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**PLANNING DEPARTMENT**

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**MEMORANDUM**

**TO:** Planning Board

**FROM:** Sarkis Sarkisian, Town Planner

**DATE:** January 14, 2020

**SUBJECT:** Five Paths Definitive Subdivision Town Planner Report

I. **Meeting Goals**

The Planning board has received a determination from KP Law dated January 3, 2020 stating that the Applicant has the right to use easements identified as "Right of Way A" and "Right of Way B" and the "Alternate Right of Way" (the "easements") for the benefit of the proposed three lot subdivision. It has been concluded based on the two opinion letters, dated December 13, 2019 and December 31, 2019, that the Applicant has the right to use the Easements to access the Premises from Woodridge Road. Town Counsel has not reported whether the use of ways results in overburdening and states that it **is not in the purview of the Planning Board**.

**What is in the purview of the Planning Board?**

- A. To determine whether the common driveway is safe and accessible for the public and for emergency vehicles. The Applicant is looking to obtain clearer guidance from the Planning Board regarding whether or not the Proposed Alternative Driveway Plan may be acceptable for this development before providing more information or funding a peer review such as a "Stopping and Sight Distance Analysis." Staff has developed a scope of services for such study and has obtained an estimate from BETA Engineering in the amount of \$3,300.
- B. The Planning Board needs determined whether to waive the following regulations:

1. 50' offset to an abutting property line from the proposed road right-of-way. (Section I.V.B.1.D Design Standards – Streets – Location and Alignment)
2. Length of a cul-de-sac. Because the length is measured all the way back to the intersection with Fallbrook, we require this waiver. (Section I.V.B.1.D Design Standards – Streets – Location and Alignment)

Both of the proposed alternatives, either 1) using the driveway from Woodridge for Lots 2 & 3, and constructing a driveway for Lot 1 off Shaw Drive, or 2) constructing a 3-house common driveway in lieu of the roadway construction all coming off of Shaw Drive, require the same two waivers requested for the original subdivision, as described above. This is because the alternatives still require the same right-of-way (ROW) layout to create the legal lot frontage required under the zoning and subdivision control law, and the waivers are applicable to the ROW, not the roadway itself. In addition, both of the 2 alternatives require the two additional waivers listed below.

3. Waiver to allow one of the proposed driveway alternatives to be constructed in lieu of constructing the full roadway within the right-of-way. (Section V.B.2.A. Required Improvements – Roadway)
  4. Waiver of (Section IV Design Standards 7) Vehicular Access and lot arrangement by not having vehicular entry onto each lot from the street which each lot calculates its frontage for zoning purposes.
- C. NEW INFORMATION provided by the Applicant dated January 14, 2020 SCHEME “A”, “B”, “C” and “D”

The Applicant has submitted four different Development Schemes with the pros and cons as well as the waivers required from the Subdivision Rules and Regulations. The schemes also provide legends with the amount of disturbance and new impervious area for each scheme.

*Staff does not support or recommend any of these schemes.*

## II. **PLANNING BOARD AUTHORITY**

The purpose of the subdivision control law is to provide regulations and standards for the future growth and development of the town. These subdivision regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the

inhabitants of the Town by regulating the laying out and construction of ways in subdivisions, providing access to the several lots therein, but which have not become public ways, and insuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning bylaws; for securing adequate provision for water distribution, sewerage, drainage, protection of natural water sources, flood control, wetland areas, and other requirements where necessary in a subdivision; for protecting, promoting and enhancing the natural beauty and amenities of the Town; and for coordinating the ways in a subdivision with each other, with the public ways in the Town and with the ways in neighboring subdivisions.

### III. **STAFF RECOMMENDATION**

Staff recommends, and as stated during the preliminary plan process that this land be developed utilizing the Conservation Cluster Bylaw. Unfortunately the Conservation Cluster Development Application is not in front of us. Also, our subdivision standards do not correspond to the different land use districts in Town. Therefore we need to be inventive with the design to reduce impervious surface area and lessen the overall impact of the land development. The site also contains a large amount of ledge. Staff recommends that an 18' paved road with 2" reinforced graveled shoulders be constructed from Shaw Drive to the proposed Five Paths Driveway connection with an emergency gate. The proposed road would follow the proposed water main from Shaw Drive to the proposed Five Paths Driveway Connection ending with a hydrant. Approximately 150' of roadway from the common driveway connection would be a graveled surface. This may allow for a better lot configuration for Lot 2 and Lot 3 and would also minimize land disturbance. It would also provide major Fire Protection both in terms of water supply and emergency only access to the homes off the common driveway from Woodridge Road. The Right of Way layout would also shift to the Castle westerly property line for approximately 80'. (See enclosed sketch plan) A Landscape Plan and Tree Retention Plan should be submitted for review. Existing significant trees determined to be viable should be retained to the maximum extent possible.