

# **Stormwater Management Land Disturbance Permit (SMLDP) Application**

***Five Paths  
Tax Map 39, Parcel 15A  
Wayland, MA***

***January 2021***

**Submitted to:  
Wayland Conservation Commission  
41 Cochituate Road  
Wayland, MA 01778**

**Submitted by:  
Ross C. Wilkinson, Personal Representative,  
Estate of Paula D. Wilkinson  
P.O. Box 98  
Wilton, NH 03086**

**Prepared by:  
Goldsmith, Prest & Ringwall, Inc.  
39 Main Street, Suite 301  
Ayer, MA 01432**

**Project No:  
171053**



## **SMLDP Application Contents**

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### **Title**

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**SMLDP Checklist**

**SMLDP Application**

**Agent Authorization Letter**

**SMLDP Application Narrative & Waiver Request**

**SMLDP Open Space Offering to SMLDP Vicinity Map**

**Planning Board Decision Letter**

### **Attachments**

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"Residential Subdivision - SMLDP Tree Removal Plan"

Dated January 2021.

"Residential Subdivision - Definitive Plan - Five Paths Tax Map #39, Parcel 15A"

prepared for Ross C. Wilkinson Personal Representative, Estate of Paula D. Wilkinson.

Dated July 2019. Last revised November 4, 2020.

Stormwater Management Report, Dated July 2019. Last revised July 14, 2020.



## TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

### CHAPTER 193 APPLICATION

#### Stormwater Management and Land Disturbance Bylaw Checklist

##### Submittal Requirements:

The applicant shall file eight copies of the completed application package to the Conservation Commission for a Stormwater Management and Land Disturbance Permit. The application package shall include:

☒ Application form with original signatures of all owners and representatives.

Two copies of the completed application form

Two copies of 11x17 size site plans

One copy of a full size site plan.

All documents emailed to [lhansen@wayland.ma.us](mailto:lhansen@wayland.ma.us)

☒ Number and size (dbh) of proposed trees to be removed. Replanting will be based on Replacement Tree and Shrub Schedule. (See Waiver Request)

☒ Locus map showing location of the property.

☒ Any and all applications fees (\$100 transmittal fee)

☒ Stormwater Management and Land Disturbance Plan (per the Massachusetts Stormwater Management Regulations and Massachusetts Stormwater Management handbook as applicable for the scope of the project.)

☒ Supporting Stormwater Management Report and engineering calculations (per the Massachusetts Stormwater Management Regulations and Massachusetts Stormwater Management handbook as applicable for the scope of the project.) The report must contain a narrative describing the project and how the project will comply with the Wayland Stormwater Management and Land Disturbance Bylaw. List any requested waivers and the reasons the standards cannot be met.

☒ Stormwater Pollution Preventative Plan (SWPPP) if coverage is required under the U.S. EPA Construction General Permit, Multi-Sector Permit or an individual permit under the NPDES Phase II requirements.

☒ Long-term Pollution Prevention Plan

☒ Erosion and Sediment Control Plan

☒ Stormwater System Operation and Maintenance Plan

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The property owner, as well as the applicant and/or representative (if different from owner) must sign this checklist and all other applicable applications. The property owner, by signing this checklist and the applications, acknowledges that the Commission and Staff may enter the property to inspect the premises as part of the assessment of the application.



Signature of Property Owner



Date

I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

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Signature of Applicant

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Date



**TOWN OF WAYLAND**  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

**CHAPTER 193 APPLICATION**  
**Stormwater Management and Land Disturbance Bylaw**

**A. General Information**

**1. Project Location**

ASSESSORS MAP 39 PARCEL 15A      WAYLAND      01778  
a. Street Address      b. City/Town      c. Zip code  
15A  
d. Parcel/ Lot Number

**2. Applicant:**

ROSS C.      WILKINSON  
a. First Name      b. Last Name  
P.O. BOX 98  
c. Street Address  
WILTON      NEW HAMPSHIRE      03068      d. City      415-334-5460  
e. State      f. Zip Code      g. Work/ Cell Phone #  
r\_wilkinson@sbcglobal.net  
h. Email Address

**3. Property Owner (required if different from applicant):**

FLOYD, PAULA & ROSS      WILKINSON  
a. First Name      b. Last Name  
P.O. BOX 98  
c. Street Address  
WILTON      NEW HAMPSHIRE      03068      d. City  
e. State      f. Zip Code      g. Work/ Cell Phone #  
h. Email Address

**4. Representative (if any):**

KYLE F.      BURCHARD  
a. First Name      b. Last Name

**CHAPTER 193 APPLICATION**  
**Stormwater Management and Land Disturbance Bylaw**

GRP, INC.

c. Company

39 MAIN STREET, SUITE 301

c. Street Address

AYER MASSACHUSETTS 01432

e. State

f. Zip Code

d. City

978-772-1590

g. Work/ Cell Phone #

kburchard@gpr-inc.com

h. Email Address

**5a. Project Type Checklist (check all that applies):**

1. ☒ Creation of new or increasing existing impervious surface of 500 sq. ft. or more.

Impervious Surface: Is any material or structure on or above the ground that prevents water infiltration to the underlying soils. Impervious surface includes without limitation roads, paved parking lots, sidewalks, stone patios, decking, and rooftops.

2. ☒ Alteration and/or land disturbance of at least 5,000 sq. ft. or 10% of the parcel; whichever is less.

Alteration and/or land disturbance as defined in Chapter 193 Bylaw.

**5b. General Project Description:**

Construction of a 3 lot subdivision, including tree clearing, new road and driveway pavements, utility mains and service connections, soil erosion controls and stabilization and a complete stormwater management system designed in accordance with Massachusetts Stormwater Handbook and Wayland Chapter 193 requirements that has been peer-reviewed and approved by the Wayland Planning Board. **See Cover Letter Narrative and Waiver Request in this application packet.**

**B. Additional Information**

By submitting an application for coverage under the Stormwater Management and Land Disturbance Permit, the Applicant agrees to the following:

1. At a minimum, the proposed project complies with the performance standards of the most recent version of the Massachusetts Stormwater Management Handbook including but not limited to:
  - a. Employing environmentally sensitive site design
  - b. Evaluation of Low Impact Development practices
  - c. Incorporation of source controls of contaminants and employing BMPs to minimize stormwater pollution
  - d. Sizing of water quality volume of BMPs are based on 1-inch of runoff
  - e. Methodology for hydrologic analyses (if necessary) is based on TR-55/TR-20 methodology
  - f. Designing redevelopment of existing sites must provide a net improvement to stormwater conditions at the site.
2. The activity shall not increase either the rate or volume of stormwater runoff leaving the site, nor shall it alter stormwater flow to any adjoining properties, public ways, or any wetland resource areas, unless otherwise permitted based on improvements over existing conditions.

Please check all that apply to this project:

## CHAPTER 193 APPLICATION

### Stormwater Management and Land Disturbance Bylaw

- ☒ Roof drains emptying into dry wells/recharge basins
- ☐ Grassed swales constructed
- ☐ Porous pavement installed; \_\_\_\_\_ sq. ft.
- ☒ Water quality swale
- ☐ Rain barrels/cisterns for irrigation
- ☒ Other methods (please list/describe): See Application Narrative and Stormwater Management Report

3. The Applicant shall provide and maintain Erosion and Sedimentation controls as necessary until the site is permanently stabilized. BMP's selected for erosion controls shall be chosen to minimize site disturbance from erosion control installation. As soon as the site is stabilized, such measures shall be removed.

Please check all that apply to this project:

- ☒ Sediment filter fence with either hay bales or straw wattles
- ☐ Mulch filled fabric sock
- ☒ Construction entrance
- ☒ Temporary vegetative cover – mulch, netting
- ☒ Permanent vegetative cover – hydro seeding, seeding, sodding
- ☒ Slope stabilization
- ☒ Retaining Walls
- ☐ Slope drains
- ☒ Other methods (please list/describe): See Application Narrative and Stormwater Management Report

4. The Applicant shall ensure that the site and stormwater management systems are perpetually inspected and maintained to function as designed.

Please check all that apply to this project:

- ☒ Visual inspections by contractor
- ☒ Visual inspections by homeowner
- ☒ Operation and Maintenance Plan
- ☒ Maintenance contract for stormwater components
- ☐ Other methods (please list/describe): \_\_\_\_\_

5. Other Jurisdiction

- ☐ Massachusetts Wetlands Protection Act (310 CMR 10.00) and it's implementing Regulations
- ☐ Wayland's Wetlands and Water Resource Protection Bylaw – Chapter 194

## CHAPTER 193 APPLICATION

### Stormwater Management and Land Disturbance Bylaw

- ☒ Subdivision Approval
- ☒ Board of Health Permit
- ☐ Special Permit or Site Plan Review
- ☒ Building Permit

### C. Fees

Applicants must submit a \$100 application fee.

### D. Signatures and Submittal Requirements

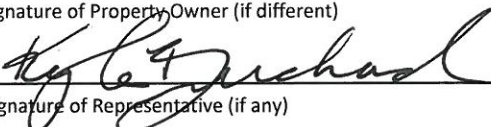
I certify that I have reviewed the design standards above and the information contained herein, including all attachments, is true, accurate, and complete to the best of my knowledge. Further, I grant the Wayland Conservation Commission and its authorized Agents permission to enter the property to review this application and make inspections before, during and after construction. I have included a check for the application fee of \$100.

  
\_\_\_\_\_  
Signature of Applicant

1-5-21  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner (if different)

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Representative (if any)

1-29-2021  
\_\_\_\_\_  
Date

#### For Conservation Commission:

Two copies of the completed Stormwater Management and Land Disturbance Bylaw (Chapter 193), including plans and documents, and the bylaw fee payment, to the Conservation Commission by mail or hand delivery.



July 22, 2019

**Subject:       Wilkinson Property off Shaw Drive, Wayland, MA  
                  Town of Wayland Assessor Tax Map 39, Parcel ID 039-15A**

To Whom It May Concern:

I hereby authorize Goldsmith, Prest & Ringwall, Inc., 39 Main Street, Suite 301, Ayer, MA, 978.772.1590, to act as my agent in administrative and civil engineering matters pertaining to the proposed Definitive Subdivision, Subsurface Sewage Disposal Systems, and Land Disturbance at the subject site. This authorization covers the execution of application forms, presentation of plans and designs, and communication with involved parties.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ross Wilkinson', with a long horizontal flourish extending to the right.

Ross Wilkinson  
695 John Muir Drive, F416  
San Francisco, CA 94132

Copy:               Goldsmith, Prest & Ringwall, Inc.  
                      File #171053



January 29, 2021

Wayland Conservation Commission  
41 Cochituate Road  
Wayland, MA 01778

**Subject: Assessors Map #39 Parcel 15A, Wayland, MA  
Stormwater Management & Land Disturbance Permit (SMLDP) Application  
SMLDP Application Narrative  
Replacement Tree and Shrub Waiver Request**

Dear Commission Members:

On behalf of the Applicant, Ross C. Wilkinson, Personal Representative of the Paula D. Wilkinson Estate, Goldsmith, Prest & Ringwall, Inc. (GPR) respectfully requests the issuance of a Chapter 193 Stormwater Management & Land Disturbance Permit (SMLDP) for the above referenced property under the Five Paths Definitive Subdivision development as approved by the Wayland Planning Board on 9/17/2020. The endorsed plan sheets from the Planning Board are included as part of this SMLDP application.

### **Introduction**

The subject property is a 13.7± acre parcel identified on Wayland Assessor's Map 39, Parcel 015A. The proposed development consists of a privately maintained roadway serving three (3) single-family residential lots located south of Shaw Drive at the intersection of Shaw Drive and Deer Run. The proposed private roadway is aligned with Deer Run at Shaw Drive. The lots are served by public potable water supply, and individual septic systems.

### **Chapter 193 Bylaw Compliance**

The purpose of this SMLDP application is to provide direct reference to Bylaw compliance in the Five Paths Definitive Subdivision plans, reports and documents approved by the Wayland Planning Board, as well as a waiver request and justification of replacement trees and shrubs. The Chapter 193 Application and Checklist documents included provide an outline of compliance. A list of specific compliance citations for each Bylaw section is as follows:

- §193-1 A.(1): See recharge and water quality calculations at the very end of the Stormwater Management Report.
- §193-1 A.(2): No fisheries or other designated outstanding water resources are near the property, and not toxic pollutants or nutrients are to be discharged anyway.
- §193-1 A.(3): Woodland Preservation Areas and Open Space Preservation amounting to 61% of the subject property are proposed to protect wildlife habitat.

**Goldsmith, Prest & Ringwall, Inc.**

- §193-1 A.(4): See the Stormwater Management Report Hydrology Summary for 24-hour Storm as well as the drainage narrative to describe no adverse impact to private property from floods or flow patterns. The project provides stormwater mitigation to reduce or maintain existing drainage patterns, flows and volumes at each point of discharge to adjacent properties. Receiving streams or rivers are far away from the property so as to not be affected by the proposed development.
- §193-1 B.(1): See **Drainage Design Standards** heading below.
- §193-1 B.(2): See **Peer Reviewed and Planning Board Approved Drainage Design** heading and referenced documents below. Non-structural stormwater management practices have been employed to the extents practicable given the constraints of topography, soils, lot shape and road standards. The Planning Board requested, and the approved design provides, underground stormwater retention/detention facilities in order to help minimize disturbance. The Planning Board approval includes an Operations and Maintenance Plan for Stormwater BMPs that requires regular maintenance of stormwater facilities to ensure they continue to function as designed and pose no threat to public safety.
- §193-1 B.(3): See **Soil Erosion Control** heading and referenced documents below.
- §193-1 B.(4): See the *Introduction and Methodology* and *Hydrology Summary for 24-Hour Storm* sections of the Stormwater Management Report.
- §193-1 B.(5) through B.(8): See **Drainage Design Standards** heading below, as well as the *Introduction and Methodology* and the *Hydrology Summary for 24-Hour Storm* sections of the Stormwater Management Report
- §193-1 B.(9): See Endorsed Subdivision Plans Sheet C4.4 for controlled outlet locations, and *Pipe End Structure* detail on Sheet C7.2.
- §193-1 B.(10): See §193-1 B.(2) above regarding non-structural stormwater management. Low-impact site design was accomplished in three ways; 1) reduced pavement width (See PB Decision III.B.6.c. and *Special Condition A.19*), 2) 1.10± acres of Woodland Preservation Area restrictions on the proposed lots, and 3) 7.27± acres of Open Space Offering (See PB Decision III.B.4. & 5., and *Special Condition A.18*)
- §193-1 B.(11): See the DRAFT Stormwater Pollution Prevention Plan (SWPPP), that shall govern construction phase practices within the NPDES Construction General Permit (CGP).
- §193-1 B.(12): At a minimum, PB Decision General Conditions B.2, B.5, B.6, B.7 and B.11 require construction compliance with Bylaws and approvals through inspection, monitoring and enforcement.
- §193-1 B.(13): See requirements of PB Decision Special Conditions A.4, A.6 and A.8, establishing provisions to ensure adequate funding mechanisms for the proper review, inspection and long-term maintenance of stormwater facilities.

- §193-1 B.(14): See the Long Term Pollution Prevention & Stormwater System Operations and Maintenance Plan (LTPPP and O&M combined into a single document) describing ongoing inspections and long-term maintenance for stormwater facilities funded by mechanisms identified in §193-1 B.(13) above.

### **Drainage Design Standards**

The drainage design was completed in accordance with requirements of the Massachusetts Stormwater Management Handbook and Wayland Bylaw Chapter 193. The drainage has also been designed in conformance with Massachusetts Title 5 (310 CMR 15.000) for appropriate separations between all drainage system components and all septic system components. The Chapter 193 (DRAFT) Regulations (dated 12/4/2019) have been used as guidelines where practicable to improve the design, though these regulations are not yet approved.

This SMLDP application complies with the Chapter 193 Bylaw.

### **Soil Erosion Control**

The drainage design includes construction phase best management practices for soil erosion control measures as well as permanent stabilization, and controls for mitigation of stormwater quality, peak rates and total volume in accordance with all current regulations listed above. More detail about the proposed mitigation measures are on the Endorsed Subdivision Plans, Sheets C4.1, C4.4, C4.5, C6.1, C7.1 and C7.2, as well as the Stormwater Management Report included as part of this SMLDP application.

### **Peer Reviewed and Planning Board Approved Drainage Design**

The drainage design for this project was peer reviewed during the subdivision review process by Mr. Frank DiPietro, P.E. of BSC Group and through a series of responses and revisions, the final drainage design satisfied all peer review comments in order to obtain approval from the Wayland Planning Board, which also required concurrence from the Wayland Board of Health with respect to appropriate drainage design and mitigation. The approved Stormwater Management Report and Long Term Pollution Prevention & Stormwater System Operations and Maintenance Plan (LTPPP and O&M combined into a single document) is attached as part of this SMLDP application.

### **Construction Phase EPA Permitting Required**

A Construction General Permit (CGP) that includes a Storm Water Pollution Prevention Plan (SWPPP) is required to be filed with the EPA for construction and shall be filed by the construction contractor at least two weeks prior to the start of construction. A draft of the SWPPP, pending the chosen contractor information, is attached as part of this SMLDP application.

### Tree and Shrub Replacement Waiver Request

The Wayland Planning Board encouraged ecological stewardship measures in the Five Paths Definitive Subdivision approval that include open space preservation, minimization of tree clearing and minimization of impervious area.

Open space preservation consists of "Woodland Preservation Areas" deeded within the three (3) subdivision lots, and the gifting of \$2,500 as well as 7.27 acres of undeveloped land to the Sudbury Valley Trustees (SVT). The overall land usage configuration approved by the Planning Board consists of the following:

<u>Designation</u>	<u>Area</u>	<u>Land Use</u>	<u>Percentage of Total Tract</u>
SVT Gift	7.27± acres	Open Space	53%±
------(Within three (3) Subdivision Lots)-----			
Woodland Preservation	1.10± acres	Open Space	8%±
Cleared/Developed	2.60± acres	Residential	19%±
Uncleared/Undeveloped	2.73± acres	Residential	20%±
Totals	13.7± acres		100%

An extensive site topographic and tree survey of the property was conducted, and a tabulation of trees with trunks 6" DBH and greater to be removed for the development is included on the "SMLDP Tree Removal Plan" submitted with this SMLDP application. The *Wayland Conservation Commission Replacement Tree and Shrub Schedule* reads as if it applies only to trees removed from jurisdictional buffer areas of Chapter 194 or the Wetland Protection Act. No jurisdictional resource areas or buffers subject to Wayland Bylaw Chapter 194 or the Massachusetts Wetland Protection Act exist on the property.

The significant open space preservation provided by the Five Paths development was found by the Planning Board to be in the public interest (see *PB Decision III.B.5.*). Further, the Woodland Preservation Areas have specific stewardship criteria in *PB Decision Special Condition A.19* for dead, diseased and dying tree removal with native re-plantings as appropriate, over time. Over time, responsible re-planting will be done.

The overall minimization of tree clearing and new impervious areas approved by the Planning Board makes replacement plantings within these areas impractical. Over 60% of the land is being preserved as perpetual open space under stewardship of Sudbury Valley Trustees. Provisions are in place to enhance Woodland Preservation Areas on each lot, with long term replanting guidelines in effect. We believe these extensive woodland preservation measures warrant a waiver from the Replacement Tree and Shrub Schedule for the Five Paths Definitive Subdivision. We respectfully ask that you please approve this waiver.

We look forward to reviewing this application with the Commission and request that you reach out with any questions about the documentation or materials provided within this application.

Respectfully,  
Goldsmith, Prest & Ringwall, Inc.

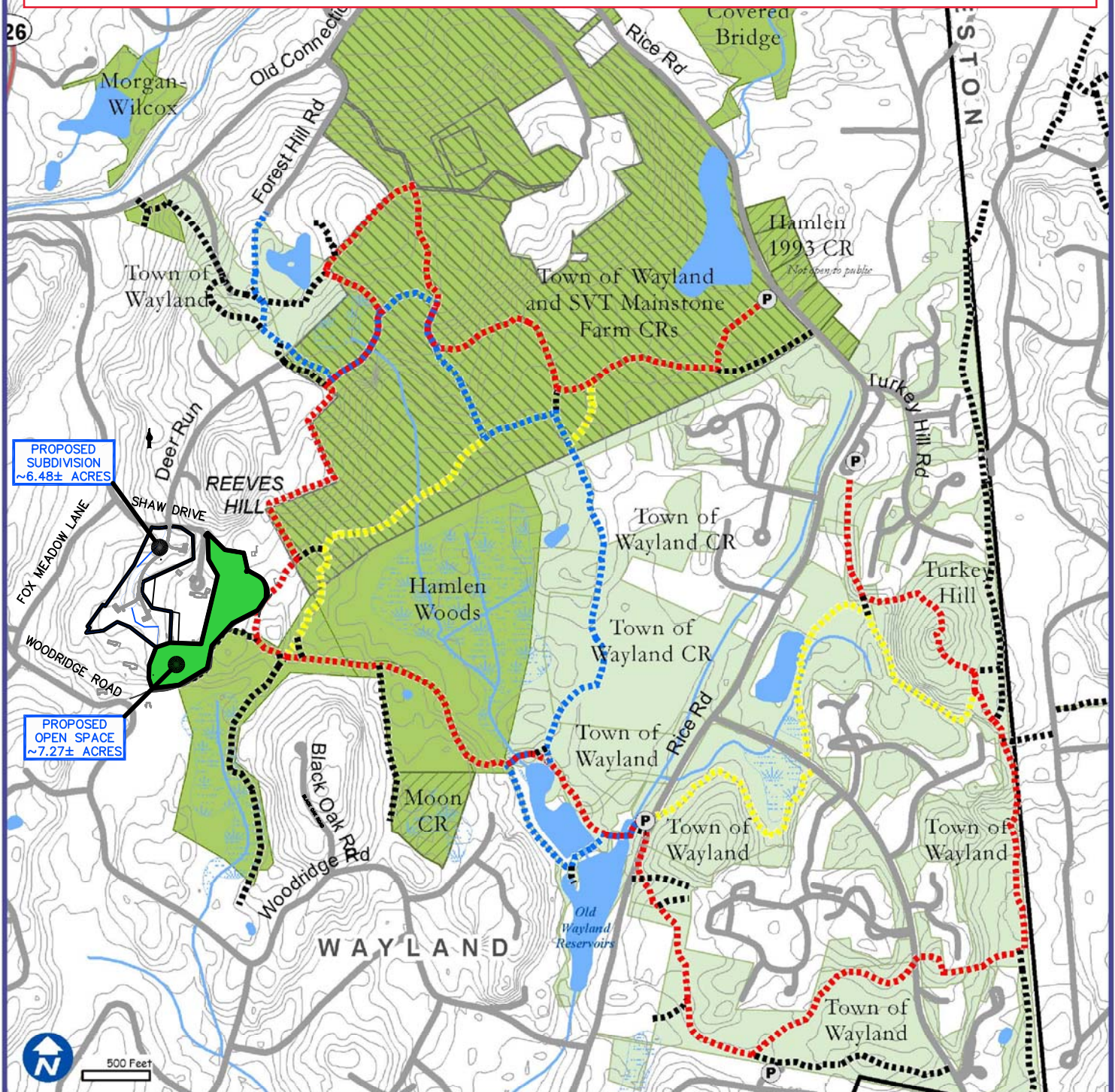
  
Kyle Burchard, P.E.  
Project Manager



# MAINSTONE FARM & HAMLEN WOODS



## Five Paths Definitive Subdivision SMLDP OPEN SPACE OFFERING TO SVT



- 
- P
Water Body
SVT
Mainstone Farm
Red Trail
Blue Trail
- Wetland
SVT CR
Town of Wayland
Yellow Trail
Unmarked Trail



How to  
Get Here



### Love open spaces? Support SVT!

Sudbury Valley Trustees is a nonprofit conservation organization that protects land for the benefit of people and wildlife. Help us keep these trails open for all to enjoy. **Join or Donate today! [www.svtweb.org](http://www.svtweb.org)**

Map produced by Sudbury Valley Trustees. Data Provided by Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. This Map should be used for reference only. Boundary lines are approximate.



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**PLANNING DEPARTMENT**

Sarkis Sarkisian  
Wayland Town Planner

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3615  
FAX: (508) 358-3606

**MEMO**

**DATE:** September 17, 2020  
**TO:** Town Clerk, Applicant  
**FROM:** Sarkis Sarkisian, Town Planner  
**SUBJECT:** Certification of Planning Board Action on Five Paths Residential Subdivision  
Map 39, Parcel 039-15A

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As required by MGL Ch. 41, s. 81-U, this memo certifies the attached Notice of Action, namely, that on September 15, 2020 the Planning Board voted to approve with conditions the application for the Definitive Subdivision Approval submitted by Ross C. Wilkinson. This decision may be appealed in accordance with MGL Ch. 41, s. 81-BB, that is within twenty (20) calendar days of the filing of this decision at the office of the Wayland Town Clerk.

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2020 SEP 17 PM 3:01





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK

2020 SEP 17 PM 2:01

## PLANNING BOARD

### Notice of Action

**RE: Application for Definitive Subdivision Approval**  
**Ross C. Wilkinson, Personal Representative of the Estate of Paula D. Wilkinson**  
**(Applicant)**

**Location: Five Paths Residential Subdivision Map 39, Parcel 039-15A (the "Project Site")**

**Date: September 15, 2020**

### D) Procedural History

- A) The applicant Ross C. Wilkinson, Personal Representative of the Estate of Paula D. Wilkinson ("Applicant") filed an application for preliminary subdivision approval on December 20, 2018. The Planning Board ("Board") met on January 8, 2019 to review and discuss the submission and continued the discussion to January 22, 2019 at which time the Board did not take a formal vote. The Applicant submitted three concepts all of which required waivers from the Board's Subdivision Rules and Regulations (the "Subdivision Rules"). In waiving strict compliance with the Subdivision Rules, the Planning Board may require such alternative conditions as will serve substantially the same objective as the standard or regulations waived. The Board encourages waivers in the public interest when such waivers will result in better design or improved protection of natural and scenic resources or will otherwise further public interest.
- B) A Definitive Subdivision Application was filed with the Board on July 26, 2019.
- C) Notice of the public hearing appeared in the *Wayland Town Crier* on August 15, 2019 and August 22, 2019. A second revised notice appeared in the *Wayland Town Crier* on July 16, 2020 and July 23, 2020.
- D) A public hearing on the Definitive Subdivision Application was opened on September 3, 2019 and was continued to: September 24, 2019; October 17, 2019; December 10, 2019; January 21, 2020; March 10, 2020; April 29, 2020; May 5, 2020; May 19, 2020; May 26, 2020; July 7, 2020; August 4, 2020; August 18, 2020; and September 15, 2020 at the conclusion of which the Board closed the public hearing.
- E) Board members conducted site visits on January 12, 2019 and September 6, 2019.
- F) On August 24, 2020, the Board of Health voted unanimously to approve the Definitive Plans (as defined below).
- G) Signed agreements for extensions of time were granted to the following dates: May 29, 2019,



January 31, 2020, March 10, 2020, August 31, 2020 and September 30, 2020.

- H) In accordance with Massachusetts General Laws Chapter 30 §23D, Jennifer Steel and Kevin Murphy, as members of the Wayland Planning Board, certified on October 12, 2019 that they examined all evidence received at the missed session of the 57 Shaw Drive Subdivision Application that was held on September 3, 2019. Andrew Reck missed the August 18, 2020 Planning Board meeting.
- I) The Plans and other submission materials were reviewed by the Board and its consulting engineer, BSC Group, and KP Law, Town Counsel for the Town of Wayland. Throughout its deliberations, the Board took into consideration the statements of the Applicant and its representatives, and the comments of the parties in interest and the general public, all as made either at the public hearing or in written submissions to the Board while the hearing record was open.

## **II) Application Submittals and Related Documents**

The following documents were submitted to the Board in connection with the above referenced Application for Definitive Subdivision Approval:

### **A) Application Submittals**

1. Five Paths Residential Definitive Subdivision Application for Owner & Applicant Ross C. Wilkinson, Personal Representative, Estate of Paula D. Wilkinson P.O box 98 Wilton, NH 03086 dated July 2019. 2 titled
  - Application Transmittal cover sheet by Goldsmith, Prest & Ringwall, Inc. 39 Main Street, Suite 301 Ayer Ma 0143
  - Letters of Authority for Personal Representative
  - GPR Agent Authorization Letter
  - Certified Abutter's List
  - Narratives
  - Rights of Way from Applicant's Property to Woodridge Road
    - Exhibit A: Bk 11761, Pg. 265
    - Exhibit B: 739 of 1951
    - Exhibit C: 740 of 1951
    - Exhibit D: 1186 of 1969
  - Form O: Environmental Data Form
  - Traffic Analysis
  - Plan for Obtaining Local, State and Federal Permits
  - Drainage Analysis & Calculations
    - Drainage Narrative
    - Peak Flow & Volumetric Discharge Summary Tables
    - Pre-Dev Drainage Map & Model Diagram
    - Post-Dev Definitive Plan Drainage Map & Model Diagram
    - Post-Dev ALTERNATE Plan Culvert Calculations
    - Post-Dev Alternate Plan Drainage Map & Model Diagram
    - Post-Dev ALTERNATE Plan Culvert Calculations
    - Soil Investigation Data
2. "Definitive Residential Subdivision Plan Five Paths" prepared by Goldsmith, Prest & Ringwall, Inc. 39 Main Street, Suite 301 Ayer Ma 01432 comprised of seventeen (17) sheets dated July 2019 and revised July 14, 2020:

- C1.1 Title sheet
- C2.1 Existing Conditions
- C3.1 Lotting Plan
- C4.1 Land Disturbance Plan
- C4.2 Site Layout and Utilities Plan
- C4.3 Grading and Paving Plan
- C4.4 Drainage Plan
- C5.1 Roadway Plan and Profiles
- C6.1 Erosion and Sediment Control Plan
- C7.1 Construction Details
- C8.1 Construction Details
- C9.1 Alternate Lotting Plan
- C9.2 Alternate Land Disturbance Plan
- C9.3 Alternate Site Layout and Utilities
- C9.4 Alternate Grading and Paving Plan
- C9.5 Alternate Drainage Plan
- C9.6 Alternate Driveway Sight Distance

The plans referenced in paragraph 2 above are hereafter collectively referred to as “the Plans”.

3. Form C Application for Approval of Definitive Plan- dated July 26, 2019
4. Form D Designers Certificate dated July 26, 2019
5. Form K Board of Health Application – received by Board of Health on August 14, 2019
6. Stormwater Management Report entitled “Five Paths” dated July 2019 and a revised drainage report entitled “Five Paths” dated July 14, 2020 both reports prepared by GPR Engineering.
7. Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan (O&M Plan) Revision dated July 2019 and revised #1 dated July 14, 2020.
8. Environmental Data Form O dated July 2019
9. Certified List of Abutters Within 300’ dated December 6, 2018
10. \$2,000.00 Filing Fee Check by GPR.

**B) Documents including memos, letters, reviews and others information regarding the application for Definitive Subdivision Approval.**

1. Memo dated August 5, 2019 from Town Planner, Sarkis Sarkisian, to Town Clerk, regarding filing and completeness of the application.
2. Definitive Plan Submission Requirements Checklist completed by the Town Planner on August 5, 2019.
3. Email dated September 3, 2019 from Director of Public Health, Julia Junghanns, to Town Planner, Sarkis Sarkisian, regarding receiving the Drainage Report.
4. Peer review report dated September 16, 2019 by BSC Group regarding the Stormwater Management Design.

5. Memo dated September 23, 2019 from Fire Chief, Neil McPherson, to Town Planner, Sarkis Sarkisian, regarding Five Paths Subdivision.
6. Memo dated September 23, 2019 from Conservation Administrator, Linda Hansen, to Planning Board regarding Five Paths Subdivision.
7. Power Point Presentation dated September 23, 2019 by Town Planner, Sarkis Sarkisian, for the Planning Board with a sketch plan showing a Conservation Cluster Development.
8. Memo dated September 24, 2019 from Town Planner, Sarkis Sarkisian, to Planning Board regarding the Application.
9. Memo dated September 24, 2019 from Director of Public Health to Planning Board regarding Definitive Subdivision comments.
10. Letter dated September 24, 2019 from Robert Castle, direct abutter, with remarks regarding the petition.
11. Memorandum dated October 4, 2019 from Brian Levey, Esq., Counsel to Applicant, with respect to the use of the Right of Way ("ROW A") and Right of Way B ("ROW B") for access to and from the subdivision and Woodridge Road.
12. Memo dated October 10, 2019 from Department of Public Works Town Engineer Paul Brinkman regarding the Application.
13. Memo dated October 17, 2019 from Town Planner, Sarkis Sarkisian, to the Planning Board regarding 57 Shaw Drive Subdivision waivers.
14. Letter dated December 13, 2019 from Jeffrey L. Ontell Esq. of Marsh, Moriarty, Ontell & Golder, P.C. to Katharine Lord Klein, KP/Law regarding the Five Paths Subdivision Right of Ways.
15. Letter dated December 31, 2019 from Jeffrey L. Ontell Esq. of Marsh, Moriarty, Ontell & Golder, P.C. to Katharine Lord Klein, KP/Law supplementing report regarding the Five Paths Subdivision Right of Ways.
16. Letter dated January 3, 2020 from KP Law Wayland Town Counsel to the Planning Board regarding the Five Paths Subdivision Easement Rights.
17. Proposed Five Paths scheme's A, B, C, and D Land Disturbance Options dated January 14, 2020 by GPR, Inc.
18. Memorandum dated May 13, 2020 from, Brian Levey, Esq., Counsel to Applicant, to the Planning Board regarding Five Paths Definitive Subdivision Plan Application Open Space Proposal.
19. Memo dated July 27, 2020 from Town Engineer, Paul Brinkman, to Town Planner, Sarkis Sarkisian, regarding Five Paths Application Revision #1.
20. Memo dated July 28, 2020 from Town Planner, Sarkis Sarkisian, to the Planning Board regarding Definitive Plan for Five Paths.
21. Letter dated July 30, 2020 from the BSC Group to the Planning Board and Town Planner regarding the Definitive Subdivision and Stormwater Management Design Peer Review.
22. Email dated July 30, 2020 from Fire Chief Neil McPherson regarding the proposed 40' curb radius circular turnaround.
23. Letter dated July 31, 2020 from Phillip I. Radoff of 21 Fox Meadow Lane.
24. Memo dated August 12, 2020 from Brian Levey, Esq., Counsel to Applicant, to the Planning Board responding to Planning Board Comments and Questions received August 11, 2020.
25. Letter from the Sudbury Valley Trustees Director of Land Protection Christa Collins to Chair Ira Montague of the Planning Board regarding accepting the seven acres of land at the end of Shaw Drive.
26. Memo dated August 13, 2020 from Town Engineer Paul Brinkman regarding the Five Paths Residential Development Revision #1.
27. Applicant's "Five Paths Requested Waivers from Subdivision Rules and Regulations" submitted August 5, 2020.

28. Exhibits A, B, C1 and D submitted by GPR, Inc. regarding the Fire Truck Turnaround and the Site Stabilization Plan.

### **III) Findings**

#### **A) Project Site**

1. The Project Site is located in the R60 zoning district. The minimum lot area in the district is 60,000 square feet. The minimum frontage is 210 feet.
2. The Project Site consists of 13.74 acres and has 216.52 feet of frontage on Shaw Drive.
3. The Project Site does not contain Wetlands, is not in a Floodplain and is not in a Zone 1 Protective area.
4. The Project Site consists of undeveloped woodlands.

#### **B) Application History**

1. Over the course of the public hearing, the Applicant presented four potential options for the development of three lots. The first option, the original Definitive Subdivision Plan, resulted in the largest disturbance and the largest area of impervious surface. The second and third options required using the Applicant's two rights of way to/from Woodridge Road (the "Private ROWs") to access the Project Site and would have required the improvement and use of a private way through existing residences off Woodridge Road. The fourth option involved a private way (effectively a shared driveway) instead of a full-scale subdivision street and resulted in the least disturbance and impervious surface area and required various waivers discussed below.
2. During the public hearing, the initial sessions focused on reviewing the second and third options, including securing an opinion from Town Counsel regarding the Applicant's right to use the Private ROW. The Board members also expressed their preference for a layout that allowed the maximum area of existing vegetation to remain in its natural state. The Board also noted concerns about disturbing the existing residences on Woodridge Road and traffic issues, such as sight distances at the proposed private way/Woodridge Road intersection.
3. The focus then turned to the fourth option, key components of which were: (i) creating only one new private way off Shaw Drive instead of a full-scale subdivision street; (ii) limiting utilities and access only to/from Shaw Drive (with no such use of the Private ROWs to/from Woodridge Road); and (iii) reducing areas of pavement and disturbance.
4. During the public hearing, the Board indicated that the Applicant needed to justify the requested waivers. Ultimately, in support of the waivers, the Applicant offered to advance the public interest by: (i) dedicating 7.27 acres or 53% of his land to Open Space, (ii) creating  $\pm 1$  acres of Woodland Preserve Area within the non-Open Space portion of the lot, and (iii) making a \$2,500.00 donation for access-related support to the grantee of 7.27 acres. Collectively, these proposals are known as the "Open Space Offer".
5. The Open Space Offer promotes the public interest by: (i) enlarging the sizable, contiguous open space land holdings of Sudbury Valley Trustees, (ii) protects woodlands and animal habitats, (iii) augments the existing trail system by including an existing direct connection from Shaw Drive to the Mainstone trails for the public's use and enjoyment, and (iv) eliminates potential development of 7.27 acres after the Deed Restriction on the subdivision land expires in June, 2022.

6. The main waivers from the Subdivision Rules required for the fourth option were as follows.
  - a. Pinch Point – Reduce the separation of the right of way (within which the private way would be located) from the property boundaries on either side of this ROW from the required 50 feet (§ IV.B.1.D). The 50' setback was respected as much as possible by providing 38.7± feet between the subdivision road ROW and the westerly subdivision boundary and 43.9± feet between the subdivision road ROW and easterly subdivision boundary. As a result of the public hearing and peer review process, the private way pavement was positioned to be greater than 50' from the both of the adjacent boundaries.
  - b. Maximum Length of Dead End Street Combinations – Allow longer than the maximum allowed length from the combination of Five Paths Court and Shaw Drive to the nearest through street. The proposed dead end street combination will be shorter than several other dead end street combinations in the neighborhood (§ IV.B.1.D). As a result of the public hearing and peer review process, the length of Five Paths Court/Shaw Drive dead end street combination is 1,135± from sideline of Fox Meadow Lane to the cul-de-sac center point and an overall length of 1,195'+ to the end of the circle. This compares favorably to the nearby combined dead end street lengths of Shaw Drive/Deer Run (2150'), Shaw Drive/Deer Run/Poet's Path (2280') and Shaw Drive/Deer Run/Bridle Path (2516')." (The length of Five Paths Court by itself from the sideline of Shaw Drive to the center of the circle is 668.85')
  - c. Road Construction – Allow the construction of a private way rather than a street (§ V.B.2.A) to reduce disturbance, impervious surfaces, and drainage. As a result of the public hearing and peer review process, among other things, the private way was relocated within the street ROW, the private way placement was improved, all retaining walls for the private way were eliminated, and the paved surface of the private way was reduced from the required 22 feet to 18 feet with a 2-foot wide gravel shoulder on the east side and vertical granite curbing on the west side to control runoff.
7. After hearing the concerns of the Board, municipal staff, and residents at the public hearings, the Applicant made the following concessions or changes to the project: (i) enlarged the private way turnaround for emergency vehicles, (ii) expanded erosion controls during construction, (iii) extended guard rails along the private way, (iv) agreed to delay for one year any hook ups of each lot's private irrigation system to allow for the Town's installation of a booster pump, (v) extended the Woodland Preserve Area, (vi) added an additional silt fence downstream of the proposed subsurface infiltration system, (vii) agreed to connect the roof runoff to the underground stormwater management system for Lot 3, (viii) agreed to no further subdivision of the land and no extension of the private way to abutting land, (ix) reduced land disturbance to approximately 2.6 acres through a variety of techniques including re-aligning the private way to better match the contour of the natural landscape, (x) provided fire hydrants at both ends of the private way, (xi) agreed to privately maintain the private way and stormwater management system in perpetuity, and (xii) roughly balanced the cuts and fills on the site.

#### **IV) Decision**

Based on the aforementioned findings, application submittals, public comment, comments from Boards and Commissions, Land Use meetings, comments of Town Consultants, and the information submitted at the hearing or in written submissions to the Planning Board while the hearing record was open, the

Planning Board hereby approves said Application for the Definitive Subdivision Plan Approval, subject to the following conditions.

**A) Special Conditions**

- A.1 The Project shall be built in conformity, and shall be in compliance, with the Plans, as may be modified by the conditions set forth in this Decision, all of which shall appear on the final endorsed Mylar plans. Failure to so comply shall be cause for rescission of this Decision. All references to specific lots shall coincide with the designated numbers as shown on the Plans.
- A.2 If there is no appeal of this Decision, a reproducible set of the plans shall be revised incorporating the conditions of this Decision, and returned to the Planning Board within forty-five (45) calendar days of the expiration of the appeal period and notification to the Planning Board by the Town Clerk that no appeal has been filed. If there is an appeal, the Applicant shall consult with the Planning Board regarding the resolution of the appeal and relevant timetables. The revised reproducible plans shall be endorsed by the Planning Board if the Board determines that the plans comply with this Decision.
- A.3 The Plans shall be revised to incorporate the following changes (i) enlarged private way turnaround for emergency vehicles as shown on the plan entitled "Fire Truck Turnaround at Lots 2 & 3" and labeled as Exhibit C1 and dated 8/13/20, (ii) expanded erosion controls during construction per Subdivision Plan Sheet C4.5 last revised 8/12/20 (the "Revision Plan") and for erosion controls needed for Exhibit C1 above, (iii) extended guard rails along the subdivision road per the Revision Plan, (iv) extended Woodland Preserve Area per the Revision Plan, (v) additional silt fence downstream of the proposed subsurface infiltration system per the Revision Plan, (vi) fire hydrants at both ends of the private way, and (vii) connected roof runoff to the underground stormwater management system for Lot 3.
- A.4 A properly executed Form I, Approval with Covenant Contract, or its equivalent shall be submitted in a form acceptable to the Planning Board prior to the release of any lots.
- A.5 This Decision and the revised and endorsed plans, and the Form I, Approval with Covenant Contract, or its equivalent, if applicable, all properly executed, shall be recorded or registered, as appropriate, at the Middlesex South District Registry of Deeds within ninety (90) calendar days of the endorsement of the revised plans by the Planning Board; and within the same ninety (90)-day period, one reproducible set and four (4) sets of plans of the fully endorsed revised plans, plus a copy of the layout plan in electronic form suitable for use by the Town Surveyor, shall be returned to the Planning Board, together with documentation verifying that said recording(s) have been completed, noting the specific location (referenced by deed book and page, etc.) where said document(s) and plans have been recorded, and the date of recording; all recording information shall be attached to said notification. Neither the entire subdivision, nor any portion thereof, to include any lot or lots, shall be sold or offered for sale until said notification occurs.
- A.6 The owners of Lots 1, 2 and 3 shall be jointly and severally responsible and liable for the costs of the construction, maintenance, snow plowing, and repairs of the private way serving those lots, and, to the extent applicable, of all common utilities, the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, water, stormwater management system, and other utilities,

and including all actions of any kind or nature necessary or appropriate in order to maintain the roadway in a good safe and passable condition, providing access from each lot to Shaw Drive. For purposes hereof, "owner" shall mean the record owner of the said lot or lots as of the date that maintenance, repair or reconstruction work, as the case may be, is begun. All such maintenance, etc. shall be done under the supervision of the appropriate Town department if applicable, and shall comply with and conform to all requirements of the Town of Wayland and other requirements imposed by law or governmental authority except as waived herein.

- A.7 The appropriate Town officials, employees, agents and contractors and their designees shall have the right to enter upon the private way for all purposes for which ways are used in the Town of Wayland.
- A.8 The Applicant shall establish a homeowners association and execute and record a declaration of covenants and easements ("Declaration") to govern the private way and the stormwater management system and each lot owner's rights and responsibilities in the same. The Declaration shall include a snow and ice removal plan that does not rely on salt treatment. A copy of the draft Declaration shall be provided to the Town Planner and the Planning Board for review and comment prior to the recording of the same.
- A.9 The private way shall not be eligible for acceptance by the Town of Wayland as a public way, and the Applicant and its successors-in-title shall never petition the Town of Wayland, whether through town meeting or otherwise, for public acceptance of the private way as a public way.
- A.10 With the exception of initial development and construction activities, the owners of Lots 1, 2 and 3 shall not use or permit the use of the private way for any purpose other than utilities and ingress and egress from the lots by the residents of the lots and their guests and invitees, such use to be limited to pedestrian and private passenger vehicular traffic, delivery or customary and usual household services incidental to residential uses, and vehicles or equipment in connection with the maintenance, repair or reconstruction of the private way and any utilities installed thereon and thereunder. No owner or owners shall park or cause to be parked any motor vehicle on the private way, except for occasional, temporary and non-overnight parking that does not impede access to any all of the other lots.
- A.11 All easements, including the Declaration of Covenants and Easements for the private way, shall be reviewed and approved by the Planning Board prior to recording with the Middlesex South Registry of Deeds, and prior to the issuance of Certificate of Occupancy for Lots 1, 2 and/or 3. All easements, if any, shall be referenced in the deeds for the lots encumbered by and/or benefiting from said easements. Copies of said deeds shall be submitted to the Planning Board.
- A.12 In any sale or transfer by the owner or any successor owner of the lots, the deed or other instrument of conveyance shall reference this Decision and its recording book and page.
- A.13 No lot shall be further divided so as to create additional lots and the subdivision private way shall not connect to any other properties. These restrictions shall be noted on the recorded plans and shall be incorporated into the Declaration of Covenants and Easements governing the private way. This Declaration shall be in a form acceptable to the Board to render it enforceable in perpetuity, or for the longest period allowed by law, and shall be

recorded in the Registry of Deeds ahead of any transfer of title or lien, voluntary or involuntary, of or on the subdivision land or any portion thereof by the Applicant, unless a subordination agreement is obtained from all parties who hold existing title interests (i.e., a construction financing mortgagee).

- A.14 Any fill that is imported to the site shall be clean and any debris found within the fill, such as but not limited to asphalt, metal, and wood shall be removed and disposed of properly.
- A.15 The base coat of the roadway shall be constructed and capable of providing safe vehicular access to Lots 1, 2 and 3 prior to the commencement of construction of the homes.
- A.16 The limit of clearing and driveway location shown on the Plans for Lot 3 represents the area within which the single-family residential structure may be built on said lot. Any deviation from the plan will require Planning Board approval.
- A.17 A permit to construct an individual sewage disposal system for sanitary wastewater disposal shall be obtained from the Wayland Board of Health for each individual lot prior to the issuance of a building permit for that lot.
- A.18 The Applicant has voluntarily agreed that a 7.27-acre open space parcel of the subdivision land shall be gifted for open space, conservation and recreational purposes in perpetuity, if and when the subdivision is to actually be constructed, prior to the issuance of any Building Permit for the construction of a residence on either Lot 1, Lot 2 or Lot 3. Transferees of the open space parcel shall be one of the following:
  - a. Town or Wayland Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land; or
  - b. Sudbury Valley Trustees or another nonprofit conservation organization approved by the Planning Board.
  - c. If neither the Town, the Wayland Conservation Commission, Sudbury Valley Trustees, nor another conservation non-profit is willing or able to receive said Open Space, then the Open Space may be conveyed to a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the subdivision.
- A.19 The Woodland Preservation Area is that portion of Lots 1, 2 and 3 over which tree removal is limited to dead, diseased or dying trees. Native shrubs may be planted individually (no beds of multiple shrubs) and spaced no less than ten (10) feet apart. Native trees may be planted no less than 20 feet apart. Non-native invasive trees (e.g., Ailanthus), shrubs (e.g. Autumn Olive), plants (e.g., Ajuga Reptans aka Bugleweed) and vines (e.g., Oriental Bittersweet) may be eradicated.
- A.20 Any and all irrigation connections shall be subject to the explicit permission from the Board of Public Works.
- A.21 In the event that it is determined that blasting is required for construction of project, such blasting shall comply, in all respects, with all applicable laws, regulations and rules including, but not limited to, 527 CMR 1.00, the Massachusetts Comprehensive Fire Safety Code which governs the “ keeping, storage, use, manufacture, sale, handling, and transportation... of...[a]ny explosives....”

## **B) General Conditions**



- B.1 The Planning Board hereby grants the following waivers from the Subdivision Rules and Regulations as part of its approval and finds that granting the following waivers is in the public interest and not inconsistent with the purpose of the Subdivision Control Law.
- B.2 All drainage and access easements shall be reviewed and approved by the Planning Board and shall be recorded with the Middlesex South Registry of Deeds, prior to the recording with the Plan. All such easements shall be referenced in the deeds for the lots encumbered by and/or benefiting from said easements. Copies of said deeds shall be submitted to the Planning Board.
- B.3 No fill material or any products of excavation or erosion resulting from or arising in connection with such work shall be discharged into the storm drainage system, or abutting properties. Soil and other materials or debris shall be removed from the site only to the extent necessary in connection with the construction of the subdivision and shall be subject to any other by-laws regulating the same and shall be subject to the Town's earth movement by-law, if applicable.
- B.4. The construction of all ways and installation of all associated municipal services and utilities shall be completed within two (2) years from the date of this Approval with Conditions unless a request for an extension thereof is filed with, and approved by, the Planning Board. Failure to so complete the ways, municipal services and utilities may result in the rescission of this Definitive Subdivision Plan Approval with Conditions. Prior to the commencement of construction, all applicable approvals for the private way, from, but not limited to, the Conservation Commission, Board of Public Works, and Water Department, shall be obtained.
- B.5 At least one (1) week prior to construction of the right-of-way and associated utilities, the Planning Board, Highway Department, Conservation Commission, Board of Health, Fire Department, Water Department, Building Department, and Wayland's Engineering Consultant shall be notified in writing of the construction commencement date and schedule, so that pre-construction conferences between the developer, his engineers and contractors, and all involved town agencies can be scheduled to discuss construction schedules, standards, and compliance with Town regulations. The Town Planner must be contacted for the required inspections throughout the development of the project.
- B.6 The water distribution system shall be installed in accordance with the requirements of the Town's Water Department. One (1) week's prior notice shall be given to the Town's Water Department before work on the ground commences. Specific pipe size specifications will be determined at the time of construction. Upon completion of the work, the connections shall be chlorinated and pressure tested at one hundred fifty (150) pounds for thirty (30) minutes. Samples for coliform bacteria must pass state (DEP) standards before any connections are made.
- B.7 Prior to final release of the lots shown on the Plan, or, if appropriate other security has already resulted in the release of said lots, prior to the release of such other remaining security, one reproducible copy, ten (10) blue line print copies, and an electronic copy (AutoCAD File Format) of an "as built" plan shall be submitted to the Planning Board or its agent. Said "as built" plan shall be suitable for locating all subdivision infrastructure required by this decision, both above and below ground. Said plan shall include sufficient elevations, tied to the NGVD Datum, so that the Town can verify that all infrastructures

will perform as designed and approved. Said plan shall clearly indicate all deviations from the approved Plan. No deviations from the approved Plan shall be allowed or commenced without prior written approval from the Planning Board or its agent. All such deviations shall be requested in writing, clearly citing justifications for said deviations.

- B.8 All utilities within the subdivision shall be installed underground. Utilities shall be provided to the site underground. This condition can only be modified by the Planning Board acting pursuant to M.G.L. c. 41, §81W.
- B.9 In any sale or transfer by the owner or any successor owner of the lots, the deed or other instrument of conveyance shall refer to and incorporate by reference all conditions set forth herein.
- B.10 Prior to clearing and grading activity, perimeter erosion and sediment control measures shown on the Plans shall be installed along the area of planned earth movement activities.
- B.11 The Applicant shall notify the Planning Board and its agent to schedule an inspection of the site prior to the clearing of land. No trees beyond the limit of clearing as delineated on the Plan shall be disturbed until the last Certificate of Occupancy for residential structures within the Subdivision is issued.
- B.12 Prior to the commencement of construction, any revisions to the Stormwater Drain System Operation and Maintenance Plan shall be submitted to the Planning Board for review and approval. The Operation and Maintenance Plan shall be recorded with the Middlesex South Registry of Deeds and shall be referenced in each deed or other instrument of conveyance for lots on the new public way.

### C) Waivers Granted

Waiver No.	Regulation	Description/Request
1	IV.B.1.d  Street Length and Pinch Point	<p>"No dead-end street shall be more than six hundred ninety (690) feet in length to the cul-de-sac centerpoint ... [with an] overall length [of] no more than seven hundred fifty (750) feet)...[and a] minimum separation of fifty (50) feet from the subdivision boundary to the right-of-way shall be required."</p> <p><b><u>Waived</u></b> to allow longer than the maximum allowed length from the combination of Five Paths Court and Shaw Drive to the nearest Through Street, which will be less than several other Dead End Street combinations in the neighborhood (§ IV.B.1.D). Specifically, the length of Five Paths Court/Shaw Drive may be set at 1,135'± from sideline of Fox Meadow Lane to the cul-de-sac center point and an overall length of 1,195'+ to the end of the circle. The length of Five Paths Court by itself from the sideline of Shaw Drive to the center of the circle is 668.85'. This compares favorably to the nearby combined street lengths of Shaw Drive/Deer Run (2150'), Shaw Drive/Deer Run/Poet's Path (2280') and Shaw Drive/Deer Run/Bridle Path (2516')."</p>

		<p><b><u>Waived</u></b> to allow a minimum separation of 38.7± feet and 43.9± feet between the right of way and, respectively, the westerly and easterly subdivision boundaries.</p> <p><b><u>Public Interest:</u></b> In addition to the Applicant's advancing the public interest by dedicating 7.27 acres or 53% of his land to Open Space, limiting tree cutting in the ±1 acre Woodland Preserve Area, and making a \$2.5K donation for access-related purposes (the "Open Space Offer"), the ROW has been re-designed and the actual private way pavement relocated in order to maximize the distance between the traveled private way and the abutting property lines (51.4± feet and 54.1± feet from, respectively, the nearest westerly and easterly property lines).</p>
2	IV.B.2  Overall Waiver from Street Construction (Design Standards)	<p>"Right-of-Way Width and Street Design Standards" chart requires 22' pavement width and 290' minimum centerline Radius of Curvature.</p> <p><b><u>Waived</u></b> to 18' wide pavement plus 2' gravel shoulder on one side, and 160' radius of curvature for Five Paths Court right-of-way.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by allowing better private way placement on the site and reducing overall disturbance.</p>
3	IV.B.1.c  Tangent	<p>"A minimum 200-foot length tangent shall be provided (between PT and PC of curves)."</p> <p><b><u>Waived</u></b> to allow no tangent between curves.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by reducing the volume of fill needed to bring the private way in from the Shaw Drive/Deer Run intersection, allowing the private way to better follow the natural curvature of the existing grade, and increasing the size of the undisturbed Woodland Preservation Area.</p>
4	IV.D  Pedestrian Ways	<p>"Pedestrian ways or foot paths will normally be required...with an easement of at least 20 feet."</p> <p><b><u>Waived</u></b> so as not to require pedestrian ways or easements on Five Paths Court.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by allowing improved private way placement on the site and reducing overall disturbance.</p>
5	V.B.2.b.  Clearing	<p>"Right of way to be cleared according to standard road cross-section."</p> <p><b><u>Waived</u></b> to allow clearing according to private way clearing limits depicted on the plans.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by allowing improved private way placement on the site and reducing overall disturbance.</p>
6	V.B.3  Curbs and Berms	<p>"Curbs and Berms, Residential and Limited Residential Streets" section states, "Bituminous concrete berms shall be required on all finished grades over 5%."</p>

		<p><b><u>Waived</u></b> to allow open drainage on the east side of the private way without curbing.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by allowing the proposed stormwater management system to properly function as designed in accordance with MassDEP stormwater standards.</p>
7	V.B.4  Walkways	<p>“Five foot width walkways shall be installed wherever required.”</p> <p><b><u>Waived</u></b> to require no walkways.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by enabling the project to be in keeping with the neighborhood where there are very few sidewalks.</p>
8	V.B.13  Lighting	<p>“Street lights shall be installed as recommended by the Planning Board...”</p> <p><b><u>Waived</u></b> not to require street lights.</p> <p><b><u>Public Interest:</u></b> This waiver promotes the public interest by enabling the project to be in keeping with a rural neighborhood by not requiring lights on a private way.</p>

#### V. Vote

Constituting a majority of the Planning Board, on September 15, 2020, the following members voted to approve the application for Definitive Subdivision Approval with revised Plans all as subject to a written decision with findings and conditions: Ira Montague, Andrew Reck, Kevin Murphy, and Jennifer Steel.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD

9-17-2020  
Date

  
Ira Montague, Chair

#### CERTIFICATION:

The Planning Board, by delivery of a copy of this Decision to the Applicant Ross Wilkinson does hereby certify that a copy of this Decision has been filed with the Town Clerk of the Town of **Wayland** on September 7, 2020.