60 degrees. Where any intersecting street approaches the intersection at a grade greater than 3%, there shall be a grade of 1% for 100 feet from the center of the intersection along the center line of such street. Property lines at right-of-way intersections shall be cut back to provide for a curb radius on the roadway of not less than twenty-five feet, except where the angle of intersection varies more than ten degrees from a right angle, in which case the radii of the curve connecting the acute angle may be less and the opposite radius must be correspondingly greater. All objects within these areas shall be no higher</p>	<p>No</p>	
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than 2.5 feet		
<b>C) EASEMENTS AND RESTRICTIONS</b>	No	
2) Conservation Restrictions	No	
3) Utilities and Drains Utility and drain easements (Form N) shall not be less than 25 feet in width. When located within the roadway, the utilities and drains shall conform to the typical cross-section set forth in the Appendix.	No	No municipal easements are required as the applicant proposes a private way rather than a municipally maintained road
<b>D) PEDESTRIAN WAYS</b> Pedestrian ways or foot paths will normally be required to provide convenient circulation or access to schools, playgrounds, shopping, churches, transportation, parks, conservation areas and/or other facilities. Such ways shall consist of an easement of at least 20 feet.	No	The Open Space allows for pedestrian access to the rail trail
<b>E) OPEN SPACE, PARKS AND PLAYGROUNDS</b>	Yes	The applicant requests a waiver from this section requiring area to be set aside for a playground. The proposed project includes ample open space.

<p><b>F) DRIVEWAYS</b>  Driveway connections to streets shall slope from the street right-of-way line down to the edge of the pavement at a grade of inch per foot</p>	No	
<p><b>SECTION V. REQUIRED IMPROVEMENTS</b>  <b>1) General</b>The following minimum specifications shall govern the installation of all roadways, utilities and other improvements in all subdivisions as designated on the Definitive Plan and as otherwise determined by the Planning Board.</p>	Yes	<p>Waiver requested from this section to allow for the construction of an 18' wide private way. The proposed private way eliminates the need for the Town of plow and otherwise maintain a municipal road. See waivers enumerated in SECTION IV. DESIGN STANDARDS, B STREETS above</p>
<p><b>SECTION VI. ADMINISTRATION</b></p>	No	