



Sarkis Sarkisian  
Wayland Town Planner

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

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3778

**TO:** Planning Board  
**FROM:** Sarkis Sarkisian, Town Planner  
**DATE:** July 28, 2021  
**RE:** Staff Report – 27 Sherman’s Bridge Definitive Subdivision and Special Permit for a Conservation Cluster Development to create five (5) residential lots.

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**APPLICANT:** Keystone Custome Builders, LLC  
**OWNER:** Kathleen Dunlay & William Dunlay  
**TITLE DEED:** John B & Dorothy J. Dunlay dated November 13, 1995 Book 25958, Page 306.  
**MAILING ADDRESS:** 910 Boston Post Road, Suite 310, Marlborough, MA 01752  
**SURVEYOR:** Sullivan, Connors & Associates, Inc.  
**REQUESTED ACTION:** Review and Approval of Definitive Subdivision Special Permit Conservation Cluster  
**PROPOSED USE:** Division of land into five (5) total lots with access through a proposed roadway created by a subdivision  
**LOCATION:** 27 Sherman’s Bridge Rd; Assessor’s Map 07-Lot 023F,  
**PARCEL SIZE:** 8.3 acres  
**EXISTING LAND USE:** Single Family Residence  
**SURROUNDING LAND USE:** Conservation Land and residential  
**EXISTING ZONING:** Property located in the Residential 60,000 square feet, 210 Frontage  
**DEFINITVE SUBDIVISION** Subdivision Rules and Regulations  
**SPECIAL PERMIT** Zoning Bylaw Chapter 198 Article 18 Conservation Cluster Development District and Chapter 301 Conservation Cluster Development Regulations.

**DEFINITIVE SUBDIVISION**  
**DEADLINE FOR DECISION:** 135 days to November 12, 2021.  
**CONSERVATION CLUSTER DEVELOPEMNT**  
**DEADLINE FOR DECISION:** 90 days from close of hearing  
**SCENIC ROAD** Sherman’s Bridge is designated as a scenic road and will require approval of the planning board regarding the removal of trees and the bank along Sherman’s Bridge.

## **PROPOSED PROJECT**

The applicant proposes to subdivide the property located at 27 Sherman's Bridge which contains 8.3 acres into (5) lots through a Definitive Subdivision and Special Permit by the Conservation Cluster bylaw. The Project would provide access through a proposed 338 foot long cul-de-sac. The frontage along Sherman's Bridge road would be regraded and disturbed in order to accommodate said road to improve site distance. The (5) lots have been laid out using the Conservation Cluster bylaw with each lot having approximately 30,000 S.F. and over 50' of frontage.

## **STATUTORY REQUIREMENTS**

### **Board Decision on the Definitive Plan.**

The action of the Board on the definitive plans will take place after the public hearing and following receipt of the Board of Health report. The board has 135 days to take action because no preliminary plan was filed. Criteria for Decision:

1. Completeness and technical adequacy of the plans and supporting material;
2. Payment of all required fees, including fees incurred by outside technical reviewers hired by the Board;
3. Due regard for the provision of adequate access to all of the lots in the subdivision by ways that will be safe and convenient for travel.
4. Consistency with the purposes of the Subdivision Control Law;
5. Conformity with zoning Bylaws and Subdivision Rules and Regulations;
6. Securing adequate provisions for water, sewerage, drainage and underground utility services, Fire, Police, and other municipal equipment and street lighting
7. Coordinating ways in the subdivision with possible connections; and
8. Conformity with the Town's design and construction standards described in the Rules and Regulations and standards.

### **Board Decision on the Special Permit Conservation cluster**

The project has also been submitted as a Conservation Cluster Development under Article 18 of the Zoning Bylaw, not a Definitive Subdivision. The project requires a Special Permit from the Planning Board. Mass. Gen L. Ch. 40A, Section 9 provides communities with special permit granting authority, stating that:

“zoning ordinances or by-laws shall provide specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit.”

In general, special permits are designed to provide a community with discretionary review over certain uses that are deemed necessary or desirable in certain districts, but if left unregulated may be detrimental to the community. Within the Town of Wayland, special permits are granted if the proponent shows “the use of the premises for which application is made shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use is to occur and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety.”

#### Criteria for Decision

In reviewing a special permit, the permit granting authority is limited to considering the criteria detailed in a municipality's zoning ordinance. The Town of Wayland's Zoning Bylaw outlines the following criteria to be used in the issuance of a special permit:

1. shall not be against the public interest,
2. shall not derogate from the character of the neighborhood in which such use is to occur
3. and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and
4. that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety.

The permit granting authority has full discretionary power in reviewing a special permit but must act fairly and reasonably on the evidence presented and a decision must be made 90 days from the close of hearing.

#### **STAFF PRELIMINARY COMMENTS**

Staff has prepared an existing conditions plan that can be used for preliminary discussion for the public hearing. The Plan identifies existing structures, driveways and disturbed areas of the proposed project. Staff offers the following preliminary comments:

1. Staff does not find that the proposed plan meets the harmony and purpose of the Conservation Cluster Development. The amount land disturbance and change of topography along the scenic roadway of Sherman's Bridge is not in the spirit of a conservation cluster development. Staff estimates that over 200' of roadway shoulder will be disturbed. The applicant has not proposed nor provided a mitigation/landscape plan. .
2. The proposed plan does not have the required 50' open space buffer requirement on the easterly property line.
3. The applicant needs to request the following additional waivers from the Planning Board Subdivision Rules and Regulations:
  - Pedestrian Ways
  - Open Space, Parks and Playgrounds,
  - Minimum Roadway length. 2 times the required frontage (210) or 420'.
4. Board should consider requiring traffic calming measures at the intersection of Oxbow Road and Sherman's Bridge Road to narrow the amount of traveled way.

**ACTION BY BOARD** Staff recommends that the board schedule/conduct a site visit and have the project peer reviewed. Staff has reached out to three peer review consultants that have provided technical assistance to the board and should have the proposals for the meeting on August 3. The Board needs to continue the hearing to a meeting in September which will give our peer review consultant sufficient time to conduct a review.