

**Wayland Planning Board  
Conservation Cluster Checklist**

27 Sherman's Bridge Road - **APPLICATION FOR CONSERVATION CLUSTER SPECIAL PERMIT-SITE PLAN**

<b>LAW</b>	<b>PROCEDURAL REQUIREMENTS</b>	<b>SATSIFIED?</b>
1803.1	Must be held within 65 days after the filing of the application with the Planning Board.	
G.L. c. 40A, §9	Decision must be made within 90 days of the public hearing.	
G.L. c. 40A, §9	Chair may designate associate member to sit on application in case of absence of conflict of regular member	
G.L. c. 40A, §9	The affirmative vote of four members is required to issue a special permit (for a 5-member board).	
G.L. c. 40A, §9 §1805.2	If no action within 90-day period, constructive approval subject to petitioner filing notice of claim of constructive approval within 14 days of the 90-day deadline with the Town Clerk, and statutory notice to abutters. A record of the Board's vote must be filed with the Town Clerk within the 90-day period. ( <i>Maniace</i> ) The decision must be sent to the petitioner within the 90-day period (§1805.2)	
G.L. c. 40A, §9	Board must make a detailed record of proceedings, including roll call vote. Decision must be filed with the Town Clerk within 14 days of the Board's vote.	
G.L. c. 40A, §9	Notice of the Decision must be mailed to the petitioner and all parties in interest "forthwith."	
301-21(B)	Definitive plan. A site plan submitted under § <u>198-1802</u> will be acted upon in the manner of a definitive plan, except that the hearing required on a definitive plan and the hearing required for a special permit may be held simultaneously.	

301-23	<u>Review; public hearing; decision; conditions.</u> Review, public hearing, notification and recording shall be in the same manner as is required for a definitive plan. Reasonable conditions may be incorporated in the decision to approve a special permit, which shall include all requirements of § 198-1806 and may also include but are not limited to hours of construction, measures to mitigate adverse impacts, review of floor plans for phases after the first phase (which phase is reviewed with the original submission) and provision of a clerk of the works.	
301-26	<u>Communications.</u> Except as otherwise required by law, all communications with town officials or consultants must be forwarded through the Chairman of the Planning Board or his/her designee.	
1803.1	After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Historical Commission, and the Board of Health, grant such a special permit	
<b>LAW</b>	<b>SUBMISSION REQUIREMENTS</b>	<b>SATISFIED?</b>
1802.1	A site plan, which plan shall show all of the information required for a definitive subdivision plan as specified in the Planning Board Subdivision Regulations.	Yes; see below
1802.1	Such additional information required by § 198-601 through 605 of this Zoning Bylaw, as the Planning Board deems necessary.	Yes; no additional information deemed necessary at this time
1802.1	To the extent applicable, all proposed instruments to be recorded with the plan	N/A
301-9	The Rules and Regulations Governing the Subdivision of Land as revised from time to time shall apply to the development unless	Yes, subject to Requested Waivers

	inconsistent with these regulations, in which case these regulations shall control.	
301-10	Any request from an applicant for a waiver of these regulations must be submitted in writing to the Board at the time of, or prior to, submission of the application and must clearly identify the provision or provisions of these regulations from which relief is sought. Such request must be accompanied by a statement setting forth the reason or reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaws and these regulations.	Yes; see Requested Waivers
301-15	A site plan as required in § <u>198-1802</u> of the Zoning Bylaws shall be filed in the same manner as a definitive plan under the Rules and Regulations. The site plan may be submitted at the same time as the application for a special permit for a conservation cluster development described in § <u>301-16</u> of these regulations.	Yes;
301-15(B)	<p>Contents. The site plan shall include all the item listed below:</p> <p><u>(1)</u> All the requirements of the Rules and Regulations, Section III.B.3.</p> <p><u>(2)</u> All the information required in the Zoning Bylaws, §§ <u>198-1801</u> through <u>198-1805</u>.</p> <p><u>(3)</u> To the extent applicable, all proposed instruments to be recorded with the plans.</p> <p><u>(4)</u> A plan showing:</p> <p><u>(a)</u> The number of building lots which could be created in the tract shown on such plan without a special permit; and</p> <p><u>(b)</u> The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land situated within the floodplain or designated as wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located.</p> <p><u>(5)</u> The front, side and rear yards of each lot shown on the plan by dashed lines indicating the area within which a building may be built.</p> <p><u>(6)</u></p>	Yes; see Requested Waivers for Subdiv. RR Section III.B.3

	<p>The use and ownership of adjacent land and the location and use of any buildings thereon within 200 feet of the boundary of the tract.</p> <p><u>(7)</u> Provisions for screening, surfacing, lighting and landscaping, including fences, walls, planting areas and walks.</p>	
301-15(C)	<p><u>Format.</u></p> <p><u>(1)</u> The site plan shall be prepared by a land surveyor, landscape architect or professional engineer registered in the Commonwealth of Massachusetts. Said plan shall be drawn at a scale of one inch equals 40 feet, or such other scale approved by the Planning Board. Sheet size shall be no larger than 24 by 36 inches. When more than one sheet is submitted, a key sheet shall be provided.</p> <p><u>(2)</u> Each sheet shall have a title.</p>	Yes
<b>LAW</b>	<b>DEFINITIVE PLAN SUBMISSION REQUIREMENTS</b>	
§III.B.2	<p><u>Filing Procedure</u></p> <p>a. The original drawing of the Definitive Plan; ten (10) contact prints thereof, dark lines on white background; one reduced 11" by 17" set of drawings, and one electronic copy. This shall also apply for subsequent revisions submitted during the review process.</p> <p>b. [filing fee]</p> <p>c. The Applicant shall simultaneously apply for a Request for Determination or Notice of Intent and receive a Determination or Order of Conditions from the Conservation Commission for any wetland impacts resulting from the Subdivision and present this information as part of the Definitive Plan process.</p> <p>e. A signed certificate must be written or printed on each copy of the Definitive Plan filed with the Board, as follows: "I certify that the actual survey of the boundary lines of this tract of land was made on the ground in accordance with the specifications in the "Ethical Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts" as prepared and adopted by the Massachusetts Association of Land Surveyors and Civil Engineers, Inc., Part II, II Technical Standards, A., 2."</p>	<p>Yes</p> <p>Stormwater Application filed with Conservation</p>

§III.B.3	<p><u>Contents</u></p> <p>The Definitive Plan shall be clearly and legibly drawn in black waterproof ink on tracing cloth and of an overall size 36" x 24" with a margin of 1 ½" on left 24" side for binding unless otherwise directed by the Planning Board. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development. The Definitive Plan shall contain the following information and shall include by reference the profiles required by paragraph 4 following of this subsection.</p> <ol style="list-style-type: none"> <li>a. Subdivision name including the way or ways on which it is situated, boundaries, north point, date, scale, benchmark and datum. All elevations to refer to U.S.C. &amp; G.S. bench marks.</li> <li>b. Name and address of record owner, subdivider and engineer or surveyor.</li> <li>c. Names and addresses of all abutters as they appear in the most recent tax list.</li> <li>d. Existing and proposed lines of streets, ways, lots, easements, waterways and public or common areas within the subdivision. The proposed street names shall be shown in pencil until they have been approved by the Planning Board.</li> <li>e. Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within 500 feet of a Massachusetts Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments.</li> <li>f. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street side lines, or where designated by the engineer retained by the Town.</li> <li>g. Location, names, elevations and present width of streets, bounding, approaching or within reasonable proximity of the subdivision.</li> <li>h. Suitable space to record the action of the Board and the signatures of the members of the Board.</li> <li>i. Existing and proposed topography at a one (1) foot contour interval for gentle slopes and at a five (5) foot contour interval for steep slopes.</li> <li>j. Length, radii and central angles of all curves in lot lines and street lines.</li> <li>k. Zoning classifications of all areas shown on the Plan.</li> </ol>	<p>Yes; see Requested Waivers III.B.3.x, y</p>

	<p>l. Areas of lots with lot numbers and areas of other adjoining land of applicant not included in the subdivision.</p> <p>m. Size and location of existing and proposed storm drainage and water supply facilities.</p> <p>n. All information required on the Preliminary Plan shall be shown on the Definitive Plan.</p> <p>o. A storm drainage system will be shown on a separate sheet. The Plan shall include invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at 100 foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge</p> <p>p. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, and location and results of soil percolation tests if individual sewage disposal systems are proposed (on a separate sheet). Percolation tests satisfactory to the Board of Health are to be taken on each lot within the subdivision.</p> <p>q. Water courses, ponds, marshes, flood plains, rock outcrop, trees of over 10 inch caliper (unless otherwise specified by the Board), and other significant natural features.</p> <p>r. Key plan, showing location of the subdivision at a scale of 1 inch equals 1000 feet and an accurate index plan at a scale of 1 inch equals 200 feet or 1 inch equals 100 feet as required for the Town Atlas.</p> <p>s. Minimum building set-back lines on all lots and a sketch plan showing proposed house sites.</p> <p>t. Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street signs, street lighting standards, all utilities above and below ground, curbs, gutters, street trees, storm drainage, all existing and proposed easements, and fire alarm boxes (on a separate sheet).</p> <p>u. A legend denoting any signs and symbols used on the plan and not otherwise explained.</p> <p>v. A sketch plan, acceptable to the Board, showing a possible or prospective street layout for any adjacent land owned or controlled by the owner or the applicant of the subdivision.</p> <p>w. The filing of Form O, detailing environmental data. A copy of this form is available from the Planning Board.</p> <p>x. Within seven (7) days after the time of submittal of the initial Definitive Plan to the Planning Board, the Applicant shall have filed application for all other local, state, and federal permits</p>	
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	<p>required for the construction of streets, easements, utilities, and other improvements of the subdivision as provided for in these Rules and Regulations. Evidence of such filing, in the form of a copy of such application, shall be submitted to the Planning Board within the above time period.</p> <p>y. Copies of all reports, permits, etc., and all amendments thereto, filed by the applicant with all federal, state and local agencies, and all responses from these agencies.</p>	
§III.B.4	[street profile requirements]	Yes
§III.B.5(a)	<p>For all subdivisions, the Applicant shall be required to submit a technical memorandum prepared in conformance with the latest version of AASHTO Standards and by a qualified traffic engineer to provide the following existing street information at proposed new street intersections:</p> <p>(i) representative daily traffic and peak hour volumes</p> <p>(ii) available horizontal and vertical sight distance</p> <p>(iii) travel speed measurements and calculation of 85th percentile speed.</p>	See Requested Waivers III.B.5.a.iii
§III.B.5(b)	<p>In addition, for all residential subdivisions over five (5) lots and for commercial subdivisions over two (2) lots, or where otherwise deemed necessary by the Board, the Applicant shall furnish a traffic analysis of the impact of the additional traffic to be generated by the proposed development on the adjacent ways and intersections. The study shall be compiled in accordance with the most recent AASHTO criteria.</p>	N/A
§III.B.5(d)	<p>Within seven (7) days after the time of submittal of the initial Definitive Plan to the Planning Board, the Applicant shall have filed applications for or submit a plan for obtaining all other local, state, and federal permits required for the construction of streets, easements, utilities, and other improvements of the subdivision as provided for in these Rules and Regulations. Evidence of such filing, in the form of a copy of such application, shall be submitted to the Planning Board within the above time period.</p>	See, Requested Waiver
§III.B.5(f)	<p>Staking - To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing the Definitive Plan, the Applicant shall stake the center line, right-of-way, and</p>	Yes;



	approximate limits of grading of all proposed streets on fifty foot (50') center line stations. Cut or fill dimensions to finished grade profile shall be marked on the stakes. The Developer shall also stake the center line of all trails at a minimum of every one hundred feet (100').	
<b>BYLAW</b>	<b>SUBSTANTIVE REQUIREMENT</b>	
1803.1.1	the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.	Yes
1803.1.2	The area of the tract of land is not less than 5 acres.	Yes
1803.1.3	<p>The total number of dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following:</p> <ul style="list-style-type: none"> <li>(a) The number of building lots that could be created in the tract shown on such plan without a special permit hereunder, plus one lot for each 10 of such building lots that could otherwise be created; or</li> <li>(b) The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones), by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.</li> </ul>	Yes
1803.1.3.1	For purposes of demonstrating the number of lots under Subsection 1803.1.3(a) above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer or land surveyor which shows the maximum number of lots which can be created on a conventional subdivision plan meeting all dimensional and other requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, which submittal shall include a list of requested waivers necessary to implement the subdivision plan, which the Planning Board shall review and consider.	Yes



1803.1.4	Each of the building lots shown on the site plan shall have adequate frontage, but no less than 50 feet, on a public or private way.	Yes
1803.1.5	Each of the building lots shall be of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.	Yes
1803.1.6	The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built. All dwellings, accessory buildings, driveways and roadways shall be set back at least 50 feet from the perimeter of the tract, except that the Planning Board may reduce this set back to not less than 15 feet if it furthers the interest of this bylaw, and 15 feet from any open land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development.	Yes;
1803.1.7	For Conservation Cluster Developments consisting of at least a majority of single-family detached dwellings, at least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land. For Conservation Cluster Developments consisting of at least a majority of single-family attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land. For the purpose of this article, "Open Land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private. The Open Land shall be reserved for open space, conservation, agriculture, passive recreation, park purposes or some combination of the foregoing.	Yes
1803.2 1803.2.1 1803.2.2 1806.1 301-26	<u>1803.2.1</u> - The Open Land shall be conveyed either: (a) To the Town, or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land; (b) To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or	Yes; ownership to be determined

	<p>(c) To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.</p> <p><u>1803.2.2</u> - If title to the Open Land is held by an entity other than the Town, provisions shall be made satisfactory to the Planning Board that the Town, through its Conservation Commission, Planning Board, or other board, can enforce restrictions or easements imposed upon the Open Land by the Planning Board as conditions of its special permit grant.</p> <p><u>1806.1</u> - If a special permit is granted, the Planning Board shall impose as a condition that the Open Land shall be conveyed, free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot, unless the petitioner shall provide a cash performance bond in an amount sufficient in the judgment of the Planning Board to guarantee the conveyance of the Open Land as required by the special permit. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances. In any event, the Open Land shall be conveyed as required on or before one year after the conveyance of the first lot.</p> <p><u>301-26 Title certification.</u> Whenever the fee or any lesser interest in land is offered to the town under these regulations, conveyance of the same shall be by a deed granting good and clear record and marketable title thereto, subject only to such exceptions as the Planning Board may approve. Further, at least 10 days before such conveyance, the party offering such interest shall, at its expense, deliver to Town Counsel an opinion of counsel certifying that the title is of the quality required hereby, which opinion shall be updated and confirmed to the time of conveyance.</p>	
1803.2.3	Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the Open Land to be used for subsurface waste disposal where the Planning Board	N/A

	finds that such use will not be detrimental to the character or quality of the Open Land.	
1803.3	If the tract of land proposed for the Conservation Cluster development is located in two or more residential districts, the entire tract, for all purposes of this, shall be considered as lying entirely within the district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residential district, all of the land shall be considered as lying within that district	N/A
1803.4	No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the approved, recorded plan.	Yes
301-17(B)	Each building site shall have access by way of a relatively level drive which shall not have a grade in excess of 10%.	Yes
301-17(C)	There shall be a buffer strip at least 50 feet wide around the perimeter of the tract when the abutting use is not a conservation cluster development or dedicated open space or dedicated to conservation purposes.	Yes;
301-17(D)	There shall be a buffer strip at least 30 feet wide between the groupings of building lots within the conservation cluster development.	Yes
301-17(E)	Each principal building shall have access from a street: Contained within the conservation cluster development; and Not in existence prior to the development of the cluster.	Yes; :
301-17(F)	No building, structure or pavement shall be located within areas which are required to be maintained as open land.	Yes
301-17(G)	Buildings shall be compatible with other buildings in the conservation cluster development.	Yes
301-17(H)		Yes

	Buildings, open spaces, driveways and other development features shall be located and designed in a manner which conforms to the existing natural terrain of the site.	
301-17(l)	All existing or proposed utilities shall be installed underground at the time of initial construction.	Yes
301-19	<p><u>A.</u> The applicant shall design, install and maintain all improvements in accordance with the requirements and procedures, including performance guaranty, as required by the Rules and Regulations.</p> <p><u>B.</u> All elements of the development shall be installed in a sequence acceptable to the Planning Board. Phases shall include complete building lot groups.</p>	Yes
301-20	<p><u>A.</u> General. The minimum specifications of the Rules and Regulations and of this article shall govern the installation of all roadways, walkways, utilities and other improvements in all conservation cluster developments.</p> <p><u>B.</u> In addition, the following improvements are required: <u>(1)</u> All trees to be taken down in the development shall be visibly marked in the field at the request of the Planning Board, and such markings shall be maintained until the trees are cut. No marked trees shall be cut until approved by the Planning Board.</p>	Yes
<b>LAW</b>	<b>DECISION REQUIREMENTS</b>	
1805.1	<p>In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:</p> <p><u>1805.1.1.</u> A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit</p>	

	<p>hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.</p> <p><u>1805.1.2.</u></p> <p>A general description of the neighborhood in which the tract lies and the effect of the plan on the area.</p> <p><u>1805.1.3.</u></p> <p>The relation of the proposed development to long-range plans of the Town, if any.</p> <p><u>1805.1.4.</u></p> <p>The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.</p> <p><u>1805.1.5.</u></p> <p>The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.</p> <p><u>1805.1.6.</u></p> <p>If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.</p> <p><u>1805.1.7.</u></p> <p>If the Planning Board denies the special permit, its reasons for so doing.</p> <p><u>1805.1.8.</u></p> <p>If the Planning Board disagrees with the recommendations of the Conservation Commission, Historical Commission, or the Board of Health, it shall state its reasons therefor in writing.</p> <p><u>1805.1.9.</u></p> <p>If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-1803.2.3 above.</p>	
301-22	<p>Prior to granting a special permit, the Planning Board must make findings that:</p> <p><u>A.</u></p> <p>The objectives of the Zoning Bylaws and in particular of §§ <u>198-203</u> and <u>198-1803</u> are met; and</p> <p><u>B.</u></p> <p>All other requirements of the Zoning Bylaws of the Town of Wayland and of the Rules and Regulations are met.</p>	
301-23	<p><u>Review; public hearing; decision; conditions.</u></p> <p>Review, public hearing, notification and recording shall be in the same manner as is required for a definitive plan. Reasonable conditions may be incorporated in the decision to approve a special permit, which shall include all requirements of § <u>198-1806</u> and may</p>	

	also include but are not limited to hours of construction, measures to mitigate adverse impacts, review of floor plans for phases after the first phase (which phase is reviewed with the original submission) and provision of a clerk of the works.	

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