



TOWN OF WAYLAND
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PLANNING DEPARTMENT

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MEETING MINUTES
May 26, 2020

The Wayland Planning Board met on **Tuesday, May 26, 2020 at 5:30PM** via Zoom and live-streamed on WayCam.tv, Wayland's community access media outlet.

Attendance:

Mr. Ira Montague, Chair
Mr. Andrew Reck, Vice Chair
Mr. Dan Hill, Member

Ms. Jennifer Steel, Member
Mr. Kevin Murphy, Clerk
Ms. Anette Lewis, Associate Member

The Town Planner, Mr. Sarkis Sarkisian, also attended. Minutes taken by K. Murphy.

5:30p.m. Open Meeting

Ira Montague opened the meeting and reviewed the agenda. He noted that the meeting is being conducted via Zoom, live-streamed on Waycam and that the public was encouraged to call in with comments and questions via 508-358-6812. He also thanked all of the Town and Waycam personnel that were providing assistance to make the evening session possible and noted that the earlier start time and 9pm finish was selected to allow additional discussion regarding agenda items.

Public Comment:

None

5:35p.m. 81 West Plain Street -- Residential Subdivision

Presenters:

Kevin O'Leary, Jillson Company, Inc.
Derek Wheeler, Developer - Autumn Leaf, LLC
Britton Bradford, Developer - Autumn Leaf, LLC

Documents presented and discussed were received on May 26th and had not been posted to the Planning Board website prior to the meeting.

Town Planner Update: Comments refer to 'Sheet 1' ["Grading Site Plan 81 West Plain Street" dated 1/23/20, revised 5/12/20 and 5/26/20] which was received earlier in the day. With regard to site access from West Plain Street, the Fire Chief has approved reducing the width of pavement for the new roadway from the previously proposed 18 feet to 16 feet (Note: the

existing driveway is currently 13.5 feet wide). This could allow a larger landscape buffer between the roadway and 77 West Plain Street. Lot 3 lot line has been moved north as discussed during the previous meeting. Site plan and landscape plan have been updated. Lot size for Lot 3 has increased from approximately 6,000 square feet to approximately 9,768 square feet. Limit of work area has been more clearly defined. K. O'Leary noted that a legend has been added to all documents as requested. Adjusted Lot 3 now has 180 feet on proposed right-of-way and 60-65 feet on West Plain Street. The width of the updated roadway was reduced by moving the edge located closest to 77 West Plain Street to create a larger buffer (5.5 feet).

S. Sarkisian noted that the proposal has referred to a two-lot proposal whereas the current discussion is about creating a three-lot subdivision. All meeting legal notices, agendas and minutes have referred to a two-lot subdivision. Discussion ensued regarding the impact on Open Meeting Law requirements. D. Hill suggested that the Town Planner research this issue to ensure that all Open Meeting Law and notice requirements have been met.

Landscape Plan:

S. Sarkisian noted that the Landscape Plan had been emailed to Board members earlier in the day. An abutter, Ann Rappaport, had requested additional screening. D. Wheeler noted that the plan had been adjusted to move a number of plantings to the Rappaport lot line to address this concern. The proposed plantings/screening extended well beyond the Rappaport home, garden and garage.

The developer was asked what could be planted along the lot line shared with 77 West Plain Street in the 5.5 foot buffer and he noted that one option is arborvitae. The possibility of a fence was also discussed as an added feature. It was also noted that the legend for the Landscape Plan had not yet been updated to reflect the updated plantings nor the size and species of all plantings.

The Board discussed taking protective measures to save the existing specimen silver maple tree that is located in the West Plain Street right-of-way. The developer confirmed their intention to save the tree.

Public Comment

Call-ins:

Thaddeus Thompson, 77 West Plain St. (via Zoom)

Planner and Board expressed condolences to Mr. Thompson regarding the passing of his father. The first issue Mr. Thompson wanted to discuss was the impact of saving the existing house on the location of the proposed driveway (aka roadway). He is concerned that the proposed driveway is not in the original location and negatively impacts his property in a significant way. He also noted that subdivision rules require a 50' buffer which is not being met. He expressed his strong objection to the newly proposed location of the drive.

The Board then discussed the irregular shape of the existing drive and compared this to the proposed roadway. The difference in distance to lot line between the existing drive and the proposed roadway is approximately 5 feet (roadway is closer).

Mr. Thompson asked for additional information regarding plantings on his northern and western shared boundary and asked that plantings be kept a minimum of 15 feet from the property line to allow for growth.

Finally, Mr. Thompson noted a dislike of both arborvitae and the concept of a fence. He asked what the compelling interest is to allow the proposed roadway to be moved so close to his property line.

Ann Rappaport, 69 West Plain Street (via Zoom)

Ms. Rappaport noted that it's not clear from the proposed plans how much greenhouse gasses will be generated due to the construction and operation of the proposed homes. She would like additional information regarding compensation for the greenhouse gasses generated.

Developer responded that the new homes will be built following the current energy efficiency requirements and would likely be among the most efficient in the Town. However, it will not be a 'net zero' home.

Ms. Rappaport noted that her concern is not energy efficiency but rather fossil fuel being used. The developer noted that propane will be used for heating and cooking via tanks or, if available, via available gas lines.

J. Steel noted the Wayland's Zoning Bylaw does not address greenhouse gases and thus making some of Ms. Rappaport's requests beyond the Board's purview.

Ms. Rappaport expressed disappointment with this limitation. I. Montague recommended that Ms. Rappaport initiate a proposal to amend the Zoning Bylaw to include the requirements she is interested in.

Rappaport also expressed concern that existing vegetation is being removed and the proposed landscape plan does not address screening on her lot land or the net contribution of greenhouse gases.

Lucia Thompson, 77 West Plain St. (via Zoom)

Ms. Thompson raised three points: (i) the public notice referenced a 2-lot subdivision and there was lack of notice of a change to 3-lot subdivision;(ii) she really dislikes arborvitae; and (iii) she is unclear when the Board is merely 'discussing' versus deciding on a point and would like the Board to be more clear on the outcome of those deliberations.

Ira Montague responded that: (i) the Board had earlier decided to investigate potential deficiencies in the notices with Town Counsel: (ii) the Board has long had a bias against

arborvitae and would take her concerns under consideration; and (iii) all Board discussions are intended to inform a final decision and meeting minutes will generally describe where the Board is in conducting due diligence and when it intends to vote on a decision.

Thaddeus Thompson, 77 West Plain St. (via Zoom)

Noted that the subdivision regulations require a 40' right-of-way plus 50' separation between either boundary for a total of 140 feet of frontage. Proposed plan has only 89 feet along West Plain Street. He would not object if the existing house were removed and roadway were located in the center of the current frontage but he is not willing to support a waiver of the requirement and relocating the new access roadway closer to his property.

The Board then discussed the possibility of moving the paved portion of the proposed road towards the west to create additional buffer space along the property line with 77 West Plain Street. This would most likely require that the specimen tree in the West Plain Street right-of-way be removed. Another option would be to have the road enter at an angle to both save the tree and provide additional space.

T. Thompson stated that he wouldn't object if the revised plan keeps the edge of pavement no closer to his property than the existing driveway. The developer was not certain this could be achieved without locating the roadway extremely close to the existing house.

I. Montague suggested that the various options being discussed be reviewed via a site visit to determine if an acceptable solution can be identified.

The site visit was set for 8a.m. on Thursday, May 28th. The Applicant also indicated they would be willing to grant an extension to the Board.

Motion: Continue hearing to Tuesday, June 9th, 2020 at 5:30p.m.

Move: J. Steel

Second: A. Reck

Vote: 4-0 roll call

I. Montague, Aye

A. Reck, Aye

D. Hill, Aye

J. Steel, Aye

K. Murphy, (abstain, not eligible to vote)

Note: At a later point in the meeting, the Town Planner advised the Board that June 9 is Town Election day and boards cannot meet. The Town Planner will work with I. Montague to advise the parties and address this.

Additional caller:

Michael Poisson, 2 Parkland Drive

Stated that the application was meant to be a 2-lot subdivision, not a 3-lot subdivision. Prefers that the proposal remain a 2 lot plan.

7:20p.m. 57 Shaw Drive -- Five Paths Residential Subdivision.

Presenter: Brian Levey, Attorney

Ross Wilkinson, Owner and Applicant

Cal Goldsmith and Kyle Burchard, Site Plan Engineers

B. Levey made introductory comments describing the updated proposal and reviewed the plan presented during the May 19th meeting. This plan provided a number of elements including access only from Shaw Drive and a donation of a significant amount of conservation land to the Town or its designee.

B. Levey stated that the Board had five 'asks' during the last meeting:

1. Revise driveway to move within the right-of-way. Applicant will move driveway into right-of-way (shown on Exhibit 'B') but notes that more disturbance and additional waivers are required.
2. Addition of a permanent limitation of disturbance. Applicant agrees to a no cut zone with exception for good forestry management.
3. Limitation of any further subdivision. Applicant has agreed to this.
4. That open space serve as access to SVT land including trails and parking spaces. Applicant has agreed and will donate \$2,500 for construction if and only if the entity receiving donated land wants the trail and parking built.
5. An affordable lot of duplex on property. This is not agreed to. It renders the project uneconomic and goes beyond inclusionary requirements in Town's Bylaws that call for the 7th unit to be an affordable one and not the 3rd unit.

Levey also noted that the distance from the lot line to the home of an abutter (Radoff) who spoke at the previous hearing is 281ft. Levey added that the distance from the closest house in the development to any of the abutters will be greater than 300 feet.

Levey addressed the concerns Mr. Castle raised at the last meeting by stating that the distance from the Castle home to the property line is over 200 feet and the closest house (located on proposed lot 1) is even further away.

Levey also noted that the new driveway location is now 33 feet away from Castle lot line although the actual right-of-way was shifted closer.

Levey concluded by requesting feedback from the Board regarding the revised proposal.

A. Reck: Requested the pavement setoffs on either side of the drive for Scheme B1. Levey stated that under Scheme B, pavement set-offs are 75 ft. +/- from the Fox Meadow side and 15 ft. from the Castle property line. Under Scheme B1, there are 53 feet (measured from edge of pavement) on the Fox Meadow side and 48 feet on the Castle side (at minimum distances). A. Reck then asked if the drive could be moved 2 feet further away from the Castle side to provide compliance with the 50 foot setoff requirement. The owner's engineer indicated that it could be moved but this would create significant additional disturbance. Scheme B1 proposal anticipates

a drive width of 18 feet. S. Sarkisian stated that the Fire Chief has asked for a 20 ft. width with the possibility of reducing this to 18 ft. with 2 ft. of fortified shoulder.

D. Hill asked if the plan proposes retaining walls. A: Plan currently does not include retaining walls but, if they were included, the amount of disturbance could be reduced.

D. Hill also disputed B. Levey's assertion that the Board had 'five asks' by noting that the Board did not formally request 5 items. Rather, these issues were all raised as concerns. He also clarified that the suggestion for an affordable unit was to create a duplex on one of the proposed lots for a total of 4 units (not replacing the market unit with an affordable one). Finally, D. Hill noted that the Board did not ask for open space but rather the owner had volunteered this. All of these items could be deemed to be unreasonable requests by the Board and thus these would not have been set forth as conditions. D. Hill's view of the Scheme B1 plan is that he is not yet comfortable with the waiver requests.

J. Steel noted that her recollection was that the roadway layout was to be moved to coincide with the last proposed driveway location versus moving the driveway to the roadway layout but she understands why it was done this way. She expressed support for having the limit of work delineations for construction become permanent.

K. Murphy noted an appreciation of the applicant's efforts to address the Board's concerns as well as the layout and the buffers. He noted that a strong desire on the part of SVT for the additional open space would be key in generating support for the proposal. Finally, Murphy stated that he remained concerned that the amount of disturbance needed to construct the proposed road would not be in harmony with the surroundings. He also noted that this has been a concern of the Board when previous proposals for this subdivision had been floated.

Andrew Reck agreed with the earlier comments of the other Board members, noted a strong preference for the roadway layout/driveway location to be located where it would most closely comply with setback requirements and noted his concern regarding the amount of land disturbance.

Ira Montague noted he is generally in favor of the Scheme B1 layout. He is interested in hearing from SVT regarding the importance of the open land and he noted his preference for the owner to include an affordable component.

Comments of Christa Collins, Sudbury Valley Trustees, Director of Land Protection --
Ms. Collins noted that her comments would be limited to only the 7 acres proposed for donation. A well-used trail runs along property line between the Wilkinson property and the SVT land. Would like to see this property added to the existing SVT parcel. Without protection, the land could be used for other purposes – such as cleared or combined with Castle land for further development.

Regarding the issue of a parking lot, SVT appreciated the notion but would have to weigh the cost of maintenance and neighborhood concerns regarding locating parking in neighborhood.

Public Comment

Call-ins:

Janot Mendler Desuarez, represents Mendler Woods Eco Development at 60 Shaw Drive (via zoom).

She encouraged the Board to take a comprehensive view to include the Mendler parcel as well as Wilkinson parcel in the plan and consider the development opportunities for this land.

B. Levey responded by noting that his client had tried to reach an agreement with Mendler Woods Eco Development, but couldn't and that his client has taken a large step towards reaching the goals specified by the Mendler group in retaining open space with minimal density.

Applicant requested 30-day continuance to discuss feedback and determine next steps.

D. Hill noted his preference to have this process reach a conclusion. He also criticized the applicant's approach of providing preliminary style plans and requesting definitive support. He requested that the Applicant provide complete plans which can be peer reviewed, debated and then given a definitive vote.

Ross Wilkinson stated that he concurs with D. Hill and that this extension feels like a needless delay and requested more definitive support from the Board before committing additional expenses on the plan. He asked each Board member to express support for one of the plans presented (no Board member offered additional support beyond previous comments).

Phillip Radoff, 21 Fox Meadow Lane (via zoom).

Requested that the documents discussed tonight be made available for the public. Understands that the proposal tonight was to move the drive toward Fox Meadow Lane. If this is true, he asked why it would be positive for the Fox Meadow neighbors.

B. Levey noted that the distance from the road to the lot line with the Fox Meadow abutters has been reduced from 75 feet in Scheme B to 53 feet in Scheme B1. He added however that the total distance to Fox Meadow Lane homes is circa 300 feet and, in his opinion, provided more than ample separation.

Motion: Continue hearing to July 7th, 2020 at 6:00pm.

Move: J. Steel

Second: A. Reck

5-0 vote (roll call, unanimous)

I. Montague, Aye

A. Reck, Aye

D. Hill, Aye

J. Steel, Aye

K. Murphy, Aye

8:30p.m. Minutes

Motion to approve March 10, 2020 Minutes, as amended.

Move: J. Steel

Second: A. Reck

Vote: 4-0 (roll call)

I. Montague, Aye

J. Steel, Aye

A. Reck, Aye

K. Murphy, abstain

D. Hill, Aye

Motion to approve February 25, 2020 Minutes, as amended.

Move: J. Steel

Second: A. Reck

Vote: 5-0 (roll call, unanimous)

I. Montague, Aye

J. Steel, Aye

A. Reck, Aye

K. Murphy, Aye

D. Hill, Aye

Minutes from April 8, 2020 will be discussed at the next meeting on June 2, 2020.

8:45p.m. Between 209 & 213 Old Connecticut Path -- Whittemore Place Residential Subdivision

Town Planner S. Sarkisian introduced the agenda item by noting that there are three requests from the developer. The requests and the Town Planner's comments are as follows:

1. Developer requests additional time to complete road work and requests an extension of the deadline from May to November.

Town Planner recommends October 15, 2020.

2. Developer requests a bond reduction based on completed work.

Town Planner recommends that the request be tabled because Town Engineer has not yet confirmed the accuracy of the requested reduction.

3. Developer requests an amendment of the 2017 Planning Board Decision

Developer and abutter have reached a private agreement regarding construction of the driveway connection for the abutters at 213 Old Connecticut Path. The Subdivision approval contains a condition that the Developer is responsible for that connection and new driveway. With the execution of the private agreement, Developer would like to be released from that condition.

Andy Meyer, 213 Old Connecticut Path noted that he is in agreement with the developer's request and supports the request. He noted that he is nearly ready for construction and is just waiting on final bids and the first payment from the developer so he can move forward.

The Board indicated its concern regarding releasing the requirement without having the driveway completed or otherwise bonded.

Board will discuss requests at its next meeting on Tuesday, June 2, 2020.

Motion to extend date for completion of the road to October 15, 2020.

Move: J. Steel

Second: D. Hill

Vote: 5-0 (roll call, unanimous)

I. Montague, Aye

J. Steel, Aye

A. Reck, Aye

K. Murphy, Aye

D. Hill, Aye

8:55p.m. 74 Moore Road – Conservation Cluster

Planning Board requested that the Town Planner provide a memo listing all remaining requirements and certifying that all have been met. D. Hill will also provide the Board with a copy of the draft Declaration of Restrictive Covenant that he drafted limiting further subdivision of the lots. The proposed Form J also needs to have one reference changed.

No action taken.

The Board requested that S. Sarkisian address the following items with Town Counsel:

1. 81 West Plain Street: Public notice of a subdivision application and open meeting law requirements regarding a 2-Lot vs 3-Lot development.
2. Whittemore Place: Ability to amend the Planning Board's Subdivision Decision so as to make an abutter responsible for meeting a condition in the approval and release the Developer from that condition.

Motion to Adjourn at 9:10p.m.

Move: J. Steel

Second: A. Reck

Vote: 5-0 (roll call, unanimous)

I. Montague, Aye

J. Steel, Aye

A. Reck, Aye

K. Murphy, Aye

D. Hill, Aye

Respectfully submitted,

Kevin Murphy, Clerk

Date

Documents reviewed and discussed:

81 West Plain Street two sheets 1 & 2 titled Definitive Subdivision Plan 81 West Plain Street dated May 26, 2020

Five Paths Subdivision Exhibit "A" dated May 26, 2020

Five Paths Subdivision Exhibit "B" dated May 26, 2020

Mainstone Farm & Hamlen Woods Subdivision Plans with open space
Abutter setbacks exhibit "E" dated May 25, 2020
Abutter setbacks exhibit "D" dated May 25, 2020

Three requested letters from Ed McCarthy (Whittemore Place) representing:

Oxbow amend decision request dated May 15, 2020
Oxbow bond reduction, dated May 15, 2020
Oxbow extension request, dated May 15, 2020