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TOWN OF WAYLAND
PLANNING & ZONING DEPT.

**ZONING BOARD OF APPEALS
TOWN OF WAYLAND**

DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT
M.G.L. Chapter 40B, §§20-23

APPLICATION NO. ZBA Case #23-09

APPLICATION FILED: May 9, 2023

APPLICANT: Planning Office for Urban Affairs, Inc.
c/o William H. Grogan, President
Shaina Korman-Houston, Real Estate Director
84 State Street, Suite 600
Boston, Massachusetts 02109.

OWNER OF RECORD: Roman Catholic Archbishop of Boston,
A Corporation Sole
66 Brooks Drive
Braintree, Massachusetts 02184

LOCATION OF PROPERTY: The real property is located at 124 Cochituate Road, Wayland, MA (Wayland Assessor's Map 34, Lots 4 & 5) (the "Land"), of which approximately 9.2 acres will be ground leased to the Applicant (the "Property" or "Site") as further described below. The Property is located in the Residence Zone 40,000 – 180' Frontage Zoning District.

APPROVAL REQUESTED: Comprehensive Permit, G.L. c. 40B, §§ 20-23

DECISION Granted with Conditions.

WAIVERS: The Approved Waivers are listed in Exhibit B.

EXHIBITS: All Exhibits described in this Decision are attached hereto and incorporated herein by

reference.

- BOARD MEMBERS PARTICIPATING:** Joshua Wernig (Chairman), Thomas White, Aida A. Gennis, Kevin Fitzpatrick, Adam Hirsh (Collectively, Regular Members), and James E. Grumbach, Doug Levine, and Shaunt Sarian, Associate Members) (collectively the "Zoning Board of Appeals," "ZBA," "Board Members," and/or "Board").
- BOARD MEMBERS VOTING:** The following Town of Wayland Zoning Board of Appeals members attended all public hearing sessions or missed one session and reviewed a recording or transcript of the missed session and all materials submitted: Joshua Wernig (Chairman), Thomas White, Aida A. Gennis, Adam Hirsh and Doug Levine.
- HEARING OPENED:** May 25, 2023
- HEARING CLOSED:** July 13, 2023
- DATE OF VOTE:** July 13, 2023
- DATE OF DECISION:** July 14, 2023

I. PROCEDURAL HISTORY

1. On or about May 9, 2023, the Planning Office for Urban Affairs, Inc. (the "Applicant") applied for a comprehensive permit, pursuant to G.L. c.40B, §§ 20-23 (the "Act" or "Chapter 40B") and 760 CMR 56.00 (the "40B Regulations") to construct sixty (60) age-restricted (62+) rental units to be included within a single building, along with parking, landscaping, lighting and other related improvements to be known as Saint Ann's Senior Village (the "Project" or "Development"). All units are proposed to be affordable.
2. The Project will be located on approximately 9.2 acres of mostly undeveloped wooded area (the "Property" or "Site") that consists of a portion of land known and numbered as 124 Cochituate Road, which is the location of Saint Ann's Catholic Church of the Good Shepherd Parish, and which consists of two lots (Assessors Map 34, Lots 4 and 5). The Applicant, or an affiliate of the Applicant, will ground lease the Property from the Owner.

3. A two-story rectory and related improvements (the "Rectory") is located adjacent to the southwest corner of the Property, which fronts on Cochituate Road and is depicted as "Excluded Rectory-Related Improvements" on the Site Plans, as defined below. St. Ann's Church and related improvements (the "Church") is located to the south of the Rectory, and is also located at 124 Cochituate Road, and is depicted as "Excluded Church-Related Improvements" on the Civil Plans, as defined below. Neither the Church nor the Rectory are a part of the Project.
4. A public hearing of the Wayland Zoning Board of Appeals (the "Board" or "ZBA") was duly advertised on May 11, 2023 and May 18, 2023 in The Metro West Daily News, a virtual newspaper with general circulation in the Town of Wayland, and notice was sent by mail to all interested parties on May 11, 2023 and posted in Town Hall as required by G.L. c. 40A §11 on May 11, 2023. The public hearing was opened on May 25, 2023, and was continued to May 30, 2023 (no testimony taken); June 1, 2023; June 8, 2023, June 15, 2023, June 28, 2023, and July 13, 2023. The Board closed the public hearing on July 13, 2023. The Board secured all appropriate extensions to continue the hearings and to extend the time to act pursuant to 760 CMR 56.05(3) & (8). All the hearing sessions were conducted in person with the option of remote participation by any participant or attendee.
5. Individual members of the Board were visited the Site on July 11, 2023.
6. The Board heard comments from abutting residents. The abutters' main concerns, expressed in testimony at the public hearing, related to:
 - a. Screening;
 - b. Protection for wetlands;
 - c. Traffic concerns; and
 - d. Location of the proposed building.
7. The Board considered all comments on the proposed development and weighed them against local needs.
8. The Board determined that revisions made to the Project by the Applicant during the hearing process and the imposition of conditions adequately addressed the comments made by abutters, Town boards, departments and officials.
9. The Board deliberated on the application on July 13, 2023. All submittals concerning the Project are on file in the office of the Board of Appeals and incorporated herein. All waivers requested and votes taken are listed on Exhibit B and incorporated herein.

10. The Applicant provided certain plans, materials, reports, and revised plans during the course of the public hearing on the Application. During the public hearing, the Applicant was represented by its attorneys, John Smolak and Robert Brennan, Jr., engineer, Samiotes Consultants, Inc. and architect, The Architectural Team, Inc.
11. The Board retained the services of Judi Barrett of Barrett Planning Group, LLC, 350 Lincoln Street, Suite 2503, Hingham, Massachusetts 02043, to provide guidance and technical assistance under G.L. c. 40B.
12. The Board retained Tetra Tech, of 100 Nickerson Road, Marlborough, MA 01752 ("Tetra Tech"), to serve as the Board's engineering peer review consultant. Tetra Tech provided engineering peer review services with respect to wetlands, water and sewage disposal capacity, hydrogeologic/groundwater review, stormwater, traffic and overall civil design services.
13. The Board was also represented by Town Counsel, Carolyn Murray, Esq., and Amy E. Kwesell, Esq., of KP Law, P.C., 101 Arch St, Boston, Massachusetts 02110.
14. The Applicant funded an escrow account to pay for all of the peer review expenses of the Board pursuant to G.L. c. 44 §53G.
15. The Board notified Town departments, boards and committees of this application. The Board received testimony and written comments from the Public Works Department, Fire Department, Board of Health, Building Department, Historical Commission, the Treasurer/Collector, and the Planning Board.
16. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files.
17. The Board deliberated upon the items of record at the above-listed hearings and meetings, and this Decision incorporates the testimony received from the public, municipal departments, boards and commissions, and representatives of the Applicant, and sets forth the Board's findings, states the Board's actions, and lists the conditions the Board voted to include in this Decision at its meeting on July 13, 2023.

II. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40B, §§ 20-23 and its implementing regulations, 760 CMR 56.00 et seq. (the "40B Regulations"), and by the Wayland Zoning Bylaw and other Town of Wayland local requirements. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees, the Board's peer review consultants, and residents placed in the public record during the course of the hearings.

A. Jurisdictional Findings

1. The Applicant is a Massachusetts nonprofit corporation having an address c/o William H. Grogan, President, and Shaina Korman-Houston, Real Estate Director, 84 State Street, Suite 600, Boston, Massachusetts 02109.
2. The Applicant is a limited dividend organization as defined under 760 CMR 56.02 by virtue of receiving the Project Eligibility Letter from the Massachusetts Department of Housing and Community Development, as the Subsidizing Agency ("DHCD")¹, using the Low Income Housing Tax Credit as the Subsidy, and has agreed to sign the required Regulatory Agreement with the DHCD under the Low Income Housing Tax Credit Program; thus satisfying the requirements of 760 CMR 56.04(1)(a).
3. The Applicant is eligible to receive a Subsidy from a Subsidizing Agency (Federal Low Income Housing Tax Credit Program administered through the DHCD) as evidenced by the issuance of a Project Eligibility Letter, dated May 3, 2023, from Catherine Racer, Director, DHCD, indicating that the Project is fundable under the Low-Income Housing Tax Credit Program; thus, satisfying the requirements of 760 CMR 56.04(1)(b)).
4. Section 56.04(6) of the 40B Regulations states that the issuance of a Determination of Project Eligibility shall be considered by the Board as conclusive evidence that the Project and that the Applicant have satisfied Site control requirements of 760 CMR 56.04(1)(c). The Applicant submitted deeds evidencing ownership of the Property by the Owner, an affiliated entity of the Applicant. The DHCD has determined that the Applicant maintains site control; thus, satisfying the requirements of 760 CMR 56.04(1)(c).
5. The Applicant has submitted a complete application and other information as required by, and in accordance with, the requirements of the Act, the regulations at 760 CMR 56.00 et seq. (the "40B Regulations"), and Town of Wayland Zoning Board of Appeals.

B. Statutory Minimum for Low and Moderate Income Housing

As of the date of the filing of the Application, the Town of Wayland has not met the statutory minima set forth in G.L. c. 40B §20 and 760 CMR 56.03(3) and 56.03(5) through 56.03(7) in that:

¹ As of May 30, 2023, the DHCD has been superseded by a new housing secretariat and organization known as the Executive Office of Housing and Livable Communities (EOHLC) which was created by Chapter 7 of the Acts of 2023, "An Act to Create The Executive Office of Housing and Livable Communities and to Rename the Executive Office of Economic Development," and which became effective on May 4, 2023. For purposes of this Decision, the EOHLC shall be known as the DHCD.

1. At the time the Applicant filed its Application for Comprehensive Permit, the number of low- or moderate-income housing units in the Town, based upon DHCD's latest Subsidized Housing Inventory data for the Town of Wayland was 9.62%. Thus, the Town does not meet the ten percent (10%) statutory Housing Unit Minimum pursuant to 760 CMR 56.03(3)(a).
2. The Town does not have information that there are existing affordable housing units in the Town of Wayland on sites comprising more than 1½% of the total land area of unzoned or zoned land, for residential, commercial, or industrial use (but excluding land owned by the United States, the Commonwealth or any political subdivision thereof, the Department of Conservation and Recreation or any state public authority, prohibited by restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A, water bodies, and flood plain, conservation or open space zone if said zone completely prohibits residential, commercial and industrial use, or any similar zone where residential, commercial or industrial use are completely prohibited. As a result, the Project does not meet the General Land Area Minimum pursuant to 760 CMR 56.03(3)(b);
3. The granting of this Comprehensive Permit will not result in the commencement in any one calendar year of the construction of Low or Moderate Income Housing on sites comprising more than 0.3 of 1% of the Town of Wayland's land area or ten acres, whichever is larger. As a result, the Project does not meet the Annual Land Area Minimum pursuant to 760 CMR 56.03(3)(c);
4. The Town of Wayland has an approved Housing Production Plan entitled "TOWN OF WAYLAND Housing Production Plan 2022-2027," approved by the DHCD on May 10, 2022, but the Town was not eligible for certification within the meaning of 760 CMR 56.03(4) at the time the Applicant filed the Comprehensive Permit Application;
5. To the extent applicable, the Town has not achieved recent progress toward its Statutory Minima in that the number of SHI Eligible Housing units that have been created within the municipality during the 12 months prior to the date of the Comprehensive Permit application, or under permit as of the date of the Applicant's initial submission to the Board, is not equal to or greater than 2% of the municipality's total housing units pursuant to 760 CMR 56.03(5);
6. The Project does not constitute a Large Project pursuant to 760 CMR 56.03(6); and,
7. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

C. Affordable Housing

Chapter 40B requires the Board to balance local concerns with the mandate of M.G.L. c. 40B and the need to provide low and moderate income housing. The Applicant proposes to fund the construction of the Project with a subsidy under the Low Income Housing Tax Credit Program whereby all 60 units will be affordable, one-bedroom units that will be marketed and rented to eligible households having annual income of 30% and/or 60% of Area Median Income (“AMI”), adjusted for household size, as determined by the US Department of Housing and Urban Development, along with other DHCD requirements. As a result, all of the proposed Project residential units would be eligible for listing on the Town of Wayland’s Subsidized Housing Inventory (SHI) as the units are being rented to Income Eligible Households earning no more than 80% of Area Median Income (AMI) for the Boston-Cambridge-Quincy, MA HUD Metro Fair Market Rents (FMR) area, as determined by the DHCD. This percentage of SHI Eligible Housing in the Project is well in excess of the 25% required under Chapter 40B. The Board finds that there is a shortage of low and moderate income housing in Wayland, especially where: the Town has a higher proportion of adults over 65 years old than most comparison communities (²HPP, p. 80; where older adults aged 65 or older have a higher poverty rate (HPP., p.22)). The Project, however, offers the rare opportunity to provide affordable housing at a deeper subsidy than typically provided in a 40B project for those earning 30% or 60% AMI (HPP, p. 58). Subject to the conditions set forth in this Decision and waivers granted, the Project is “Consistent with Local Needs” and adequately addresses matters of “Local Concern” within the meaning of G.L. c. 40B §20, and Section 56.02 of the 40B Regulations.

D. Wetlands Resource Areas and Other Matters

A large area of the Site is located within jurisdictional “resources areas” under the state Wetlands Protection Act (WPA), including Bordering Vegetated Wetlands (BVW) which were identified on the eastern portion of the Site, as well as an Isolated Vegetated Wetland (IVW) identified on the southeastern part of the Site along with the 100-foot buffer zone of BVW and IVW. However, the vast majority of the Project improvements are located outside of the 100-foot wetland buffer, and no work is proposed within the BVW and IVW. The Project, however, has been conditioned to ensure that Best Management Practices are implemented and all WPA Performance Standards are met during construction and beyond, including a stormwater management design which will both mitigate potential impacts due to the construction on the wetlands in the short term with the implementation of erosion and sedimentation controls and other measures during construction as a part of a construction management plan, and upon construction completion, with the implementation of a long-term operation and maintenance plan, all of which will be reviewed by the Wayland Conservation Commission as a part of the Notice of Intent (“NOI”) process as a precondition to the issuance of an Order of Conditions (“OOC”) issued under the State Wetlands Protection Act and State Wetlands Protection Act (“WPA”) Regulations under 310 CMR 10.00. Moreover, based upon a “Wetlands Delineation Report,” dated June 5, 2023, prepared by Environmental Consulting & Restorations, LLC (the “Wetlands Report”), the Site is

² See Town of Wayland Housing Production Plan 2022-2027, prepared for the Town of Wayland by Barrett Planning Group LLC, and approved by the DHCD on May 10, 2022 (the “HPP”).

not located within mapped Massachusetts Division of Fisheries and Wildlife Priority or Estimated Habitat for Rare Species under the Natural Heritage and Endangered Species Program. The Wetlands Report notes the Site does not contain Certified Vernal Pools according to the MaNHESP although there is a Potential Vernal Pool flagged at the Site and mapped by MaNHESP as a Potential Vernal Pool. The Wetlands Report also notes that the Site does not contain areas mapped as Land Subject to Flooding according to the FEMA maps, and that the Site is not located within an Area of Critical Environmental Concern (ACEC).

E. Drainage / Stormwater Management

Tetra Tech reviewed the Project for conformance with the WPA Regulations as they relate to the adjacent wetland system due to the hydrologic link between the proposed stormwater management infiltration systems and the on-site and adjacent wetland resource areas and associated buffers zones. Review of the Project is expected by the Wayland Conservation Commission during the NOI process. Tetra Tech anticipates that a full Stormwater design will be required when the Applicant files an NOI with the Conservation Commission pursuant to G.L. c. 131, § 40. Along with the submission of the Final Plan (as defined below), the Applicant will be required under this comprehensive permit to provide a complete stormwater report reflecting conditions described on the Final Plan and include all supporting documentation necessary to confirm compliance with stormwater standards. The Project will be required to meet or exceed the requirements of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook, as conditioned by the Board herein. The stormwater management system will be designed to recharge runoff from the newly created impervious surfaces (pavement, buildings, etc.) into the ground. State Stormwater Management Handbook and guidelines require that runoff from driveways and parking lots must be treated to remove certain pollutants before being recharged into the ground, including sand and silt, oil and grease, and organic materials such as leaf litter. Compliance with the DEP Stormwater Management Handbook under the State Wetlands Protection Act means that a project complies with applicable State Water Quality Standards. Given the presence of state jurisdictional wetlands on the Project Site, the Applicant must prove compliance with the DEP Stormwater Management Handbook under the State Wetlands Protection Act. Stormwater Best Management Practices (BMPs) will also be implemented as a part of the Applicant's need to apply for and obtain coverage under the US EPA NPDES Stormwater Construction Permit for Massachusetts, also as conditioned within the Decision.

F. Water and Wastewater

The Applicant is proposing to connect the Project to the Town of Wayland public water supply system. The Town of Wayland's Water Department has indicated that the existing mains have adequate capacity to serve the Project, and can be connected to the Town's water supply system via a connection to an existing water main in Cochituate Road, subject to compliance with the Town of Wayland Department of Public Works Water Regulations (Rev. December 2018).

The Applicant is proposing on-site subsurface sewage disposal system which will be designed to be a shared system such that the sewerage discharges from the Project, the existing rectory, and the Church will be part of a single system to be designed, constructed and operated pursuant to 310 CMR 15.000 ("State Title 5 Regulations"), and subject to the approval of the Wayland Board of Health. The Applicant met with the Board of Health at a regularly scheduled Board of Health meeting on June 12, 2023, at which meeting the Board of Health voted to support the Applicant's requested waivers from the Board of Health Regulations, as further described in the revised waiver list attached hereto. Tetra Tech has reviewed the soils data provided by the Applicant, and Tetra Tech anticipates that a full septic system design will be completed when the Applicant files an Application For Disposal Works Construction Permit with the Wayland Board of Health pursuant to the State Title 5 Regulations. Based upon the soils information and other information provided by the Applicant, Tetra Tech has determined there is no reason to believe the septic system cannot be designed in accordance with the State Title 5 Regulations such that a Disposal Works Construction Permit can be issued to the Applicant for such on-site subsurface sewage disposal system.

G. Traffic / Safety / Access

The Property has frontage on Cochituate Road (Route 26 and 127), which is a roadway under jurisdiction of the Town of Wayland. No rail, bus lines or other forms of mass transit are located within walking distance to the Project Site. A traffic and parking analysis entitled "Traffic Impact Study," dated May 5, 2023, was prepared by Vanasse & Associates, Inc. (the "Traffic Report") was presented and discussed during the hearing, and peer reviewed by the Board's peer review engineering consultant regarding the adequacy of the roadways and their connections with the Project. The analysis was conducted to determine the potential impacts on the transportation infrastructure associated with the construction of the project. The Traffic Report evaluated the project's access requirements, potential off-site improvements, and safety considerations. The Traffic Report was performed in accordance with MassDOT's Transportation Impact Assessment Guidelines and the standards of the Traffic Engineering and Transportation Planning professions. The analysis was conducted in three phases; the first stage was an assessment of existing conditions in the study area, the second stage was to project future traffic demand using a seven-year time horizon, and the third stage was to evaluate measures to address deficiencies in the transportation infrastructure identified in stage two. The study found that the existing traffic volume on Cochituate Road, in the vicinity of the project was found to accommodate approximately 9,970 vehicles on an average weekday. The project is expected to generate approximately 194 vehicle trips on an average weekday.

The Traffic Report concluded that there will be no significant increase on motorist delays or vehicle queuing. The Traffic Report found all movements exiting the northern driveway to the Saint Ann Catholic Church at a level of service consistent with negligible vehicle queuing. Based upon the analysis of the Project by Vanasse & Associates, the Traffic Report made the following recommendations:

- The Project site driveway should be a minimum of 24 feet in width and designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle.
- The emergency vehicle access should be a minimum of 20-feet in width and constructed of a material that will support travel by the largest anticipated responding emergency vehicle under all weather conditions and should be secured by means of a gate or other device deemed appropriate by the Wayland Fire Department.
- Where perpendicular parking is proposed the drive aisle behind the parking should be a minimum of 23 feet in order to facilitate parking maneuvers.
- Vehicles exiting the Project site should be placed under STOP-sign control with a marked STOP-line provided.
- All signs and pavement markings to be installed within the Project site should conform to the applicable standards of the Manual on Uniform Traffic Control Devices (MUTCD).
- Americans with Disabilities Act (ADA)-compliant wheelchair ramps should be provided at pedestrian crossings to be constructed or modified in conjunction with the Project.
- Signs and landscaping to be installed as a part of the Project within the intersection sight triangle areas of the Project site driveway should be designed and maintained so as not to restrict lines of sight.
- Existing trees and vegetation located within the sight triangle areas of the Project site driveway should be selectively trimmed or removed and maintained so as to provide the necessary sight lines for the driveway to operate in a safe manner.
- Snow accumulations (windrows) within sight triangle areas should be promptly removed where such accumulations would impede sight lines.
- Secure bicycle parking should be provided proximate to the residential building.
- Transportation Demand Management will be implemented to include a transportation coordinator, a welcome packet for new residents detailing available transportation options, and secure bicycle parking for residents and visitors.

These recommendations and related mitigation have been either been incorporated into the Final Plan or are otherwise conditioned within this Decision.

H. Zoning Bylaw

The Project Site is located in the Residence Zone 40,000 – 180’ Frontage Zoning District, as depicted on the Town’s Zoning Map, which allows for detached single family dwellings by-right, and allows for multi-family dwellings by special permit in accordance with Zoning Bylaw Article 18, Conservation Cluster Development District. Additionally, “Multi-family unit: low-income” is allowed only by a 2/3 vote of Town Meeting. Dimensional regulations of the Residence Zone 40,000 – 180’ Frontage Zoning District require a minimum lot size of 40,000 square feet, and lot frontage of 180 feet for by-right uses. Additionally, the District requires minimum front, side, and rear setbacks of 30/55, 30, and 30 feet, respectively. For the

issuance of a comprehensive permit, the Board finds that the Project could not be built in strict conformance with the requirements of the Residence Zone 40,000 – 180' Frontage Zoning District.

III. CONDITIONS FOR APPROVAL

Pursuant to the Act, the Board, after convening a public hearing and making findings of fact, grants a Comprehensive Permit to the Applicant for the construction of a multifamily development subject to all the conditions of this Decision.

A. Administrative Conditions

- A.1 This Comprehensive Permit is granted to the Planning Office for Urban Affairs, Inc. and its limited dividend successors and assigns for the purpose of constructing a multi-family rental housing development including no more than sixty (60) units for persons aged sixty-two (62) years of age or older (62+) within a single three-story building on the Property, which is a part of the real property known as 124 Cochituate Road in Wayland as conditioned herein.
- A.2 This Comprehensive Permit shall not take effect until recorded after the 20-day appeal period has expired (or after the termination of any appeals) with the Middlesex South Registry of Deeds, until the Applicant has provided proof of such recording to the Board and the Building Commissioner.
- A.3 The Applicant shall provide the Town and its agent with authority to enter the Property during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard-hat, safety glasses, work boot requirements, as applicable), with prior notice to Applicant in order to determine conformance with this Decision.
- A.4 The Applicant shall pay all customary and reasonable fees imposed for the purpose of inspecting and monitoring the compliance of the Project's construction with the terms of this Decision, local bylaw requirements not waived by this Decision, and other permits and approvals issued with respect to this Project for which the Town has monitoring responsibility. All fees for Board consultants including fees incurred prior to the date of this Decision shall be paid by the Applicant within 30 days of the receipt by the Applicant of the consultant's bill for services or proposal. Any outstanding fees owed for consulting services incurred by the Board before this Decision was rendered shall be paid forthwith and before any building permit issues.
- A.5 This Comprehensive Permit shall expire three (3) years from the date it becomes final as provided in 760 CMR 56.05(12)(c) unless (i) prior to that time substantial use of the Comprehensive Permit has commenced, (ii) the time period is otherwise tolled in accordance with law, or (iii) the Applicant requests extension of the Comprehensive

Permit.

- A.6 The Applicant shall comply with all local by-laws, rules, regulations and fees of the Town of Wayland in effect as of May 9, 2023, the date of filing of the Comprehensive Permit Application, unless expressly waived herein or as otherwise addressed in these conditions.
- A.7 The Project shall conform to all applicable state and federal laws, codes, and regulations including those of applicable subsidizing agencies such as the DHCD.
- A.8 The provisions of this Comprehensive Permit shall apply to and be binding upon the landowner, the Applicant, and their employees and all successors and assigns in interest, whether by title, control, or contract. This Decision may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12)(b) or any successor regulation. Notwithstanding the foregoing, the Applicant may assign and transfer all rights under the Comprehensive Permit Decision to a single purpose entity affiliated with the Applicant in order to facilitate the Applicant's receipt of Project funding, including but not limited to Low Income Housing Tax Credit funding, which shall not be considered a "substantial change" within the meaning of 760 CMR 56.05(12)(b), provided that the Applicant provides notice of the transfer or assignment to the Board, and that such entity will be compliant as a limited dividend organization as required by 760 CMR 56.04.
- A.9 In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, minor field changes, which are generally allowed by the Town Engineer or Building Department shall be allowed without further relief from the Board if approved by the appropriate Town Staff. Otherwise, any other change must be presented to the Board for approval and for modification of this Decision, pursuant to 760 CMR 56.05(11).
- A.10 The Project consists of no more than sixty (60) age-restricted residential rental units, all of which are one bedroom units for persons aged 62 or older ("62+"), and which shall also be collectively referred to as the "Units" and each, a "Unit." The Units will be contained within a single building, and the Project and related improvements shall be constructed substantially in accordance with the following plans (collectively referred to as the "Preliminary Final Plan"), which shall be modified as necessary to comply with this Decision, and submitted to the Board as provided herein. The Rectory is located adjacent to the southwest corner of the Property, which fronts on Cochituate Road and is depicted as "Excluded Rectory-Related Improvements" on the Civil Plans, as defined below. The Church is located to the south of the Rectory at 124 Cochituate Road, and is depicted as "Excluded Church-Related Improvements" on the Civil Plans, as defined below. Neither the Church nor the Rectory are a part of the Project.

Architectural Plans. The building containing the Units is shown on a set of signed and stamped architectural plans,

consisting of eleven (11) sheets entitled "ST. ANN'S VILLAGE, WAYLAND, MA," dated May 5, 2023 unless otherwise noted therein, including: Project Cover (T0.01); Project Information and Drawing List (T0.02)(Rev. June 26, 2023); Overall Floor Plan – Level 1 (A1.01); Overall Floor Plan – Level 2 (A1.02); Overall Floor Plan – Level 3 (A1.03); Overall Plan – Roof (A1.04); Exterior Elevations – East and South (A4.01), Exterior Elevations – West and North (A4.02)(Rev. June 26, 2023); Building Sections (A5.01); Renderings (A5.02); Renderings (A5.03), prepared by The Architectural Team, Inc. (the "Architectural Plans").

Civil Engineering Plans. The Project is to be constructed in accordance with a set of signed and stamped civil plans, consisting of 9 sheets, entitled, "Saint Ann's Senior Village, 124 Cochituate Road, Wayland, MA" dated June 26, 2023 except as otherwise noted therein, including: Existing Conditions Plan of Land (EX-1)(dated January 31, 2023; Rev. June 8, 2023); Existing Conditions (EX-2)(dated January 31, 2023; Rev. June 8, 2023); Site Layout and Grading (C-1.1); Utilities and Stormwater Management (C-2.1); Stormwater Management and Grading Plan (C.-3.1); Civil Details (C-4.1); Site Preparation Plan (D-1.1); Sketch of Proposed Lease Area (SK-1)(dated June 27, 2023); and Sketch of Excluded Rectory Area and Excluded Church Area (SK-2)(dated July 11, 2023), prepared by Samiotes Consultants, Inc. (the "Civil Plans").

Landscape and Lighting Plans. The Project landscape design is depicted on a signed and stamped landscape plan, consisting of one sheet, entitled "OVERALL PROPOSED LANDSCAPE PLAN, ST. ANN'S VILLAGE, WAYLAND, MA," dated May 5, 2023 (Rev. June 30, 2023), prepared by RBLA Design, LLC. (the "Landscaping Plan"); as well as a photometric plan entitled "St. Ann's Village Lighting," dated June 29, 2023, prepared by LandscapeForms (the "Lighting Plan").

Collectively, the Civil Plans, Architectural Plans, Landscaping Plan, and Lighting Plan, shall be the "Final Plan."

- A.11 Prior to any ground disturbance, clearance of vegetation, or construction at the site ("Site Activities") but excluding confirmatory geotech, groundwater or soils testing or other similar exploratory work necessary prior to the issuance of a building permit ("Confirmatory Testing Activities"), the Applicant shall obtain the Board's approval (which may be subject to a third-party review) of the Applicant's Final Plan, which shall:
- a. include the additional plan details and revisions called for under the Conditions set forth herein;
 - b. include any additional changes required by other local boards and agencies to comply with state and federal law, including any Order of Conditions under the State Wetlands Protection Act, Title 5 of the State Environmental Code, and any local regulations not waived by this Comprehensive Permit;
 - c. include any requirements of the DHCD upon final approval of the Project.
 - d. incorporate any changes resulting from Notice of Intent review by the Wayland Conservation Commission.
 - e. incorporate any changes resulting from Wastewater Disposal Permit review by the Wayland Board of Health.

- f. provide proof of coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities (CGP) and incorporate any changes or controls included in the Project's Stormwater Pollution Prevention Plan (SWPPP) required to comply with the CGP,
- g. demonstrate compliance with applicable provisions of the Massachusetts Stormwater Management Handbook.
- h. include a Construction Management Plan detailing proposed staging and phasing of construction and addressing the scope described in the related comment below.

Upon completion of Applicant's Final Plan, the Applicant shall submit its Final Plan to the Board for review to determine consistency with this Comprehensive Permit. The Final Plan shall be reviewed as provided in the conditions herein.

- A.12 The Applicant's Final Plan shall incorporate and include the following design changes and additions to the Preliminary Plans and each sheet or submittal shall be stamped by a Massachusetts Licensed Professional in the related discipline.
 - a. A lighting and photometric plan shall detail all proposed exterior (including building-mounted fixtures) light fixtures and anticipated light levels and demonstrate that there will be no light trespass onto adjacent property, shall be prepared by a professional lighting consultant showing proposed site lighting, and shall be dark sky compliant;
 - b. Locations for snow storage and/or snow removal shall be shown consistently across the plans, including throughout all phases of construction;
 - c. Details on the trash and recycling plan shall be provided and administratively approved by the Wayland Board of Health;
 - d. Details on water connections to the Town system shall be subject to review for consistency with this Decision;
 - e. Sight distance plans for all proposed site driveways shall be shown on the Final Plan to ensure that adequate sight distance will be provided;
 - f. The layout of the erosion control devices. An erosion control, construction management and construction sequencing plan showing the construction methods, scheduling, phasing, winter stabilization measures, and location of necessary water pollution and erosion control methods, as well as the location of the storage areas and designation of temporary stump storage or spoils material area, in accordance with state regulations; and
 - g. Any other modifications or details required by this Decision.
- A.13 Plans. At the same time a building permit application is filed, the Applicant shall provide the Board and Building Department with four sets of full sized and two sets of reduced copies of the approved Final Plans described herein, as well as a digital copy of the final endorsed plan set.
- A.14 Construction Plans. Not less than thirty days prior to the anticipated start of construction, and to the degree that

the following plans are not part of the plan set described herein, the Applicant shall submit final construction plans to the Board and Building Department, for purposes of confirming that the construction plans are consistent with the requirements of this Decision. The approval of the Building Department shall not be unreasonably withheld. All construction plans shall be stamped by a registered architect or registered professional engineer, as may be applicable. The Board may engage, at the Applicant's expense, one or more agents to review the plan(s) and make recommendations for approval or disapproval to the degree that a plan or plans are inconsistent with this Decision. For submissions that require assistance from an outside consultant, as determined by the Building Commissioner or applicable Department Head, the 30 day time period shall not begin until the consultant's fee has been paid by the Applicant. The Applicant will not unreasonably withhold consent for extra time due to any delay in reviews, provided that the outside consultant's review is not unreasonably delayed due to reasons other than those caused by the Applicant's failure to provide complete information.

- A.15 Pursuant to the requested Waiver List submitted to the Board and attached hereto as Exhibit B, the Applicant has requested, and the Board has granted, those waivers from the Wayland Zoning Bylaw and other local by-laws and regulations as specified and/or conditioned herein. Those conditions are expressly incorporated by reference as conditions of approval to this Comprehensive Permit. No waivers are granted except for those expressly granted by the Board as set forth in Exhibit B. To the extent the Final Plan reflects a waiver not expressly granted in Exhibit B, the terms and conditions of Exhibit B shall govern and may need to be modified.
- A.16 The Applicant shall maintain a copy of the endorsed Final Plan and this Decision at the Site during construction.

B. Housing Conditions

- B.1 The total number of Units that may be constructed at the Property shall be limited to no more than sixty (60) one-bedroom rental units contained within a single building.
- B.2 The Applicant is proposing, and the Town thereby conditioning, that 100% of the rental units shall be leased to eligible households whose annual income does not exceed 80% of area median income, adjusted for household sized, as determined by the United States Department of Housing and Urban Development ("Affordable Units"); and the Affordable Units shall permanently remain affordable rental units for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23. The Applicant shall cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Applicant shall notify the Board and the Planning Department when occupancy permits are issued and cooperate with the preparation of request forms to add the units to the Town's SHI.

- B.3 The Applicant shall execute a Regulatory Agreement as required under G.L. c.40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00. The Applicant shall enter into a Springing Permanent Restriction/Regulatory Agreement with the Town, (the "Town Regulatory Agreement"), which shall be recorded with the Middlesex South Registry of Deeds prior to issuance of a certificate of occupancy for the Project and signed by all necessary parties, including all mortgagees and lien holders of record.
- B.4 While the Regulatory Agreement with the DHCD (or another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto.
- B.5 The Applicant shall provide reasonable and timely assistance to the Town in providing any required evidence to the Subsidizing Agency of the need for any local preference and assisting the Town in requesting approval of the categories of persons qualifying for the same to the Subsidizing Agency of the need for any local preference and to obtain approval of the categories of persons qualifying for the same. To the extent consistent with the requirements of the Subsidizing Agency, and otherwise allowed under G.L. c. 40B, its regulations and other applicable law, the Project's tenant selection plan shall provide for a local preference of the affordable units at initial occupancy. The Applicant/Owner shall allow for the local preference to the maximum degree as allowed by DHCD or the Subsidizing Agency. Local preference categories include present residents of Wayland, Town of Wayland employees or teachers employed by the school district serving Wayland. If approved by the Subsidizing Agency, this preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the City for compliance with the local preference set forth herein, to the extent such local preference has been allowed by the Subsidizing Agency. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including advertising and processing shall be borne by the Applicant.
- B.6 The Applicant shall develop an Affirmative Fair Housing Marketing Plan ("AFHM Plan") for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.
- B.7 Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to

760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Commissioner and the Board.

- B.8 DHCD Requirements. The provisions of this Decision are intended to complement and not to override or supersede any applicable fair marketing regulations or any other requirements of the DHCD, the Massachusetts Commission Against Discrimination, or any authority with jurisdiction and like purpose, to provide low and/or moderate income housing. Moreover, to the extent there is a conflict between the provisions in this Decision, and the form of Regulatory Agreement and other documentation approved by the DHCD or any other requirements of the DHCD, including but not limited to, the Lottery Plan (collectively, the "DHCD Requirements"), the DHCD Requirements shall prevail.

C. Submission Requirements

- C.1 Pre-Construction Submissions: Before the commencement of site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit (except as allowed by the Town Planner or Building Commissioner, as noted below), the Applicant shall submit copies of the following to the Board and Building Commissioner unless otherwise provided below:
- a. Proof of recording of the Comprehensive Permit Decision with the Middlesex South Registry of Deeds;
 - b. The Regulatory Agreement as required under G.L. c.40B, which shall be fully executed and recorded with the Middlesex South Registry of Deeds;
 - c. The letter of final approval from the Subsidizing Agency, as required by the Project Eligibility Letter and 760 CMR 56.00;
 - d. The Final Plan including all required items in the Tetra Tech letter dated July 8, 2023 including, but not limited to a plan and detail of proposed walls showing any required guardrail/fence/light pole offsets and stamped by a Massachusetts registered professional engineer. Additionally, site and utility work is to be constructed per applicable Town design requirements and all details of construction be provided on the Final Site Plans;
 - e. The recorded Order of Conditions for the Project and related documentation, demonstrating compliance with applicable provisions of the Massachusetts Stormwater Handbook and an Operations and Maintenance Plan and Long-term Pollution Prevention Plan;
 - f. Evidence of issuance of coverage under the USEPA National Pollutant Discharge Elimination System ("NPDES") stormwater permit issued for the Project, and the Stormwater Pollution Prevention Plan (SWPPP) which shall

address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system. A copy of these materials shall also be provided to the Department of Public Works, as well as to the Conservation Commission unless otherwise required in an Order of Conditions;

- g. Evidence of all other required Federal, State, and Town of Wayland permits and approvals or consents required to begin construction of the Project;
- h. Install erosion and sedimentation controls and have them inspected by the Conservation Agent prior to commencement of construction, unless provided otherwise in the Order of Conditions;
- i. A Construction Management Plan (CMP), as well as a Construction Management Schedule (CMS), that generally conforms to industry standard practice and addresses all construction-related conditions specifically set forth in this Decision. Additional copies of the proposed CMP shall be provided to the Planning Board, Board of Health, Fire Chief and Police Chief. The Construction Management Plan (CMP) shall be submitted for review by the Board and shall demonstrate how the work will be managed and performed and shall include at a minimum:
 - Owner and Contractor contact information
 - Hours of Operation
 - Construction Phasing
 - Hoisting Operations and Safety Controls
 - Provisions for Emergency Access During Construction
 - Site Construction Offices
 - Contractor/Worker Parking
 - Site Security and Control (fencing)
 - Waste Management
 - Temporary Bathroom Facilities
 - Stormwater Pollution Prevention Plan (SWPPP)
 - Dust and Noise Mitigation
- j. The Landscape Allowance, in the amount of \$ 5,000.00, shall be deposited with the Town in an escrow account pursuant to G.L. c. 44 §53G, and shall be held, disbursed and released in accordance with condition III.H.4. below.
- k. A set of written procedures to the Health Department, Conservation Commission and Building Commissioner that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any

temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito borne diseases to the residents of the Project and nearby residents;

- l. Contact information to the Building Commissioner, which shall include: (i) the company affiliation, name, address and business telephone number including 24- hour contact information of the construction manager who shall have overall responsibility for construction activities on site; (ii) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid; (iii) written statement from the Applicant that all required federal, state and local licenses and permits have been obtained; (iv) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work; and, (v) proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel (if determined necessary by the Fire Department and/or Police Department).
- m. **No Site Activities, other than Confirmatory Testing Activities, shall begin prior to a preconstruction conference.** The Applicant shall request a preconstruction conference with Town departments including, but not limited to, the Building Department, Fire Department, Board of Public Works, Conservation Department and Board of Health at least 14 days prior to the planned commencement of "Site Activities" as defined under Condition A.11. The Applicant shall request such conference by contacting the Building Department in writing. All relevant contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards subject to the Board's or its agent's final review and assent. Such inspections shall occur consistent with the requirements for controlled construction pursuant to the State Building Code.

C.2 Building Permit Preconditions. Prior to the issuance of the Building Permit, the following must be provided to the Building Department:

- a. Third Party Inspections.
 - (i) The Town intends to contract for Civil Engineering plan review and inspections that may be needed during the building permit and construction phases. The Applicant shall establish an escrow account in accordance with M.G.L. c.44 § 53G prior to or at the time of submitting the Building Permit application, in order to assure such contracted services are covered, with an initial deposit of \$10,000.00, subject to replenishment when the amount is at \$1,500.00 or less.
 - (ii) The Building Department plans to hire third party inspectors to provide for timely review and inspection of building permits related to this Project, subject to approval by the Board or its agent. As necessary, given the controlled construction nature of the development, the professional services of a third party in the review

of the Applicant's Building Permit applications are expressly included in this provision. The results of any such inspections shall be provided to the Board in written format.

- D. Construction Conditions.** The following conditions shall be implemented for the duration of the construction of the Project.
- D.1 The Applicant shall ensure safe and convenient vehicular access to the Site during the entire duration of construction of the Project. Zoning Board of Appeals representatives shall be permitted access to the Site to observe and inspect the site and construction progress (subject to conformance with applicable health and safety requirements, including, but not limited to hard-hat, safety glasses, work boot requirements, as applicable), until such time as the Project has been completed.
 - D.2 The Applicant shall be responsible to ensure that nuisance conditions do not exist in and around the site during the construction operations. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
 - D.3 **Hours.** During construction, the Applicant shall conform to all local, state and federal laws regarding noise, odor, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m.; provided, however, that exterior construction shall not commence on Saturdays before 8:00 a.m. and shall not continue beyond 5:00 p.m. Except for emergency work, and exceptions approved in advance, there shall be no exterior construction on any Sunday or state or federal legal holiday. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, vehicle fueling; vehicle access to and from site; delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. Deliveries shall not commence before 6:30 a.m.
 - D.4 **Dust.** The Applicant shall implement on-Site and off-Site dust control operations whenever directed by the Building Commissioner or the Director of the Department of Public Works in order to minimize potential impacts to abutting properties.
 - D.5 No disturbed areas shall be left in an un-stabilized condition longer than 60 days without appropriate temporary stabilization. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by paving or established vegetated ground cover in exposed areas.

- D.6 Noise. The Applicant shall implement measures to ensure that noise from project construction activities is maintained within limits established under the Massachusetts Air Pollution Regulations, 310 CMR 7.10(1), and the MassDEP Noise Policy (DAQC Policy 90-001)(February 1, 1990). Upon notification from the Building Commissioner or other appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards and shall implement such mitigation measures as are necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- D.7 Vibration. The Applicant shall implement necessary controls to ensure that vibration does not extend beyond the subject site and create a nuisance or hazard for property abutters. Blasting, if any, shall be performed in accordance with applicable laws and regulations in a manner approved by the Fire Department and Building Department.
- D.8 Traffic. The Applicant shall implement necessary traffic safety controls to ensure a safe and convenient vehicular access in and around the site. All construction equipment must be off-loaded on the Property. Any traffic problems that occur as a result of site operations and construction shall be mitigated immediately, at the expense of the Applicant.
- D.9 Roads. The Applicant is responsible for the sweeping, removal of snow, and sanding of the internal roadways and driveways permitting access to residents, emergency vehicles, and others during construction.
- D.10 Utilities. Utilities, including but not necessarily limited to electric, cable, gas and telephone shall be located underground, except with respect to both any of the so-called "green" electrical transformer boxes, street lights, and related appurtenances as well as any other aboveground structures as may be mandated by public utility providers. All utility work and any other roadwork within any public right of way shall be performed and conducted in conformance with the regulations of the Town and MassDOT, if applicable, including requirements for street opening permits and trench permits. Contractors shall be duly licensed and all such work shall be performed in accordance with the Final Plan.
- D.11 Construction Vehicle Parking. Construction vehicles shall be parked on the Site. Parking on Cochituate Road or any other public ways is not allowed at any time.
- D.12 Inspection. During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on Site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.

- D.13 Tree Stumps, Open Burning. No tree stumps or other demolition and construction debris shall be buried on the Property. All tree stumps shall either be ground or removed from the Property. No burning is allowed on the Property.
 - D.14 Fill. All fill used in connection with this project shall be clean fill as approved by the applicable Town of Wayland department or official with jurisdiction. Fill shall contain no trash, refuse, rubbish or debris, including, but not limited to: lumber, brick, asphalt, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, appliances, motor vehicles or any part of the foregoing. Any fill subject to specialized disposal in conformance with current environmental criteria shall not be used.
 - D.15 Stormwater. The SWPPP shall be provided to the contractors during construction and a copy must be kept on site during construction. The Applicant shall comply with the SWPPP during construction. The Applicant shall protect the subsurface infiltration system, if any, during construction in order to prevent a reduction in the long-term infiltration capacity of the soil. Once construction is complete the system shall be cleaned of any silt and sediment. Removal and replacement of soil, if necessary, shall be completed to make certain that the infiltration rate of the soil is met.
 - D.16 Inspections. Board members, its staff, consultants or other duly authorized agents of the Town of Wayland shall have the right to enter upon the Property to inspect the site during normal business hours, with reasonable prior notice to and approval of the Applicant, which approval shall not be unreasonably withheld or delayed, for compliance with the Final Plan and the terms, provisions and conditions of this Decision.
 - D.17 Temporary Construction/Marketing Trailer. The Applicant may locate a temporary construction/marketing trailers on the Land for construction and/or marketing needs until the issuance of the Final Certificate of Occupancy. No further approval shall be necessary.
- E. Preconditions to Issuance of First Certificate of Occupancy. The following conditions must be met before the first Certificate of Occupancy is issued.
- E.1. No certificate of occupancy shall be issued until the infrastructure improvements specified in this Decision and set forth on the Final Plan are constructed and installed so as to adequately serve said building, or adequate security has been provided, reasonably acceptable to the Board, to ensure such completion. To the extent that landscaping and/or other remaining infrastructure improvements (collectively, "Remaining Work") are not completed for the Project prior to the issuance of the first Certificate of Occupancy, the Applicant shall provide the Town with a satisfactory surety instrument in an amount and form customarily provided within the Town of Wayland, that shall not expire unless and until it is satisfactorily replaced or released, and in an amount to be determined by the Board in consultation with the

Director of the Department of Public Works and other consultants based upon the Applicant's reasonable estimate of the costs to complete such remaining work.

- E.2 Project surety shall be held by the Town Treasurer until the Treasurer is notified by the Board to release the surety. Requests to reduce the surety may be submitted as the Remaining Work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the Remaining Work, and the surety shall be fully released upon the completion of the Remaining Work.
 - E.3 The Applicant shall install the gravel and binder course for the entire driveway and parking area shown on the Final Plan and install all other Infrastructure shown on the Final Plan, as approved by the Building Commissioner.
 - E.4 Obtain acceptance from the Wayland Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units and that all fire hydrants are in place at proper grade and functioning.
 - E.5 The subsurface sewage disposal facility shall have been constructed and become operational, and the Applicant shall have received a Certificate of Compliance from the Wayland Health Department confirming that the construction of the disposal system and the final grading have been done in conformance with the final approved septic design plans, that the materials used conform to the plan specifications, and that the system and related improvements comply with all applicable State Title regulatory requirements.
 - E.6 Project Sign. The Applicant shall install signage in compliance with the Zoning Bylaw, subject to review and approval by the Building Department prior to installation. Final sign plans shall also be submitted to the Building Inspector for review prior to installation.
 - E.7 Solid Waste and Recycling. The Applicant shall provide the Health Department with an operations plan for the storage and collection of solid waste and recycling, to make sure that odor and nuisance problems are avoided. The hours for trucks to collect or otherwise service the solid waste and recycling containers shall occur only during weekday daylight hours between the hours of 7:00 a.m. and 4:00 p.m.
- F. Stormwater Conditions. In addition to other Stormwater management obligations described in this Decision, the Applicant shall comply with the following stormwater conditions to the extent not inconsistent with the Order of Conditions issued for the Project:

- F.1 The use of de-icing agents should be tightly restricted to that absolutely necessary for safety in consideration of water quality concerns. Sodium Chloride is not to be used for de-icing and only Calcium Chloride or other more environmentally protective alternative shall be used for de-icing operations. Snow and ice from snow removal operations shall be carefully controlled onsite to assure that any snow removed from the parking and roadway areas shall be deposited in the areas shown as "Snow Storage Areas" on the approved snow storage plan. These restrictions and limitations shall be included in any maintenance contracts.
- F.2 The Applicant shall demonstrate compliance with MassDEP's Stormwater Management Standards and Handbook.
- F.3 No stormwater collection systems or other water collection area to be constructed by the Applicant as part of the Project shall hold water for more than 72 hours after conclusion of any rain event, to prevent the breeding of mosquitos, except for "wet ponds" built in compliance with MassDEP Stormwater Management Handbook. The Applicant, and subsequently the rental management company, shall implement any necessary mosquito control measures to protect residents of the Project and nearby residents in the event that water collects for longer than 72 hours.
- F.4 The post-development impervious areas shall be consistent with the impervious areas shown on the design plans which were used to analyze and size the stormwater management system.
- F.5 The as-built conditions shall closely match the drainage areas shown on the post-development drainage map included in the stormwater report.
- F.6 Any imported fill shall have the drainage characteristics necessary to allow the stormwater system to function consistent with the stormwater analysis and design.
- F.7 A majority of the parking area outside the Rectory flows toward an uncurbed, unprotected slope and is directed toward the proposed transformer and generator location. The design of this area must be revised to capture and convey runoff from the parking area to the drainage system without creating a risk of eroding slopes or directing flow toward electrical equipment.
- F.8 The proposed design incorporates impermeable barriers to protect wall systems from potential impacts from stormwater infiltration systems. This proposed barrier must comply with Mass DEP Guidelines for Design and Installation of Impervious Barriers and Slope Stabilization for Title 5 Systems and wall system manufacturer's requirements.

- F.9 Based on the reported Test Pit results, Infiltration System 1 extends into Estimated Seasonal High Groundwater ("ESHGW"). Therefore, the Final Plan must include all test pit results and demonstrate compliance with required offsets to ESHGW.
 - F.10 Stormwater Management Maintenance. Prior to the issuance of the final certificate of occupancy, the Applicant's registered professional engineer shall prepare a stormwater Operations and Maintenance Plan (O&M Plan) containing guidelines for the operation and maintenance of the stormwater management system. In the event a management company is engaged; such guidelines shall be incorporated by reference in the management contract.
 - F.11 In the event that the Applicant or its successor fails to maintain the stormwater management system in accordance with such guidelines for operation and maintenance, after notice to the Applicant or successor and the failure to reasonably cure, the Town may perform necessary maintenance or repairs and the Applicant or successor hereby authorizes the Town to enter the Property for this purpose. In such event, the Applicant or successor shall reimburse the Town for any and all expense associated therewith; in the event of nonpayment, the Town may place a lien on the Property and any improvement thereupon. All costs incurred by the Town in connection with its performance of such required maintenance on the Property shall be reimbursed by the Applicant or its successor to the Town within thirty (30) days of receipt of the Town's invoice for such costs, which shall constitute a municipal charge or fee, pursuant to M.G.L. c. 40, §§57 and 58.
- G. **Traffic Conditions.** In addition to other traffic obligations described in this Decision, the Applicant shall comply with the following traffic conditions:
- G.1 The Project is required to incorporate the recommendations found in the Traffic Impact Assessment (TIA).
 - G.2 The Project site driveway should be a minimum of 24 feet in width and designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle.
 - G.3 The emergency vehicle access should be a minimum of 20-feet in width and constructed of a material that will support travel by the largest anticipated responding emergency vehicle under all weather conditions and should be secured by means of a gate or other device deemed appropriate by the Wayland Fire Department.
 - G.4 Where perpendicular parking is proposed the drive aisle behind the parking should be a minimum of 23 feet in order to facilitate parking maneuvers.
 - G.5 Vehicles exiting the Project site should be placed under STOP-sign control with a marked STOP-line provided.

- G.6 All signs and pavement markings to be installed within the Project site should conform to the applicable standards of the Manual on Uniform Traffic Control Devices (MUTCD).
- G.7 Americans with Disabilities Act (ADA)-compliant wheelchair ramps should be provided at pedestrian crossings to be constructed or modified in conjunction with the Project.
- G.8 Signs and landscaping to be installed as a part of the Project within the intersection sight triangle areas of the Project site driveway should be designed and maintained so as not to restrict lines of sight.
- G.9 Existing trees and vegetation located within the sight triangle areas of the Project site driveway should be selectively trimmed or removed and maintained so as to provide the necessary sight lines for the driveway to operate in a safe manner.
- G.10 Snow accumulations (windrows) within sight triangle areas should be promptly removed where such accumulations would impede sight lines.
- G.11. Secure bicycle parking should be provided proximate to the residential building. Any indoor bike storage area to accommodate electric bicycles must include additional protection to contain potential battery fires. The storage and/or charging of electric bicycles within individual units is prohibited.
- G.12 Transportation Demand Management will be implemented to include a transportation coordinator, a welcome packet for new residents detailing available transportation options, and secure bicycle parking for residents and visitors.
- G.13 If the Town determines, within one year of the final certificate of occupancy, through the Board, Town Manager and Police Department that a crosswalk will meet the appropriate safety standards, the Applicant shall install a crosswalk as approved by the Town in the vicinity of the property.

H. Landscaping Conditions.

- H.1 Landscaping shall be installed in accordance with the final landscaping plan prior to issuance of the final certificate of occupancy for the Project, subject to Condition III.H below. The landscape improvements, at a minimum, must be comprising the plant list shown on the Preliminary Plans.
- H.2 The landscaping shall be maintained by the Applicant through a management agreement.

- H.3 Dead or diseased plantings shall be replaced as soon as possible in accordance with growing and weather conditions but in no event shall replacement occur later than one year from the discovery of the dead or diseased planting.
 - H.4 Within one (1) year after the issuance of the Final Certificate of Occupancy, the Applicant, based upon the recommendations of the Town Planner with input from the abutters located on Windy Hill Lane, shall install such additional landscaping and screening along the northerly boundary of the Site deemed reasonably necessary by the Town Planner to fill in any potential gaps in screening and landscaping along said northerly boundary using funds held in escrow by the Town in the amount described in Condition No. V. C.1(j) above (the "Landscape Allowance"). After the installation of such additional landscaping and screening, the inspection of the same by the Town Planner, and the Town Planner's written confirmation that the landscaping and screening has been installed as per the Town Planner's recommendations, said funds representing the Landscape Allowance shall be released and forthwith returned to the Applicant.
 - H.5 The use of fertilizers shall comply with the Order of Conditions and requirements of 330 CMR 31.00 including but not limited to: 1) No fertilizers containing phosphorus shall be applied; 2) No fertilizers shall be applied intentionally, or otherwise, to impervious surfaces and if so applied, shall be immediately cleaned up; and 3) All record keeping requirements shall be followed.
- I. **Prior to Issuance of Final Certificate of Occupancy Conditions.** The following conditions must be met before the final Certificate of Occupancy is issued:
- I.1 All utilities within the Property shall be installed underground (with the exception of junction boxes, hydrants, transformers, and similar appurtenances in addition to other utility improvements required to otherwise be installed by other utility providers) by the Applicant with using methods standard to those installations. Utilities shall be defined as electric service lines, gas service, telephone lines, water lines, cable TV lines, municipal conduit, and the like.
 - I.2 The interior and exterior of all buildings and structures shall be constructed as represented in the Final Plan.
 - I.3 The Project shall be serviced by and connected to the municipal water system, and this Decision shall constitute the necessary permission for Applicant to connect to said municipal systems, subject to determination by the Water Division of the Department of Public Works that the applicable technical requirements have been satisfied, which such determination shall not be unreasonably withheld or delayed.

- 1.4 All water and stormwater infrastructure and the installation of final course of pavement, striping and signage for the site driveways, walkways, and parking areas, shall be in place and fully operational.
- 1.5 All exterior lighting for the Project shall be installed as shown on the Final Plan.
- 1.6 All utility work and other roadwork within any public right of way shall be performed and conducted in conformance with the regulations of the Town, but this Comprehensive Permit shall constitute the necessary street opening permit. Contractors shall be duly licensed as required by the Town of Wayland. All such work shall be performed in accordance with current engineering and construction standards.
- 1.7 The Applicant shall implement the stormwater (Section F), traffic (Section G), and landscaping (Section H) conditions unless otherwise described therein.

J. General Conditions.

- J.1 **As-built Plans.** Within sixty days after issuance of the final certificate of occupancy, the Applicant shall provide "as-built" plans of the roads, buildings, water, and electrical distribution systems stamped by a Massachusetts Licensed Civil Engineer certifying their accuracy to the Board of Appeals, Fire Department, Building Department and Highway Department; such plans shall be reviewed and administratively approved by the Board or its agent for consistency with this Decision. Administrative approval shall not be unreasonably withheld and shall be deemed granted if not reviewed by the Board or its Agent within thirty days of submission by the Applicant. The Applicant shall provide these plans in digital format acceptable to the Town including but not limited to a format compatible with the Town's Geographic Information System (GIS). The digital copy of the final set of approved as built plans must follow the five requirements listed below unless waived by the Building Department:
 - a. All plans and specifications must be submitted on electronic media (CD or DVD_ROM) using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, Arc View *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan.
 - b. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.
 - c. Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.
 - d. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.

- e. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.
- J.2 Improvements Remaining Private. The following portions of the Project shall be and shall remain forever private and the Town of Wayland shall not have, now or ever, any legal responsibility for their operation, maintenance, repair, or replacement:
- a. The entire on-site stormwater management system and all stormwater and water connections, lines and equipment required from the public way to the Property;
 - b. The entire on-site sewage management system and all connections, lines, leach fields and other features.
 - c. The on-site sidewalks, driveways, roads, utilities, drainage systems, water system, fire protection, gas if applicable, electric, telephone, and cable system and all other infrastructure shown on the Final Plan as serving the Project, including but not limited to plowing, sanding, snow removal, trash collection, and landscape maintenance;
 - d. Property lighting, landscaping and screening.
- J.3 Snow Storage. Snow shall be stored in areas of the Property designated on the Final Plan. All accumulated snow which cannot be stored in the designated snow storage areas and which materially interferes with parking and traffic circulation shall be hauled off-site by a commercial hauler as soon as reasonably practicable, and disposed of in accordance with applicable MassDEP Guidance.
- J.4 Project Lighting. All external Site lighting for the Project shall be Dark Sky compliant, and shall be maintained in such a way that lights shall be shielded and directed so as to prevent light spillage onto any adjacent properties from public ways or adjacent residential properties unless otherwise noted on the Plans of Record. The Project is required to maintain light levels and proposed fixture heights as shown on the Photometric Plan.
- J.5 The Project plans depict a proposed location of a generator and transformer on the south side of the proposed facility, both are enclosed within a fence. The generator is to be fed by natural gas and may only be used in emergency situations only.
- J.6 Existing Uses. The existing uses and structures at 124 Cochituate Road (on Assessors Map 34, Lot 4, the rectory and related improvements, and on Assessors Map 34, Lot 5, the church, parking, septic system, access, and non-Project Improvements) and approvals therefor (collectively, the "Existing Approvals") are hereby modified so as to allow the uses and structures on the lots as described above to lawfully continue to exist and to co-exist with the proposed Project uses and related Project improvements at the Property and Land, all as shown on the Final Plan and as allowed and

conditioned in this Decision herein, including the Applicant's duty to maintain certain parking, access and other improvements in conjunction with St. Anne's Church and in conjunction with the ground lease between Owner and the Applicant.

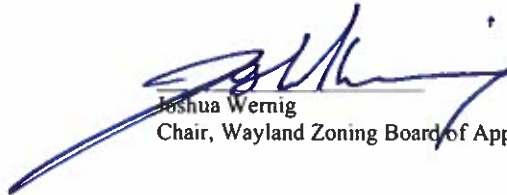
IV. RECORD OF VOTE

On July 13, 2023, the Board, on a motion made by Joshua Wernig, seconded by Doug Levine, voted 5-0-0 to approve the Comprehensive Permit application and the waivers as shown on Exhibit B submitted by the Planning Office for Urban Affairs, Inc., (or its nominee) to allow for development as conditioned herein, with this Decision as attested by the signatures below.

On July 14, 2023, the Board voted to authorize the Chairman, Joshua Wernig, to sign this decision on behalf of the Board. (Motion by Doug Levine, seconded by Adam Hirsh, voted 5-0-0).

**TOWN OF WAYLAND
ZONING BOARD OF APPEALS**

For the Board:



Joshua Wernig
Chair, Wayland Zoning Board of Appeals

Dated: July 14, 2023

Filed with Town Clerk on July 14, 2023

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17 and G.L. c. 40B, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within 20 days after the filing of this notice in the Office of the Town Clerk.

2023 JUL 14 AM 11:55
TOWN OF WAYLAND

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

I hereby certify that this is a true copy of the decision rendered by the Board of Appeals and filed in the office of the Town Clerk on _____, 2023; I further certify that twenty days have elapsed after the within Decision was filed in the office of the Town Clerk for the Town of Wayland, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date: _____ Attest: _____, Town Clerk

EXHIBITS

- A. List of Record Documents
- B. List of Waivers

EXHIBIT A

List of Record Documents

1. Comprehensive Permit Application Filed Pursuant to M.G.L. c.40B, §§ 20-23, and 760 CMR 56.00 et seq., Saint Ann's Senior Village, 124 Cochituate Road, Wayland, Submitted By: The Planning Office for Urban Affairs, Inc. (the "Applicant"), dated May 9, 2023;
2. Letter, dated May 3, 2023, issued to William Grogan, President, Planning Office for Urban Affairs, from Catherine Racer, Director, DHCD (Project Eligibility Letter);
3. Project plans, including: (a) Architectural Plans, consisting of eleven (11) sheets, entitled "ST. ANN'S VILLAGE, WAYLAND, MA," dated May 5, 2023 unless otherwise shown, including: Project Cover (T0.01); Project Information and Drawing List (T0.02) (revised June 26, 2023); Overall Floor Plan – Level 1 (A1.01); Overall Floor Plan – Level 2 (A1.02); Overall Floor Plan – Level 3 (A1.03); Overall Plan – Roof (A1.04); Exterior Elevations – East and South (A4.01), Exterior Elevations – West and North (A4.02)(revised June 26, 2023); Building Sections (A5.01); Renderings (A5.02); Renderings (A5.03), prepared by The Architectural Team, Inc. (the "Architectural Plans"); (b) Civil Engineering Plans, consisting of 9 sheets, entitled, "Saint Ann's Senior Village, 124 Cochituate Road, Wayland, MA" dated June 26, 2023 except as otherwise noted therein including: Existing Conditions Plan of Land (EX-1)(dated January 31, 2023; revised June 8, 2023); Existing Conditions (EX-2)(dated January 31, 2023; revised June 8, 2023); Site Layout and Grading (C-1.1); Utilities and Stormwater Management (C-2.1); Stormwater Management and Grading Plan (C.-3.1); Civil Details (C-4.1); Site Preparation Plan (D-1.1); Sketch of Proposed Lease Area (SK-1)(dated June 27, 2023); and Sketch of Excluded Rectory Area and Excluded Church Area (SK-2)(dated July 11, 2023), prepared by Samiotes Consultants, Inc. (the "Civil Plans"); (c) Landscape Plan, consisting of one sheet, entitled "OVERALL PROPOSED LANDSCAPE PLAN, ST. ANN'S VILLAGE, WAYLAND, MA," dated May 5, 2023 (Rev. June 30, 2023), prepared by RBLA Design, LLC. (the "Landscaping Plan"); and (d) a photometric plan entitled "St. Ann's Village Lighting," dated June 29, 2023, prepared by LandscapeForms (the "Lighting Plan"). Collectively, the Civil Plans, Architectural Plans, Landscaping Plan, and Lighting Plan, the "Final Plan."
4. Stormwater Management Report, dated March 5, 2023 (Rev. May 2023), prepared by Samiotes Consultants, Inc.;
5. Stormwater Management Report, dated June 27, 2023, prepared by Samiotes Consultants, Inc.;
6. Transportation Impact Assessment Memorandum, Residences at St. Ann, 124 Cochituate Road, Wayland, MA, prepared by Vanasse & Associates, Inc. (VA1) dated May 5, 2023;

7. List of Waivers (Undated);
8. Wetland Delineation Report," dated April 24, 2023 (Revised June 5, 2023), prepared by Environmental Consulting & Restorations, LLC;
9. Letter from Cherry Karlson, Chair, Wayland Select Board, dated March 23, 2023, to Rebecca Frawley Wachtel, Director, Low Income Housing Tax Credit Program, DHCD;
10. Letter from Anette Lewis, Chair, Wayland Planning Board, dated February 28, 2023, to Rebecca Frawley Wachtel, Director, Low Income Housing Tax Credit Program, DHCD;
11. Letter from Wayland Housing Partnership, dated March 13, 2023, to Rebecca Frawley Wachtel, Director, Low Income Housing Tax Credit Program, DHCD;
12. Letter from Susan Weinstein, Chair, Wayland Housing Authority Board of Commissioners, dated February 24, 2023, to Alana Murphy, Director of Policy, DHCD;
13. Presentation Slides from Michael Jaillet, Housing Consultant, Town Manager's Office, St. Ann's Village 124 Cochituate Road Public Forum 06/08/23 - Town Manager's Office Contextual Information;
14. Project Presentation Slides from Planning Office for Urban Affairs, dated May 30, 2023;
15. Email Correspondence, dated July 6, 2023, from Ed Burman, Acting Chief of Police, Wayland Police Department, to Philip Crean, Real Estate Project Manager, Planning Office for Urban Affairs, Inc.; and, Revised Plans Submission, Comprehensive Permit Application, from Planning Office For Urban Affairs, dated July 3, 2023.

The minutes, exhibits and other documents that make up the public record are available for public inspection in the Board's offices and are contained in the record.

EXHIBIT B

**List of Approved Waivers
(See Attached)**

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND BOARD OF HEALTH REGULATIONS FOR ON-SITE SUBSURFACE SEWAGE DISPOSAL SYSTEMS AND WATER TREATMENT FACILITIES				
REGULATION	TITLE	REQUIRED	PROPOSED	BOARD DECISION
V.D.7. SEPTIC DESIGN REQUIREMENTS	SOIL ABSORPTION SYSTEMS	The minimum offset distances to an SAS shall be in accordance with 310 CMR 15.211, Title 5, and as follows: A) Irrigation only, or closed loop geothermal wells, to all leach areas shall be 50' feet. B) Drinking water or open loop geothermal wells to all leach areas shall be 100' feet. C) No leaching facility having a design flow of 1000 gpd, or less, shall be constructed within 75' feet of any pond, stream, brook, river, swamp or Wetland Resource Area (as defined in 310 CMR 10.00, or the Town of Wayland Wetlands Bylaw), whichever is more stringent. The distance shall be 100' feet for facilities with design flows greater than 1000 gpd. These offset distances may be increased by the BOH for higher volume sewage discharges depending upon the particular site's circumstances.	Waived. Project will comply with 310 CMR 15.00 et seq. -Will meet 75' per Title V	Denied as not applicable.
V.H. HYDROGEOLOGICAL EVALUATION	SEPTIC SYSTEMS	New or replacement septic projects which will generate wastewater flows of 5,000 gpd or greater shall be required to have a hydro-geological evaluation performed by a qualified engineer or geologist, at the expense of the applicant. This evaluation will be reviewed by the Board of Health to ensure that the ground and surface waters will not be compromised.	Waive hydrogeological flow	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND BOARD OF HEALTH REGULATIONS FOR ON-SITE SUBSURFACE SEWAGE DISPOSAL SYSTEMS AND WATER TREATMENT FACILITIES				
REGULATION	TITLE	REQUIRED	PROPOSED	BOARD DECISION
V.D.3. SEPTIC DESIGN REQUIREMENTS	SOIL ABSORPTION SYSTEMS	For systems with a design flow of 1,000 gpd or greater, the separation distances to the high groundwater elevation shall be determined by adding the effect of groundwater mounding to the high groundwater elevation as determined pursuant to Title 5. Groundwater mounding calculations shall be submitted to the Board of Health for review with plan submittal.	Waived. Project will comply with 310 CMR 15.00 et seq.	Approved.
V.D.4. SEPTIC DESIGN REQUIREMENTS	SOIL ABSORPTION SYSTEMS	The minimum clear distance between leaching trenches shall be ten feet when the space between the trenches is utilized as expansion area and these expansion/reserve trench area shall be centered in between the active trenches.	Waived. Project will comply with 310 CMR 15.00 et seq.	Approved.
V.D.6. SEPTIC DESIGN REQUIREMENTS	SOIL ABSORPTION SYSTEMS	A velocity reducing tee shall be provided and a concrete splash pad centered beneath the inlet pipe of all Chambers, Gallery and Pit structures. Each individual group of pits must have a riser installed to within 9 inches of final grade.	Waived. Project will comply with 310 CMR 15.00 et seq.	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND BOARD OF HEALTH REGULATIONS FOR ON-SITE SUBSURFACE SEWAGE DISPOSAL SYSTEMS AND WATER TREATMENT FACILITIES				
REGULATION	TITLE	REQUIRED	PROPOSED	BOARD DECISION
V. SEPTIC DESIGN REQUIREMENTS		In addition to the requirements of 310 CMR 15.000, the requirements of Section IV.A.1-4, above, and the items listed below apply to all septic systems: A. Names of all direct abutters from recent tax maps including lot, street number, and address. B. Surface Grading and Drainage: Sufficient additional elevations shall be shown to clearly indicate how surface drainage is to be managed. C. Tanks, Pump Chambers, Grease Traps, And Distribution Boxes: 1. All tanks, pump chambers, and grease traps must be monolithic 2. All septic tanks must contain two compartments, or two tanks in series may be utilized to satisfy this requirement. 3. Gas baffles are required on all outlet tees, even when an effluent filter is present, unless the specific filter housing does not allow it. 4. Distribution boxes shall be capable of withstanding H-20 loads, shall have a minimum of a two-inch thick sidewall, and access covers shall also be raised to within six inches of finished grade with a watertight riser and cast iron manhole frame cover that are a minimum of 20 inches in diameter.	Waived. Project will comply with 310 CMR 15.00 et seq.	Approved.
V.D.I. SEPTIC DESIGN REQUIREMENTS	SOIL ABSORPTION SYSTEMS	Excepting from the flow calculations under 310 CMR 15.00 New Construction, Residential 165 Gal/day Dwelling Units (per bedroom)	Waived. Project will comply with 310 CMR 15.00 et seq. 110 gal/day per bedroom	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND GENERAL BYLAWS (AS AMENDED THROUGH MAY 1, 2023)			
REGULATION	REQUIRED	PROPOSED	BOARD DECISION
Chapter 193 Stormwater and Land Disturbance	No person shall alter land within the Town of Wayland without having obtained a Stormwater Management and Land Disturbance Permit (SMLDP) from the Conservation Commission for the property, unless exempt.	Waived. Stormwater Management to be in compliance with MADEP Stormwater Management Policy implemented through the Massachusetts Wetlands Protection Regulations, 310 CMR 10.00, as well as the requirements of the US EPA Construction General Permit for Massachusetts, all as provided in the Comprehensive Permit Decision.	Approved.
Chapter 194 Wetlands and Water Resource Protection; and, "Chapter 194 RULES AND REGULATIONS (Rev. June 12, 2014).	No person shall remove, fill, dredge, build upon, discharge onto or otherwise or alter any bank, freshwater wetland, marsh, bog, wet meadow, swamp, vernal pool, creek, river, stream, pond or lake or any land under said waters, or any buffer zone, or any land subject to flooding or inundation, or riverfront area other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services without first filing either a request for a determination (RDA) of applicability or a notice of intent (NOI) to so remove, fill, dredge, build upon, discharge, or otherwise alter, including such plans as may be necessary to fully describe such proposed activity and its effect on the environment and without receiving and complying with a permit issued by the Conservation Commission	Waived. Project will comply with Massachusetts Wetlands Protection Act, M.G.L. c. 131 §40 and 310 CMR 10.00 et seq.	Approved

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			901.1.5.2. Allows housing for elderly persons of low income, and 901.1.5.3. Allows subsidized multifamily dwelling for persons of low income, including adequate parking areas therefor, as defined by MGL c. 121B, §§ 1, 38, 39 and 40, but only if constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802.		
Article 22, AND WAYLAND PLANNING BOARD RULES AND REGULATIONS For AFFORDABLE HOUSING SPECIAL PERMITS	Inclusion of Affordable Housing			Waived. Project will be 100% affordable and complies with the affordability requirements of Chapter 40B and the Subsidizing Agency as described in the Comprehensive Permit Decision.	Approved

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			<p>this Zoning Bylaw, and in the event of a conflict between this Table of Permitted Accessory Uses by Districts and any other provisions of this Zoning Bylaw, this § 198-804 shall prevail; and the Classification of accessory uses, § 198-805, below, shall be considered as part of said section and shall likewise prevail in the event of such conflicts.</p> <p>804.1.1. A use listed in said table is permitted as of right in any district under which it is denoted by the word "yes." Uses denoted by the word "no" shall be prohibited.</p> <p>Excluding walkways and driveways from accessory uses.</p> <p>805.1.1.9. Office, provided that it is conducted as an accessory use and that there is no display of advertising, except for a small professional nameplate.</p>	<p>removal and movement of earth necessary to allow for the construction of Project improvements, and other appurtenant uses customary to such residential uses, including, bicycle facilities, and fences, all as may be depicted in the Final Plans, as further provided by the Comprehensive Permit.</p>	
Article 9 §198-901.1.1.3	Single Residence District	Permitted Uses in a Single Residence District	<p>§ 198-901. Permitted uses.</p> <p>901.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.</p> <p>§ 198-901. Permitted uses.</p>	<p>Waived. Allow those principal and accessory uses as "shown on the Approved Plans" described above.</p>	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			<p>and shall likewise prevail in the event of such conflicts. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.</p> <p>Use Category 19. "Earth removal" allowed only by Special Permit, and Use Category 57. "Dwelling, Multi-family" and FN2 -- Multi-family dwellings only allowed by special permit under Article 18 Conservation Cluster Development District.</p> <p>See Note 1.</p> <p>See also, Article 9 below.</p>	<p>building, the church, and related building uses and parking on such real property to lawfully continue and exist and to co-exist with the Project uses and structures on the Property (including the ground leased premises).</p>	
Article 8 §198-803.5	Dimension and Use Tables	Prohibited Uses	All uses not specifically permitted by Zoning Bylaw are prohibited.	Waived. To allow uses as listed above and as provided by Comprehensive Permit.	Approved.
Article 8 §198-804, §198-805.1.1	Dimension and Use Tables	Table of Accessory Uses; Accessory Use Classification	804.1. The Table of Permitted Accessory Uses by Districts sets forth the permitted accessory uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. All uses set forth in this table shall conform to all other requirements contained in	Waived. Allow accessory uses, including, utilities, generator, and management/leasing office, resident indoor and outdoor common area spaces, related customary accessory uses, parking, access, water and stormwater management improvements and appurtenances, subsurface septic system, signs, the	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			Min. Frontage: 180 Feet Min. Front Yard Setback From Lot Line: 30 Feet & FN#2 Min. Front Yard Setback From ROW Center Line: 55 Feet Min. Side Yard Setback: 25 Feet Min. Rear Yard Setback: 30 Feet Max. Height: Lesser of 2.5 stories or 35 Feet from avg. grade & FN#4 Max. Lot Coverage: 20%	399 ft. 25 ft. 50 ft. 75.2 ft. 650 ft. 45 ft., 3 stories [waiver] 5%	
Article 8 §198-802, 802.1.6, 803	Table of Permitted Principal Uses by Districts.	Table of Permitted Principal Uses	802.1.6. All uses set forth in this Table of Permitted Principal Uses by Districts shall conform to all other requirements contained in this Zoning Bylaw; and, in the event of a conflict between this Table of Permitted Principal Uses by Districts and any other provisions of this Zoning Bylaw, this § 198-802 shall prevail; and the Classification of Principal Uses, § 198-803, below, shall be considered as part of said section	Waived. Allow use of the Property for no less than a total of 60 multifamily age-restricted (62+) rental units in a single building, the removal and movement of earth necessary to allow for the construction of Project improvements, and other appurtenant uses customary to such residential uses, and associated improvements, all as depicted in the Approved Plans. Also allow the rectory	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
Article 7 §198-703 §198-703.1 §198-703.2	Area, Yard and Bulk Regulations	Yards	703.1. Behind every building or structure there shall be provided a backyard between the rear line of the building or structure and the rear lot line meeting the setbacks in § 198-801, Table of Dimensional Requirements.... A backyard may contain accessory buildings or structures, each of which may not be more than 1 1/2 stories high and that together may not cover more than 30% of the backyard, and none of which may extend within 10 feet of any lot line... 703.2. At each side of a building or structure there shall be a side yard meeting the setbacks in § 198-801, Table of Dimensional Requirements.	Waived. To be governed by setbacks as described in waivers under Article 8, §198-801 below, and as depicted on Site Plans and as described in the Comprehensive Permit.	Approved as shown on the submitted plans.
Article 8 §198-801	Dimension and Use Tables	Table of Dimensional Requirements	801.1. Requirements as to area, lot coverage, frontage, setbacks and height for a building or structure enlarged or erected pursuant to a permit issued on or after June 1, 1982 which is located within the Residence Zone 40,000 square feet Zoning District. Min. Lot Area: 40,000 s.f. & FN#15	Waived as to the particular dimensional requirements below, and as depicted in the Site Plans. No changes are proposed to the preexisting rectory. 401,487 s.f.	Approved as shown on the submitted plans.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			until SPA, as certified by the Planning Board or its agent, has been issued for such proposal or until the completed certification form referenced in § 198-601.6 above has been received by the Building Commissioner.		
Article 7 §198-701	Area, Yard and Bulk Regulations	Height Regulations	The limit of height of all buildings and structures in Single Residence Districts shall comply with § 198-801, Table of Dimensional Requirements, except that schools and, on lots of five acres or greater in area, dwellings may be three stories high, but may not exceed the maximum allowed heights for buildings and structures set forth in § 198-801, Table of Dimensional Requirements.	Waived. Height to be as described in waivers under Article 8, §198-801 below, and as depicted on Site Plans and as described in the Comprehensive Permit.	Approved as shown on the submitted plans.
Article 7 §198-702	Area, Yard and Bulk Regulations	Setbacks	All buildings or structures in any district shall comply with the setbacks in § 198-801, Table of Dimensional Requirements. Exempt from the setback requirements of this paragraph are roof eaves, stoops, stairs, bulkheads, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural ground level.	Waived. To be governed by setbacks as described in waivers under Article 8, §198-801 below, and as depicted on Site Plans and as described in the Comprehensive Permit.	Approved as shown on the submitted plans.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			For all off-street parking facilities that are not enclosed within a building or structure, 10% of the parking facility shall be landscaped.		
Article 5 §198-508 §198-508.4	General Regulations	Design Review Board	All applications for building permits, site plan approval, special permits or variances for all nonresidential uses involving new construction and all commercial signs shall be submitted to the Design Review Board.	Waived, if applicable. To be governed by Comprehensive Permit.	Denied as not applicable as the Board finds the entire Project is residential.
Article 6 §198-601 through §198-609, and Chapter 302 Site Plan Review and Approval Regulations	Site Plan Review	Site Plan Approval	601.1. No change in use of an existing structure or lot shall be permitted and no area for parking, loading or vehicular access shall be established or substantially altered unless a site plan has been approved as required by this Article 6. 602.1. SPA shall be a prerequisite to the issuance of any special permit, permit and/or variance required by this Zoning Bylaw, unless excepted from SPA by § 198-601.2.2 above. 602.2. No person shall undertake any improvement or alteration, and no building permits shall be issued for any such proposal,	Waived. To be governed by Comprehensive Permit.	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			professional engineer or land surveyor.		
Article 5 §198-506, including §198-506.1.10 §198-506.5 (location) §198-506.7 (design standards) §198-506.8 (landscaping)	General Regulations	Off-street Parking	506.1. Project parking space requirements are as determined by the Site Plan Approval Granting Authority. 506.5.1. Off-street parking facilities may be required either on the same lot with the parking-generating activity or on any lot or premises a substantial portion of which is, at least, within 300 feet of such activity. 506.7.3. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent lots. 506.7.4. For off-street parking facilities of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces. 506.8.1. Parking facilities immediately adjacent to a residence district shall be adequately screened year round from view from said residence district by trees, hedges or a tight fence. 506.8.2.	Waived. Project will provide a total of no less than 60 off-street parking spaces, or an average of at least 1.0 space per unit, as located, designed and landscaped as shown on the Site Plan.	Approved as shown on the submitted plans.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			15 square feet, and may bear decorative or logo devices, but no commercial advertisement. For nonresidential site development, the sign shall not be erected prior to the issuance of a building permit and shall be removed upon completion of construction or the issuance of a certificate of occupancy, whichever comes first.		
Article 5 §198-504	General Regulations	Earth Movement	No earth in excess of 1,500 cubic yards may be moved on any lot in any district which requires a minimum lot area of 40,000 square feet or more unless a special permit from the ZBA is obtained in accordance with the procedure provided in § 198-203, and only under such conditions as the ZBA may impose, except where the amount of earth to be moved is limited to the volume of the foundation and basement of the principal building or structure, or installation of septic systems, driveways, and walkways. The quantity of material to be moved shall be certified by a registered	Waived. Comprehensive Permit Decision shall provide all local permits per M.G.L. Chapter 40B. Any required earth removal to be approved by the ZBA as part of the Comprehensive Permit Decision.	Approved.

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
			<p>excess of that which is permitted may be allowed with a special permit issued by the special permit granting authority with appropriate jurisdictional responsibility for site plan approval, as provided for in § 198-603. The sign dimensions set forth in this Zoning Bylaw apply in the aggregate to all signs on the lot.</p>		
Article 5 §198-502	General Regulations	Temporary Signs	<p>Real estate signs are permitted in all districts as of right, but shall refer only to the building, structure, or lot on which they are located and have an area not exceeding six square feet.</p> <p>One contractors sign, not exceeding nine square feet in area, maintained on the lot while a building is actually under construction or being renovated is permitted. No more than one contractors sign may be on the lot at any one time.</p> <p>Nonresidential site development signs either one wall-mounted or freestanding sign, erected at the development entrance from a street. The sign shall not exceed</p>	<p>Waived to allow developer and general contractor place multiple mandated signs for compliance with DEP, OSHA, ingress/egress, contacts, safety, team/financing identity along with promotional signs.</p>	<p>Approved only during construction.</p>

SAINT ANN'S VILLAGE
PLANNING OFFICE FOR URBAN AFFAIRS

TOWN OF WAYLAND ZONING BYLAWS (AS AMENDED THROUGH MAY 1, 2023)					
BYLAW/ REGULATION	TITLE	DESCRIPTION	REQUIRED	PROPOSED	BOARD DECISION
Article 2 §198-205	Administration and Enforcement	Enforcement	<p>No building permit may be issued for construction of any building or structure if, as constructed, would be in violation of this Zoning Bylaw.</p> <p>No building permit may be issued under any application of any kind unless the intended use of any building, structure or lot under such permit, shall be in conformity with the Zoning Bylaw</p>	Waived to the limited extent that Zoning Bylaw is modified by waivers granted in the Comprehensive Permit Decision pursuant to G.L. c. 40B. Building Inspector to maintain authority to enforce the Comprehensive Permit Decision, as well as portions of the Zoning Bylaw not waived by this Comprehensive Permit.	Approved
Article 5 §198-501.1	General Regulations	Signs and Exterior Lighting	<p>Only those signs and exterior lighting as pertain to buildings, structures, or uses permitted in this Zoning Bylaw and on the same lot are permitted subject to yard requirements. Signage in residential districts shall be limited to that which is permitted by other sections of this Bylaw. Signage in districts other than residential districts may not exceed 40 square feet of area and 15 feet in height, including supporting structures and light sources. Signs attached to buildings may not rise above the front roofline of the building to which it is attached. Signage in</p>	Waived. Lighting to be as depicted on the final Site Plans and are to be governed by Comprehensive Permit.	Approved as to lighting only.

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LIST OF WAIVERS

The Applicant requests that a Comprehensive Permit for the Project, as shown on the Plans, be issued in lieu of the requirement that the Applicant apply to the individual local boards, departments and officials separately and that waivers from Local Requirement and Regulations, as defined under Section 56.02 of the Chapter 40B Regulations (760 CMR 56.00), be granted as set forth below.

Applicant seeks waivers for the proposed St. Ann's Village Project, a 60-unit rental project ("Project"), as shown on the plans submitted by the Applicant (and as they may be revised during the public hearing process and the conditions contained within the Comprehensive Permit Decision) (the "Final Plans"), from the Town of Wayland's Local Requirements and Regulations in effect as of the date of the filing of the Comprehensive Permit Application with the Town of Wayland Zoning Board of Appeals, as set forth below, for all municipal Boards and Departments, including, but not limited to, the following Boards: Board of Health, Select Board, Conservation Commission, Historic Commission, Historic District Commission, Planning Board and the Zoning Board of Appeals and the following Departments: Building Department, Fire Department, Police Department, Planning Department, Health Department, and Department of Public Works.

The Applicant reserves the right to amend the requested Waivers during the public hearing process.

The Applicant requests the following specific waivers from the Zoning Board of Appeals ("ZBA") for the Project from the following Local Requirements and Regulations:

Note 1: Pursuant to the Chapter 40B Rules described under 760 CMR 56.05(7), "Zoning waivers are required solely from the 'as-of-right' requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district." Accordingly, any waivers which reference special permit requirements are included for informational purposes only.