



# TOWN OF WAYLAND

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MASSACHUSETTS  
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TOWN CLERK  
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## PLANNING BOARD

### Decision 01-2010

**RE:** Application of Michael Road for Definitive Subdivision Plan Approval, a Conservation Cluster Development Special Permit, Special Permit for Earth Removal and a Special Permit for the Inclusion of Affordable Housing for "The Subdivision at Michael Road", Wayland, MA.

**Developer:** Barberry Homes, 10 Speen Street Framingham, MA 01701

**Owner:** Gardencrest, Apartments 25 Summer Street, Waltham, MA 02154

**Date:** March 23, 2010

**Location:** 73 Plain Road, Assessor's Map 24, Lot 151  
Record Title from Book 24211, Pages 58-60

#### **I) Procedural History**

- A) The Applicant proposed the division of 15.2 +/- acres of land located at 73 Plain Road in Wayland, into a 7-lot Conservation Cluster Development consisting of 7 buildable lots, one lot which will contain a duplex for one affordable unit and one market rate unit required by Article 22 of the Town's Zoning Bylaws, and one open space parcel. The Application was submitted, in accordance with the Town of Wayland Planning Board's Subdivision Rules and Regulations ("the Rules"), Article 18 of the Town of Wayland Zoning By-laws, and Chapter 301 regarding the Board's Rules and Regulations for Conservation Cluster Developments, by the above referenced applicant ("Applicant") and filed with the Planning Board on September 29, 2009. The Special Permit Application for the Inclusion of Affordable Housing was submitted on November 20, 2009. For this decision, the word "Applicant" shall also mean all assigns and successors of the Applicant.
- B) A public hearing on the Definitive Subdivision Plan Application was begun on November 16, 2009 and continued to December 15, 2009; January 5, 2010; January 28, 2010; February 2, 2010; February 23, 2010. The Special Permit public hearings for the Inclusion of Affordable Housing, Earth Movement and the Conservation Cluster was begun on January 28, 2010 and incorporated into the continued hearings for the definitive subdivision and conservation cluster special permit, and was continued to March 2, 2010, March 16, 2010 and March 23, 2010. On March 23, 2010 the Board closed the hearings for each of the aforementioned matters pending before it. Throughout the hearing process, four members of the Planning Board attended the hearings and were on the panel for this decision Applicant was made aware of this and approved. The Board deliberated on this decision at its meeting of March 23, 2010.
- C) The Conservation Cluster Special Permit Application and Definitive Subdivision Approval Application was accompanied by and augmented by a conservation cluster development

definitive subdivision plan (the "Plan"), entitled "The Subdivision at Michael Road Development, Wayland, MA" dated September 25, 2009 and prepared by Robert Gemma, Metrowest Engineering, Inc. 75 Franklin Street, Framingham, MA 01702.

- D) The September 25, 2009 Plan and subsequent plans and material were reviewed by the Planning Board and consulting engineer Eric K. Durling, P.E. Throughout its deliberations, the Planning Board took into consideration the statements of the Applicant and his representatives, and the comments of other Town Boards and Commissions, the parties in interest and the general public, all as made either at the public hearing or in written submissions to the Planning 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 applications:

### A) Application Submittals

1. Entitled – "The Subdivision at Michael Road, Wayland, MA"
2. Survey Prepared by – Robert A. Gemma, PLS., Metrowest Engineering, Inc., 75 Franklin Street, Framingham, MA 01701.
3. Engineering Prepared by – Robert A. Gemma, PE., Metrowest Engineering, Inc., 75 Franklin Street, Framingham, MA 01701.
4. Dated – September 25, 2009.
5. Comprising thirteen (13) sheets as follows:
  - a. Cover Sheet Sheet 1
  - b. Locus Plan Sheet 2
  - c. Existing Conditions Plan – Sheet 3
  - d. Existing Conditions Plan – Sheet 4
  - e. Plan of Land – Sheet 5
  - f. 50-Scale Grading Plan – Sheet 6
  - g. Utility & Layout Plan – Sheet 7
  - h. Grading Site Plan – Sheet 8
  - i. Erosion Control Plan – Sheet 9
  - j. Tree Removal Plan – Sheet 10
  - k. Road Plan and Profile – Sheet 11
  - l. Detail Sheet – Sheet 12
  - m. Roof Drainage Detail – Sheet 13

### B) Reports, Forms and other technical material submitted by the applicant relevant to the application:

- a. Form C dated September 29, 2009 and submitted with application for approval of a definitive subdivision plan on September 29, 2009;
- b. Special Permit Application for Conservation Cluster Development, Earth Removal, and Affordable Housing dated November 20, 2009;
- c. Form K of the Subdivision Rules and Regulations dated February 3, 2009, received by Board of Health on February 3, 2009;
- d. Certified List of Abutters
- e. Drainage Report entitled "The Subdivision at Michael Road – Hydrologic Analysis" dated September 2009.

- f. Stormwater Management System Operation and Maintenance Plan
  - g. Form D Designer's Certificate;
  - h. Letter Dated November 4, 2009 from Mr. Robert Gemma regarding a list of requested waivers;
  - i. Letter Dated September 28, 2009 from Mr. Robert Gemma regarding Earth Removal Calculations;
- C) Documents including memos, letters, reviews and other information submitted to the Planning Board regarding the applications.**
1. Memo dated January 5, 2010, from Mr. Sarkis Sarkisian Town Planner to the Planning Board regarding action items.
  2. Copy of a letter dated February 5, 2010 from Eric K. Durling, P.E., to Steven Calichman, Board of Health regarding review of drainage design and proposed drainage system.
  3. Copy of a letter dated February 9, 2010 from Robert A. Gemma, P.E. P.L.S regarding Engineering Consultant Review.
  4. Copy of a letter dated February 14, 2010 from Eric K. Durling, P.E. to Steven Calichman, Board of Health regarding review of drainage design and proposed drainage system.
  5. Two 8 1/2" x 11" Landscape Plans of the existing Michael Road Cul-de-sac.
  6. Memo from Daniel F. Bennett, Building Commissioner regarding correct addresses for 73 Plain Road (24-153) Michael Road (24-151).
  7. Memo from Brian J. Monahan, dated March 16, 2010 Conservation Administrator regarding comments on the Conservation Cluster.

### **III) Findings**

#### **A) General Findings**

1. The Applicant requires a special permit pursuant to Article 18 of the By-Laws re: Conservation Cluster Development District.
2. The Applicant requires a definitive subdivision plan approval pursuant to the Subdivision Control Law, M.G.L. c. 41, §81K-§81GG and the Rules.
3. The Applicant requires a special permit pursuant to Article 22 of the By-Laws regarding the Inclusion of Affordable Housing because more than 6 units are proposed to be constructed.
4. The subject property is located at the end of Michael Road with the address of 73 Plain Road and consists of 15.2 acres zoned residential 40,000 square feet, as shown on the Plan entitled "The Subdivision at Michael Road, Wayland, MA" dated September 25, 2009 and prepared by Metrowest Engineering, Inc.
5. The Wayland Planning Board on December 16, 2008 approved, with modifications, the preliminary subdivision submission entitled "The Subdivision at Michael Road" dated July 18, 2008 and a revision date of October 28, 2008. After discussions with the Conservation Commission and the Planning Board the Applicant elected to reduce the size of the development from eight lots to a seven lot conservation cluster subdivision consisting of six single-family units and one lot containing one affordable unit in one duplex building. The remaining 9.7 acres are to be dedicated as open space.
6. The Conservation Cluster will minimize the total amount of disturbance to the site.

#### **B) Specific Findings for Definitive Subdivision Plan Approval**

1. The Planning Board finds that the Applicant has submitted the required information for determination of definitive subdivision plan approval.

2. The Planning Board finds that the Applicant's proposal satisfies the criteria set forth in Section IV of the Subdivision Rules and Regulations.
3. The Planning Board finds that the waivers granted in Section IV. B of this decision are in the public interest and are not inconsistent with the purposes of the Subdivision Control Law, M.G.L. c. 41, §81K - §81GG.

***C) Specific Findings for Conservation Cluster Special Permit Approval***

1. In accordance with §198-203 of the Zoning By-law, the Planning Board finds that the applicant has shown to the satisfaction of the Planning Board that the proposed conservation cluster development is not against the public interest, does not derogate from the character of the neighborhood in which such use occurs and is not detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use is not otherwise injurious to the inhabitants or their property or dangerous to the public health or safety.
2. The Planning Board finds the proposed conservation cluster development is in harmony with the purposes and intent of Article 18 of the By-Laws.
3. The subject property consists of 15.2 acres, which satisfies the five-acre minimum for the Conservation Cluster Development District.
4. The Applicant proposes to develop the subject property as a seven-lot Conservation Cluster Development, comprised of seven buildable lots and one open space lot of 9.7 acres. The number of lots was based on a calculation of lots as specified by §198-1803.1.3.2. The Planning Board finds that the number of lots meets the requirements of Sections 1803.1.3. and 1803.1.3.2 of the By-Laws.
5. The Planning Board finds that each buildable lot has adequate frontage on a public or private road. In this case, frontage is provided on the proposed subdivision road.
6. The Applicant proposes the dedication of 9.3 acres (61%) of the site as permanent open space in accordance with Article 18 of the By-Laws entitled Conservation Cluster Development District. The Planning Board finds that the amount of open space exceeds the requirements of §198-1803.1.7 of the By-Laws, which requires 35% of the land area of the tract be dedicated as open space. Said open space is accessible to all in the cluster and to others that abut the project.
7. The Board finds that the Conservation Commission has determined that the proposed open space parcel shall have access from Michael Road and Lee Road.
8. The proposed development is designed to take advantage of the existing topography of the property so as to minimize earth movement activities. Environmentally sensitive areas such as wetlands and areas of steep slopes have been avoided as much as possible in the proposed development and have been incorporated into the "open space" parcel.
9. The Board finds that the 9.3 acres of open space parcel be owned by the Conservation Commission and will be permanently protected. Said open space shall provide the neighborhood with a passive park and trails that enhances the overall development.
10. The proposed subdivision road respects the natural character of the land, reducing the town's future problems with maintenance, drainage and erosion control.

***D) Specific Findings for Special Permit for the Inclusion of Affordable Housing***

1. The Planning Board finds that while the Applicant has not submitted the required information under Article 22 entitled Inclusion of Affordable Housing, conditions have been required as part of this decision to ensure compliance with the provisions of Article 22.
2. The Planning Board finds that the one affordable unit will be provided in a duplex unit on a single building lot.

3. The Planning Board finds that the location of the affordable unit is provided on site shown on lot 3.
4. In accordance with §198-203 of the Zoning By-law, the Planning Board finds that the applicant has shown to the satisfaction of the Planning Board that provision of one affordable unit as part of the Michael Road Conservation Cluster Development is not against the public interest, does not derogate from the character of the neighborhood in which such use occurs and is not detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use is not otherwise injurious to the inhabitants or their property or dangerous to the public health or safety.

#### ***IV) Decision***

Based on the aforementioned findings, application submittals, public comment, comments from Boards and Commissions, Land Use Meeting Minutes, 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 Definitive Subdivision Plan Approval, grants a Special Permit for a Conservation Cluster Development under Article 18 of the By-Laws, and grants Special Permits for the Inclusion of Affordable Housing under Article 22 of the By-Laws and Earth Movement, subject to the following conditions:

##### ***A) General Conditions***

1. There shall be full compliance with all of the changes and revisions to the Plan, plus all of the conditions cited herein; all of which shall appear on the final revised 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 final plans. The general conditions of this decision are as follows:
  - a. Planning Board approval is subject to the requirements and conditions of the Town's Board of Health pursuant to Section III.B.7.b.i. of the Rules.
  - b. If there is no appeal of this decision, the reproducible set of the Plan shall be revised as required by this Approval with Conditions and Modifications and returned to the Planning Board within fifteen (15) calendar days after 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 Plan shall be endorsed by the Planning Board, after it determines that the Plan complies with this Approval with Conditions and Modifications; and after receipt of two certified or bank checks made payable to the Town of Wayland as follows: \$4,000 for the inspection fee deposit required by Section VI.D. of the Rules, and the balance of the review fee, if any, as required by Section III.B.2.b.v. of the Rules.
  - c. A properly executed Form I, Approval with Covenant Contract, or its equivalent shall be submitted in a form acceptable to the Planning Board.
  - d. This Approval with Conditions and Modifications, the revised and endorsed Plan, 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 fifteen (15) calendar days after the endorsement of the revised Plan

by the Planning Board; and within the same fifteen (15)-day period, one reproducible set and ten (10) sets of blue line prints of the fully endorsed revised Plan, plus a copy of the layout plan in electronic form (AutoCAD File Format) 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 Plan 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.

- e. Each and every owner or owners of the lots shall be jointly and severally responsible and liable for the costs of the maintenance of the Storm Rain Garden System and the Landscaped Island in the cul-de-sac. 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, and shall comply with and conform to all requirements of the Town of Wayland and other requirements imposed by law or governmental authority. The appropriate Town officials, employees, agents and contractors and their designees shall have the right to enter upon the proposed way for all purposes for which ways are used in the Town of Wayland.
- f. The proposed subdivision way is approved to be a public way.
- g. Any and all maintenance, repair or reconstruction work performed on or to the public way or in connection with services and utilities installed thereon or thereunder by or at the direction of any owner or owners of the lots as provided herein shall be carried out so as to ensure that no fill material nor any products of excavation or erosion resulting from or arising in connection with such work shall be discharged into the storm drainage system or wetlands, and soil and other materials or debris shall be removed from the site only to the extent necessary in connection with such work and the construction of the subdivision and in any event shall be subject to any other by-laws regulating the same and shall be subject to the Town's earth movement by-law.
- h. With regard to those matters under the jurisdiction of the Planning Board, the construction of all ways and the installation of all associated municipal services shall be completed in accordance with the Rules in effect by August 1, 2010, as conditioned and modified by the Planning Board in this decision.
- i. Pursuant to §198-1807 of the By-Laws, the special permit granted by this decision under Article 18 shall lapse within 18 months if substantial construction has not begun, except for a good cause shown by the Applicant and approved by the Planning Board.
- j. At least one (1) week prior to the commencement of site preparation, site clearing and construction, 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 Planning Board or its agent must be contacted for the required inspections throughout the development of the project.

- k. The water distribution system shall be installed in accordance with the rules, regulations and 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 cross-section details 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 Department of Environmental Protection standards before any connections are made.
- l. Upon completion of the subdivision, 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.
- m. Prior to the release of lots, all easements shall be reviewed and approved by the Planning Board and shall be recorded with the Middlesex South Registry of Deeds. 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.
- n. All utilities 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.
- o. 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 hereto all conditions set forth herein.
- p. No lot shall be further divided so as to create additional lots. The parcel frontage along the subdivision road and this subdivision area is limited to seven (7) building lots.

***B) Waivers Granted/ Special Conditions***

1. The Planning Board hereby grants the following waivers from the Subdivision Rules and Regulations as part of its approval:
  - a. The Planning Board hereby waives the requirement of Section IV.B.1.c of the Rules and instead allows a reduction of the 200-foot minimum separation distance between curves in the roadway. This waiver is granted to reduce the encroachment of the public road on the inner riparian zone for the riverfront area.
  - b. The Planning Board hereby waives the requirement of Section IV.B.1.d of the Rules and allows an increase of the right-of-way radius of the cul-de-sac from 60 feet to 80 feet. This waiver is granted to allow the extension of Michael road to be minimized into wetland buffer areas.

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- c. The Planning Board hereby waives the requirement of Section IV.B.2. of the Rules and Regulations, allowing a reduction of the right-of-way width from 50 feet to 40 feet. This waiver is granted to reduce encroachment of the development on the wetlands buffer and the 200' foot Riverfront area.
  - d. The Planning Board hereby waives the requirement of Section IV.B.2. of the Rules and Regulations for a 22-foot roadway pavement width from station 0+0 to 1+75 and allows a reduced width of pavement to 18-feet. This waiver is granted to reduce the encroachment of the road on the wetlands buffer zone and 200'foot riverfront area.
  - e. The Planning Board hereby waives the requirement of granite curbing at the entrance of the subdivision onto Michael Road and granite curbing shall not be installed.
  - f. The Planning Board hereby waives the requirement for the construction of sidewalks and sidewalks shall not be constructed. The Planning Board finds the preservation of the existing walking trails on the proposed 9.3 acres of Open Space and the public access from the proposed subdivision road is in keeping with the Town of Wayland's rural character.
  - g. The Planning Board hereby waives the requirement for streetlights and streetlights shall not be installed.
  - h. The Planning Board hereby waives the requirement of Section IV.B.1 of the Rules for Dead – end streets being no more than six hundred ninety (690) feet in length. The Board finds that the proposed 326' feet of road extension of Michael Road will protect and provide 9.7 acres of open space and passive recreation land that will be given to the town.
2. The Planning Board hereby grants the following waivers from the Conservation Cluster Rules and Regulations as part of its approval:
    - a. The Planning Board hereby waives the requirement of Chapter 301-17C of the Conservation Cluster Development Rules and Regulations, which requires that there 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 and allows a reduction of the buffer in the areas of Lots 1, 2, and 3 as depicted on the plans. This waiver is granted to reduce the encroachment of the road on the wetlands buffer and 200' foot riverfront area.
  3. The Planning Board hereby imposes the following conditions for its approval of the Special Permit under Article 22 - Inclusion of Affordable Housing:
    - a. Prior to the release of lots, the Applicant shall submit a development construction schedule, indicating the timing and/or sequence of construction of affordable dwelling unit and market rate units.
    - b. The Applicant shall submit copies of elevations and floor plans for the affordable unit within the development for review. The Applicant shall submit the plans for the affordable unit prior to submission of the building permit for the affordable unit, for the Board to review and ensure conformance with §198-2205.3.1 and §198-2208.2.



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- c. Prior to the release of lots, the Applicant shall submit to the Planning Board and the Wayland Housing Authority for their review draft Restrictive Documents including deed restrictions and contractual agreements which restrict the affordable dwelling unit to occupancy by low income or moderate income households at the time of the original sale or rental and at the time of a resale or re-rental, and any other restrictions and covenants designed to insure initial and long-term affordability of the affordable dwelling units, in accordance with the requirements of the By-Law. The Local Initiative Program Affordable Housing Deed Rider shall also be provided.
  - d. Prior to the release of lots, the Applicant shall submit a Marketing Plan to the Planning Board and Wayland Housing Partnership, which shall include proposed methods of selecting purchasers and tenants of affordable dwelling units including the methodology for local preference as required by the By-Law. The Marketing Plan shall be reviewed by the Planning Board and the Wayland Housing partnership and shall be in accordance with DHCD Guidelines.
4. The Planning Board hereby imposes the following special conditions for the definitive subdivision and conservation cluster subdivision special permit as part of its approval:
- a. The Plans shall be amended to include the details as shown on the submitted Landscape Sketch Plan labeled as Plan B. The plans shall also be revised to show 6 Evergreen trees at 8' in height.
  - b. The open space shall be delineated with concrete bounds.
  - c. Prior to clearing and grading activity, hay bales and silt fencing shall be installed on the down slope of all planned earth movement activities. The boundary of all buffer areas and areas to remain open shall be delineated by silt fence.
  - d. The applicant shall notify the Planning Board and its agent to schedule an inspection of the site prior to the clearing of land for the roadway for the purpose of identifying trees to be conserved.
  - e. Each lot shall have access from the approved subdivision way. No driveways or ingress/egress points to or from said lots are to be to or from any other road.
  - f. The water main from the proposed subdivision shall be extended on the common lot line between lots 3 and 4 in a 20' wide utility easement. Said water main shall terminate at the open space parcel.
  - g. 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. This decision is intended to comply with the provisions of 310 CMR 40.0032(3) in avoiding the degradation of property by the introduction of oil or hazardous materials at concentrations that are significantly higher than those existing at the project site whether or not those concentrations are reportable under 310 CMR 40.0000. The Owner shall provide copies of documentation for shipments of soil material being received as clean fill at the project site. The documentation shall identify the address of the specific property that was the source of the soil material, the name and mailing address of that property Owner, and provide a certification by the operator/Owner of that source property that there is no known disposal site, as defined in 310 CMR 40.0000, upon that source property. In lieu of the certification only, the Owner may also provide analytical data for contaminants listed in Table 1 of DEP Policy#COMM-97-001 by representative sampling of the fill material delivered to the project site. At the discretion of the

Commission, based upon the observations of fill material delivered to the project site, the Owner may be required at his own expense to conduct sampling of fill and/or existing soils and analyze for contaminants listed in Table 1 of DEP Policy#COMM-97-001 by representative sampling of the soil materials and the frequency of sampling shall be equal to or greater than one sample per 500 cubic yards.

- h. The grading plan as shown on the final endorsed Plan shall be adhered to, and only minor deviations for the installation of septic systems or the avoidance of natural features shall be allowed. Prior notice shall be given in writing to the Planning Board or its agent if there are to be any discrepancies with the grading shown on the approved Plan.
- i. Prior to the commencement of construction, a preliminary Stormwater Rain Garden Operation and Maintenance Plan shall be submitted to the Planning Board for review and approval. The Operation and Maintenance Plan shall include any requirements for the drainage system by the Conservation Commission and maintenance requirements for the Stormwater Rain Garden
- j. Prior to the release of any lot, the Applicant shall submit for review by the Planning Board a copy of the final homeowners' association documentation or similar documentation, which shall include provisions that provide for the Operation and Maintenance of the Stormwater Rain Garden by the residents of the new development. 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.
- k. The developer has agreed to provide the following funds: \$5,000 to the Conservation Commission as a gift for improvements to the 9.3 acres of Conservation Open Space Land. Said gift shall be provided at the issuance of a building permit.
- l. The developer has agreed to provide \$10,000 to the Wayland Highway Department for road improvements to Michael Road and Glen Road. Said funds shall be provided at the issuance of a building permit.
- m. On-site construction work shall be limited to weekdays during the hours of 8:00 AM to 5:00 PM. All construction vehicles and equipment shall park on-site of the proposed subdivision right of way beyond station 1+50.
- n. During construction, all local, state and federal laws and regulations shall be followed regarding noise, vibration, concussion, dust and blocking Town ways. At all times the Applicant shall use reasonable means to minimize inconvenience to the residents in the area. All trucks transporting earth materials of any type to and/or from the site shall be covered in compliance with state law. Any debris or materials that fall from such trucks onto public ways shall be removed and cleaned up promptly.
- o. At least one week prior to construction, the Planning Board, Highway Department, Board of Health, Fire Department, Water Department, and Building Department shall be notified in writing of the construction commencement date and schedule, so that pre-construction conferences between the developer, engineer and contractors, and all involved town agencies can be scheduled to discuss construction schedules, standards, and compliance with town regulations.
- p. The applicant shall use all energy star related appliances and windows in the development.

- q. The existing cul-de-sac of Michael Road shall be completed as shown on the plans at the same time as the finish paving of the new development road.
- r. The Applicant has agreed to provide a professional seal coat on the entire driveway at #26 Michael Road. The sealer shall contain the proper specifications of coal tar emulsion and shall provide a seamless infrared repair to provide an enduring finish.

***V) Record of Vote***

- 1. Constituting a majority of the Planning Board, the following members voted to approve the Applicant's application for Definitive Subdivision Plan Approval based on the information in the hearing record, Applicant's consent and the aforementioned findings, and subject to the aforementioned conditions. Voting to approve the definitive subdivision were Planning Board Members Kevin Murphy, Chair, Lynne Dunbrack, Ira Montague and Kent Greenawalt.
- 2. Constituting a super majority of the Planning Board, the following members voted to approve the Applicant's application for a Conservation Cluster Development Special Permit based on the information in the hearing record, Applicants consent and the aforementioned findings, and subject to the aforementioned conditions. Voting to approve the special permit were Planning Board Members Kevin Murphy Chair, Lynne Dunbrack, Ira Montague and Kent Greenawalt.
- 3. Constituting a super majority of the Planning Board, the following members voted to approve the Applicant's application for a Special Permit for the Inclusion of Affordable Housing based on the information in the hearing record, Applicant's consent and the aforementioned findings, and subject to the aforementioned conditions. Voting to approve the special permit were Planning Board Members Kevin Murphy Chair, Lynne Dunbrack, Ira Montague and Kent Greenawalt.
- 4. Constituting a super majority of the Planning Board, the following members voted to approve the Applicant's application for Earth Movement based on the information in the hearing record, Applicant's consent and the aforementioned findings, and subject to the aforementioned conditions. Voting to approve the special permit were Planning Board Members Kevin Murphy Chair, Lynne Dunbrack, Ira Montague and Kent Greenawalt.

DATE OF FILING OF DECISION:

\_\_\_\_\_

BY ORDER OF THE BOARD

  
\_\_\_\_\_  
Kevin Murphy, Chair

**CERTIFICATION:**

The Planning Board voted to authorize Chair Kevin Murphy to sign this decision, by delivery of a copy of this Decision to the Applicant, *Michael Road*, does hereby certify that a copy of this Decision has been filed with the Town Clerk of the Town of Wayland.

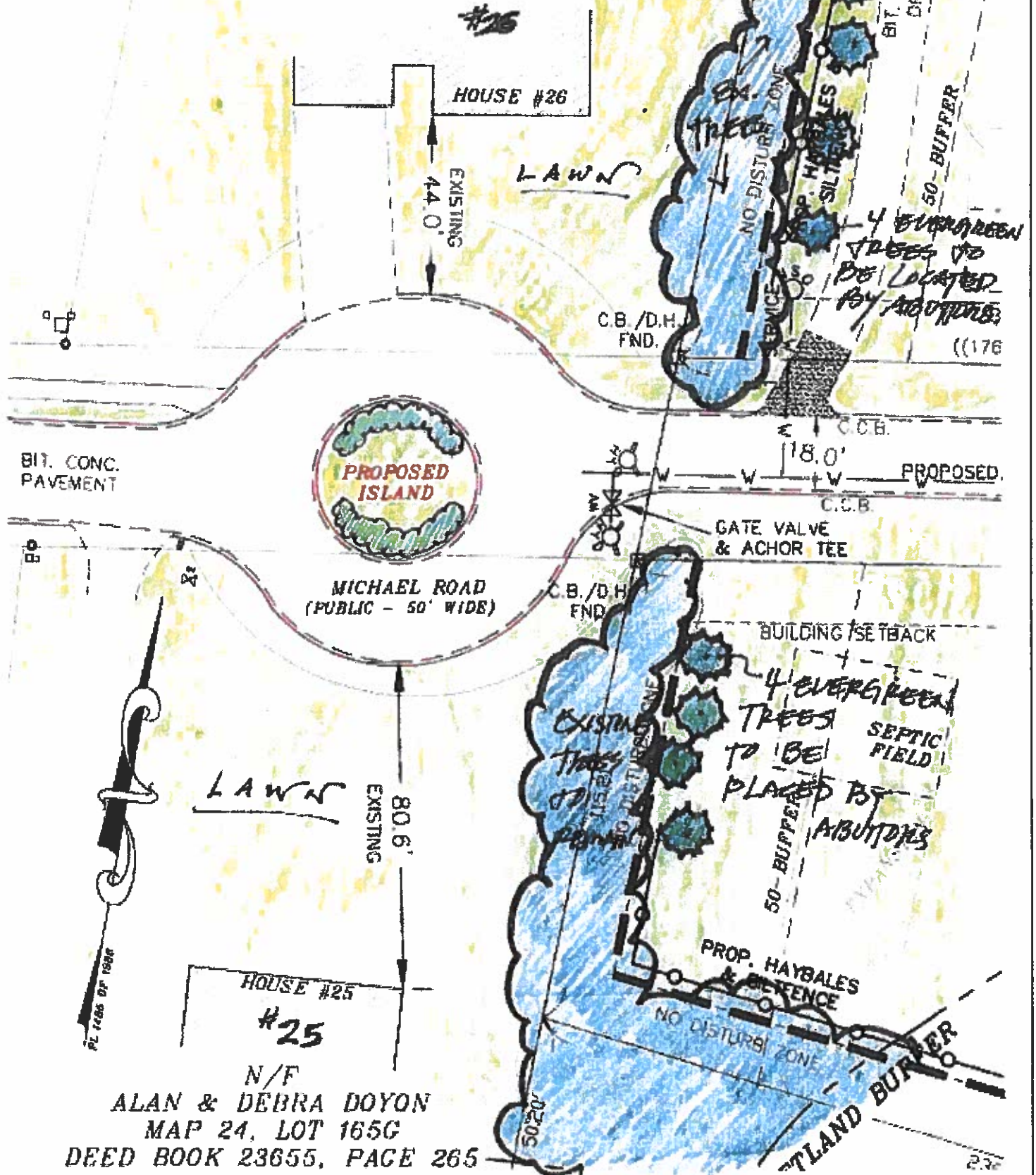
PLANNING BOARD

  
\_\_\_\_\_  
Kevin Murphy, Chair

# PLAN A

Sketch 1  
Plan

N/F  
GARY & CARA DENNIS  
MAP 24, LOT 165F  
DEED BOOK 33733, PAGE 241



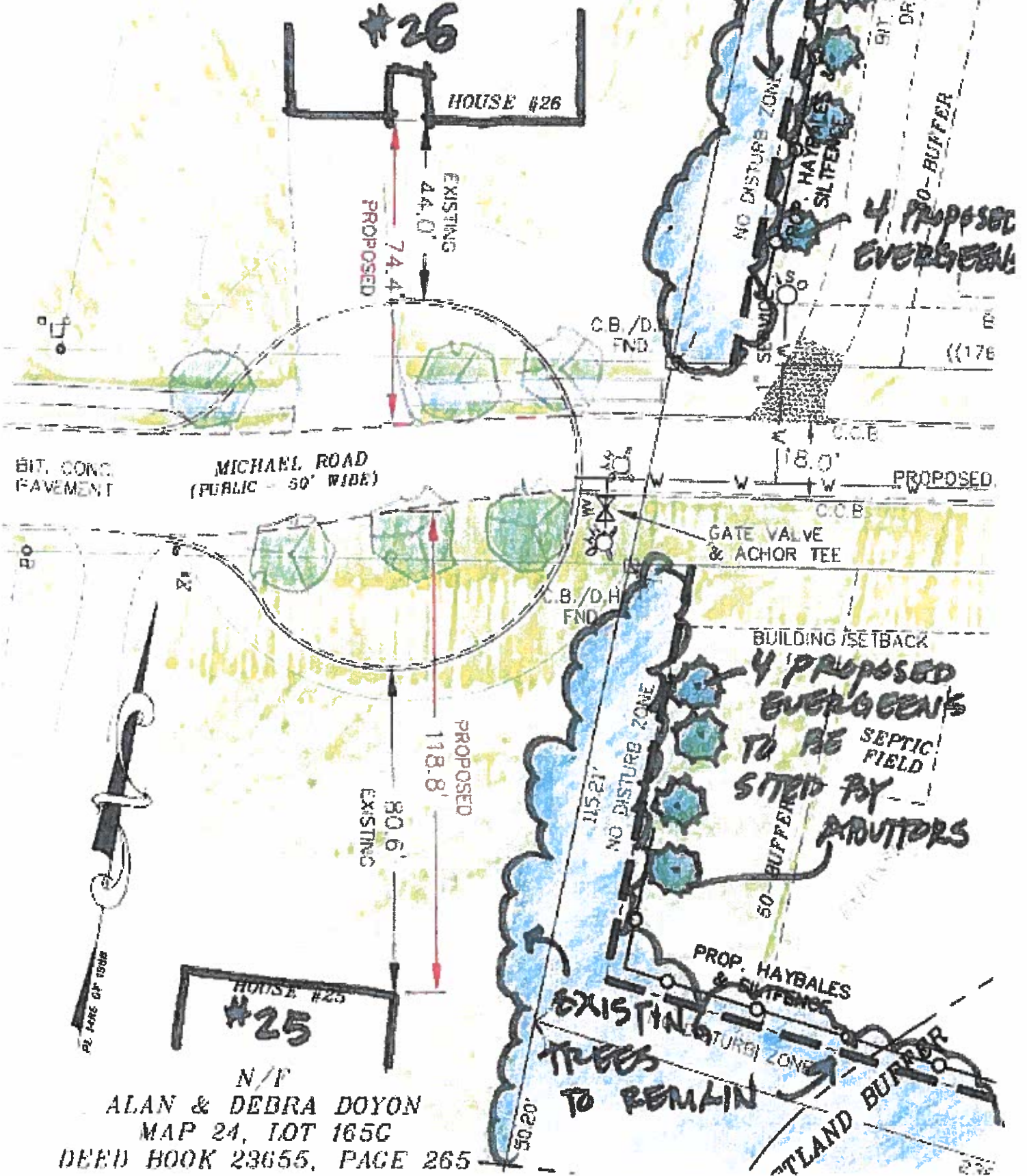
N/F  
ALAN & DEBRA DOYON  
MAP 24, LOT 165G  
DEED BOOK 23655, PAGE 265



Plan B

N/F  
CARY & CARA DENNIS  
MAP 24, LOT 165F  
DEED BOOK 33733, PAGE 241

Plan



N/F  
ALAN & DEBRA DOYON  
MAP 24, LOT 165C  
DEED BOOK 23655, PAGE 265