



**Town of Wayland  
2024 Annual Town Meeting  
Monday & Tuesday, May 13 & 14, 2024  
Wayland High School Field House**

**Handouts Packet**

Contents:

1. **Article 10 – FY2025 Omnibus Budget** – Supplemental Capital Budget Handout
2. **Article 26 - Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing** – State Required MBTA Communities Multi-Family Housing Zoning Bylaw Fact Sheet
3. **Article 26 - Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing** – State Required MBTA Communities Multi-Family Housing Zoning Bylaw – Locations Vetted by the Planning Board
4. **Article 26 – Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing** – Listing of Commonwealth/State Grants
5. **Article 26 - Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing** – Zoning Overlay District Map
6. **APPENDIX D: Planning Board Supplemental Report & Recommendations for Zoning Articles 27 & 28**

# Article 10 – FY2025 Omnibus Budget – Supplemental Capital Budget Handout

<b>Proposed Capital Budget - Fiscal 2025</b>				<b>Adjustments</b>
<b>DPW</b>				
1	Compactor Replacement	FC	\$75,000	
2	Heavy Equipment Replacement-HS Trackless 2005	FC	\$200,000	
3	Light Truck-P60 Utility	FC	\$130,000	
4	Sidewalk Improvements	FC	\$250,000	
5	Town Wide Road Reconstruction	B	\$722,277	
		SC	\$33,973	
<b>Facilities</b>				
6	DPW Fleet Maintenance Flooring	FC	\$43,764	
		SC	\$41,236	
7	DPW Wash Bay Rehabilitation	FC	\$175,000	
8	LIB RFID Tagging	FC	\$100,000	
<b>Fire</b>				
9	Ambulance Stretcher & Stairchair	AMB	\$99,000	
10	Equipment - Detection Meters	AMB	\$30,000	
11	Fire Vehicle - Car 3	AMB	\$75,000	
12	SCBA Air Pscks	AMB	\$75,000	
<b>Information Technology</b>				
13	Video Monitoring and Mgmt. System	FC	\$210,000	
<b>Joint Communications Center</b>				
14	Building Security And Video Equipment	FC	\$50,000	
15	Equipment For A Secondary PSAP	FC	\$300,000	
<b>Police</b>				
16	Department Issued Firearms	FC	\$43,317	
17	Equipment for a Secondary PSAP	FC	\$31,580	
<b>Schools</b>				
18	DW Roof Replacement	B	\$150,000	
19	Elementary Installation of HVAC Air Conditioning	B	\$317,500	
20	WMS Rooftop Air Handling Units and Exhaust Fans	B	\$164,800	
21	DW Boilers and Boiler Systems	FC	\$169,000	
22	DW Student Information System	FC	\$112,000	
23	DW Fire Alarm Control Panel/Smoke Detection	FC	\$170,000	
24	Mini Bus	FC	\$50,000	
<b>Water Enterprise Fund</b>				
25	Second Water Tank-Construction	WB	\$2,500,000	
26	Vehicle W-2	WB	\$130,000	
27	Water Main-Construction	WB	\$1,200,000	
<b>Wastewater Enterprise Fund</b>				
28	Wastewater Plant Improvements	WWB	\$526,000	\$526,000
<b>TOTAL BUDGET</b>			\$7,648,447	\$8,174,447
<b>SUMMARY OF FUNDING SOURCES</b>				
	BORROW ( within the levy )	B	\$1,354,577	
	FREE CASH	FC	\$2,109,661	
	SURPLUS CAPITAL ( unspent funds from completed capital projects)	SC	\$75,209	
	AMBULANCE FUND (ambulance fees)	AMB	\$279,000	
	WATER BORROWING	WB	\$3,830,000	
	WASTEWATER BORROWING	WWB		\$526,000
<b>TOTAL FUNDING SOURCES</b>			\$7,648,447	\$8,174,447

# Article 10 – FY2025 Omnibus Budget – Supplemental Capital Budget Handout

<b>28. Budget Wastewater Enterprise - \$526,000</b>	
Title: Wastewater Plant Improvments	Project Advocate(s): Wastewater Management District Commission
<p>Description &amp; Purpose: The Wastewater Treatment Plant at Town Center has recently demonstrated poor treatment performance as a result of equipment deterioration. The fine screens and the diffuser header beneath the membranes need to be replaced. The current fine screen was installed in a 2010 Treatment Facility upgrade, which included plastic parallel bars. At the present, fine screens are now more efficiently designed and include a drum screen, which changes the flow pattern of the influent and is able to screen out more material. The current fine screens, which are insufficient, have led to a buildup of solids, compromising the existing membrane plates. The current fine screens are most likely the main factor in the diffuser clogging and in the diffuser head breakage.</p>	
Relationship to General Plan: Wastewater Plant Equipment	
History: New Fiscal 2025 Capital Project Request	
Source of Funding: Wastewater Debt	In the 5 Year Capital Plan?: No

# Article 26

## State Required MBTA Communities Multi-Family Housing Zoning Bylaw



*Fact Sheet for Wayland Town Meeting on Monday, May 13, 2024*

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### **What is the MBTA Communities Act?**

In 2021, the State Legislature enacted a new law **requiring** all 177 cities and towns in the MBTA service area to adopt “**as-of-right zoning**” that allows **multi-family housing**. Wayland is an “MBTA Adjacent Community” due to the train stations in Lincoln, Natick, Concord, Framingham, and Weston.

### **What is zoning and what does “as-of-right” mean?**

**Zoning** is set of permitted land uses and rules that govern what can and cannot be located and built within certain districts. The town’s zoning map indicates those districts.

**As-of-right** means that the Planning Board cannot deny a developer’s application, **but** the Planning Board will be able to review site layout and building design and other physical characteristics of a proposed project. The Planning Board will be able to impose reasonable conditions.

### **What does the law require Wayland to do?**

Wayland Town Meeting **must** vote to change its zoning map and create a zoning district.

- The district must allow 750 units of “as-of-right” multi-family development of 15 units per acre (on average) in one or more locations totaling 50 acres. The land in the new districts may already have housing or other existing uses. (For density calculations we cannot count any area that is wetlands, conservation or park land, cemeteries or land otherwise defined as “excluded” by the state.)
- One sub-district must be 25-acres of contiguous land; the others must each be 5 acres or more.

The new district **cannot have**:

- Age-restricted units or restrictions on the minimum age of occupants;
- Restrictions on size of units, the number of bedrooms, or the size of bedrooms;
- Restrictions on the number of occupants;
- Requirements that multi-family use must be combined with commercial or other uses; or
- Requirements for more than 10% affordable units.

### **What the law does not require.**

- The law does **not** require any landowner within a new multi-family district to sell his/her property for redevelopment. **Only** if owners chose to do so, will redevelopment be possible.
- The law does **not** require that multi-family units be built. It only requires that the Town have zoning in place that allows for multi-family housing. Again, **nothing in this article requires your land to be developed.**
- The law does **not** require communities to pay for any necessary infrastructure for new multi-family developments in the MBTA Communities zoning district.
- The law does **not** override state or local environmental laws such as the Massachusetts Wetlands Protection Act, Title 5 for sewage disposal, or the Wayland Wetlands Bylaw.

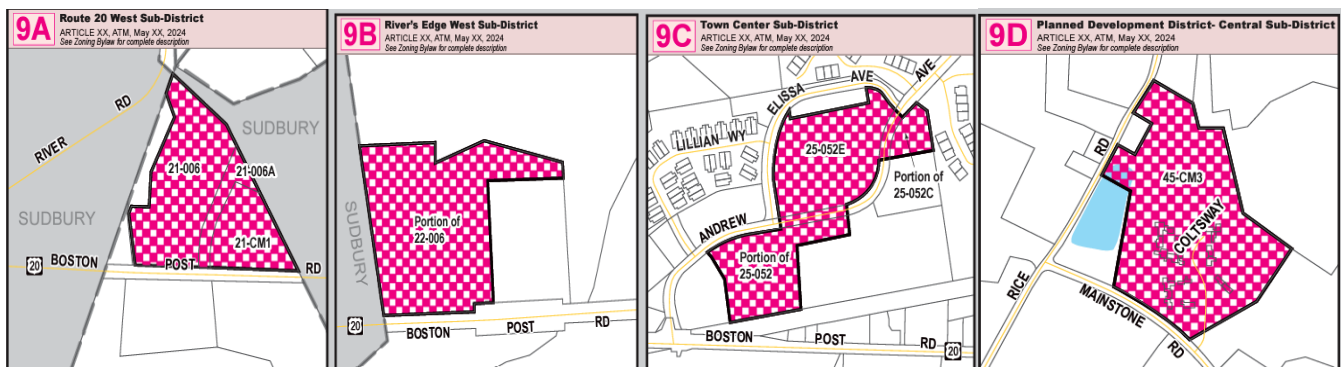
- The law does **not** allow waivers. All 177 communities are subject to the new law.

## **What happens if Wayland doesn't comply?**

Failure to adopt these changes will cause the Town of Wayland to lose access to many state grant programs such as MassWorks (which provides funding for local infrastructure projects), and grants for open space acquisition, historic preservation, planning, and other funds. The Town applied for and received \$4,182,200 in grants last year. Wayland could also be sued by the state Attorney General, as has happened in other towns that did not comply. **The Town must submit to the state a District Compliance Application by the end of 2024.**

## **How were the four proposed sub-districts (9A, 9B, 9C, and 9D) selected?**

The Planning Board began the process by using the state's map of excluded areas. Then worked to find 25- and 5 to 10-acre areas where multi-family housing either already exists or could exist with limited disruption to the surrounding area. Dozens of areas were considered. Numerous open meetings and two public forums were held (Dec. 2022 and 2023) to solicit feedback from residents. As a result, the list of possibilities expanded. Then, with the help of a professional consultant who assessed each area using the state's complex compliance model, the list was narrowed down to the final four recommended sub-districts.



**Rte. 20 West (9A)**

**River's Edge West/  
Alta Oxbow (9B)**

**Town Center (9C)**

**Planned Dev. Dist. Central/  
Mainstone (9D)**

Two sub-districts are where multi-family housing already exists: Alta Oxbow (9B) and a small portion of Mainstone (9D). Two sub-districts are areas within commercial zones where owner support is significant and disruption to existing neighborhoods is limited: Rte. 20 West (9A) and Town Center (9C).

## **How is Wayland going to protect against inappropriate developments?**

Although the law does not allow the Planning Board to deny a developer's application, the Board can impose reasonable conditions and implement Design Guidelines. Those Guidelines can ensure that site layout and building design, vehicular and pedestrian access, vehicular and bicycle parking, vehicular and pedestrian circulation, utilities location, open space, buffers, and other physical characteristics of a proposed project will limit impacts on adjacent properties and optimize the function and beauty of any new development.

## **Where can residents find more information?**

The Planning Board's website has a lot of information including draft maps, the text of the proposed bylaw, and past presentations. Go to: <https://www.wayland.ma.us/planning-department-board>.

# Article 26

## MBTA Communities

### Multi-Family Housing Zoning Bylaw

### Locations Vetted by the Planning Board



*Fact Sheet for Wayland Town Meeting which starts on Monday, May 13, 2024*

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#### **What are the four proposed sub-districts?** (see the map on p. 124 of the Warrant)

- Two sub-districts are within commercial zones where owner support is significant and disruption to existing neighborhoods is limited:
  - **Rte. 20 West** (sub-district **9A**) – 7.8 acres, 20 units/acre maximum
  - **Town Center** (sub-district **9C**) – 11.5 acres, 27 units/acre maximum
- Two sub-districts are where multi-family zoning is already in place:
  - River's Edge West (**Alta Oxbow** sub-district **9B**) – 5.8 acres, 32 units/acre maximum
  - Planned Development District (Coltsway in Stoneridge Village, a small portion of the Mainstone Condominiums, sub-district **9D**) – 25.1 acres, 10 units/acre maximum
    - The nature of a condominium requires widespread ownership approval before redevelopment could occur

#### **How did the Planning Board identify possible sub-districts?**

- The Planning Board felt that finding areas totaling close to the state's **50-acre** minimum requirement would be most palatable to Wayland residents. That required the Board to find one 25-acre parcel and other parcels of at least 5 acres each.
- The Planning Board first looked for large areas of undeveloped land and considered patterns of transit and commuting. Then the Board used the **state's map of excluded areas**, and looked for areas:
  - Where **multi-family housing already exists** and
  - Where **multi-family housing could exist** with limited disruption.
- **The 5- to 10-acre sites were relatively easy.** The Planning Board was approached by two landowners eager to have their land zoned for multi-family housing and the non-age-restricted portion of Alta Oxbow was already compliant. (Numerous configurations in these areas were considered until the final configurations were settled upon).
- **The challenge was finding a contiguous 25-acre area with large lots** so that any resulting redevelopment could be coordinated. (**The state requirements allow individual developments at the scale of the smallest lot in any sub-district** -- the Planning Board did not want to create a 25-acre sub-district that could allow, for example, 25 separate, uncoordinated 1-acre redevelopment projects.)
- Numerous open meetings and community input at three public forums expanded the list of possibilities.
- The Town's professional consultant assessed each of the possible areas for compliance using **the state's complex compliance model**.

### ***What 5- to 10-acre areas were considered and why were they rejected?***

#### **North Wayland**

Launcher Way – poor access to major roads  
Carroll School – excluded (educational land)  
Way. Swim. & Tennis Club – poor access  
Orchard Lane – poor access  
Russell’s Garden Cen. – wet, active business  
297-311 Rt. 20 – commercial, flood plain  
Lee’s Farm – excluded (institutional)  
Route 20 East – active commercial

#### **South Wayland**

St. Ann’s – excluded (40B for seniors)  
Greenways – planned for seniors  
Willowbrook – wet  
Mel’s Plaza – too small to qualify  
Office Park – active business  
Donelan’s – active business  
106 Main St. – too small to qualify  
Bent Park – too small to qualify

### ***What were the main factors that caused potential 25-acre areas to be rejected?***

- Federal, state, and municipal land and institutional sites are **precluded by the state guidelines**.
- The state guidelines allow development of multi-family housing by-right at the scale of **the smallest lot in any sub-district**. The Planning Board did not want to “promote” a great many small uncoordinated redevelopment projects in one area.
- The Board tried to avoid **thriving recreational, business and commercial areas** in an effort to protect the local businesses on which we all rely.

### ***What roughly-25-acre areas were considered and why were those areas rejected?***

- **Waltham & Lincoln Roads** (26.5-acre area) / **Concord Road & Marshall Terrace** (26.6-acre area)
  - Multiple lots subject to re-development at a scale incompatible with surrounding uses
- **Concord & Oxbow Roads** (26.9-acre area)
  - On-site wetlands would require an increased density.
  - There could have been a domino effect of uncoordinated small developments.
  - There are poor east-west roadway connections in the area.
- **Old Connecticut Path & Westway Road at Route 20** (26.2-acre area)
  - An already challenging intersection and there could have been a domino effect of small uncoordinated developments.
- **Wayland Country Club and Sandy Burr Country Club**
  - Much of these sites is floodplain and vegetated wetland.
  - The Sudbury River is a federally designated Wild and Scenic River for its view shed.
  - The passive land use contributes to Wayland’s prized “semi-rural character”.
  - Wayland Country Club is in a Zone 1 wellhead drinking water protection area.
- **The Old South 20 Landfill**
  - While the possibility for re-use is under study, the site is not “surplus” and so is currently precluded by the state guidelines.
- **Mainstone (north) (e.g., Turkey Hill)**
  - The site is further from Route 30 than areas further south.
  - The size of the parcels did not lend themselves to the 25-acre requirement.

### ***Where can people find more information about the proposed zoning?***

- The Planning Board’s website has a lot of information including draft maps, the text of the proposed bylaw, and past presentations. Go to: <https://www.wayland.ma.us/planning-department-board>.

## **Article 26. Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing**

### **Financial implications for non-compliance of Massachusetts General Laws (M.G.L.) ch. 40A, §3A will include the loss of funding from many Commonwealth grant programs.**

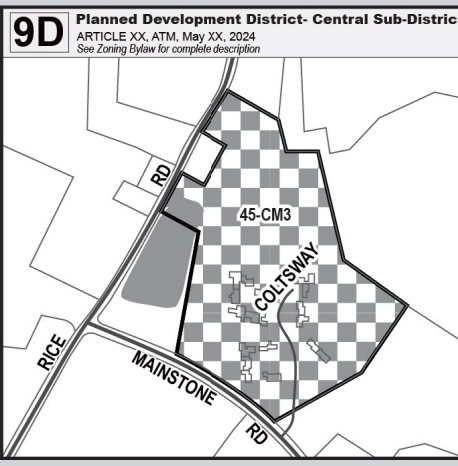
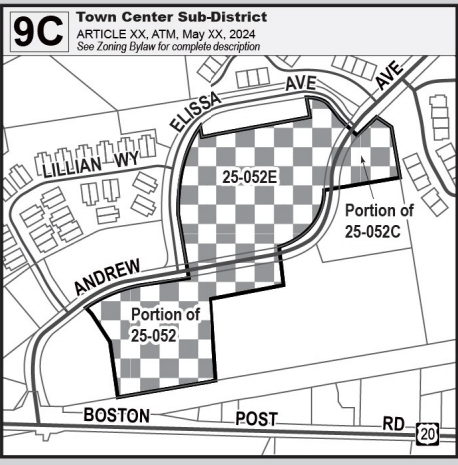
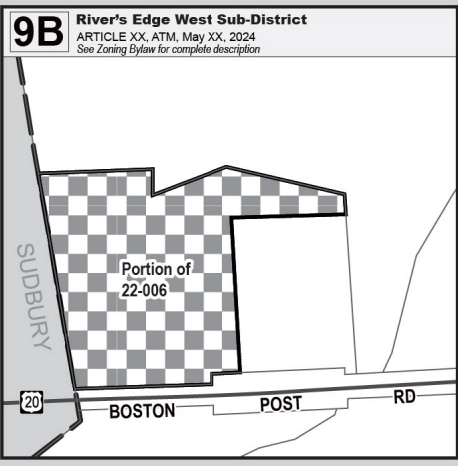
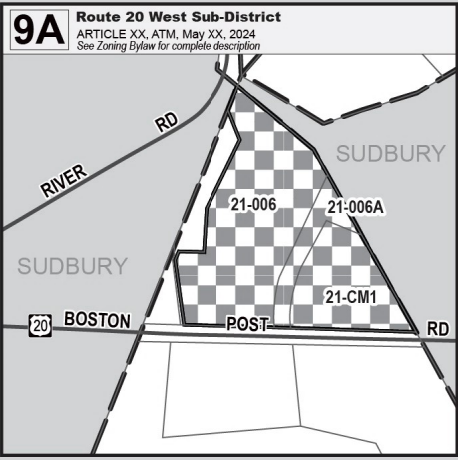
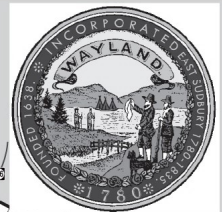
The Healey-Driscoll Administration has made it clear that failure to adopt the proposed bylaw and map will result in lost funding from many state grant programs such as those listed below. Last FY 2023 Wayland received grant funding of \$4,182,200 (\$3.03M Schools and \$1.15M Town) for various programs across multi departments. Some of those grants were used to fund fire and police training and equipment, library technology updates, street repairs and many green initiatives as a few examples.

The Administration has also stated that towns will also be subject to lawsuits initiated by the Massachusetts Attorney General's office emphasizing the seriousness of their view on compliance with the law. A list of grant programs under which the Town has received funding from the Commonwealth follows:

- MassWorks
- Municipal Vulnerability Preparedness Planning Grants
- Community Planning Grants, EOHLA
- Land Use Planning Grants, EOEEA
- Housing Choice Initiative
- Local Capital Projects Fund
- Massachusetts Downtown Initiative
- Rural and Small-Town Development Fund,
- Brownfields Redevelopment Fund, MassDevelopment
- Site Readiness Program, MassDevelopment
- Underutilized Properties Program, MassDevelopment
- Collaborative Workspace Program, MassDevelopment
- Local Acquisitions for Natural Diversity (LAND) Grants
- Real Estate Services Technical Assistance
- Commonwealth Places Programs, MassDevelopment
- Local Acquisitions for Natural Diversity Grants
- Massachusetts Downtown Initiative, EOED
- Urban Agenda, EOED
- Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA



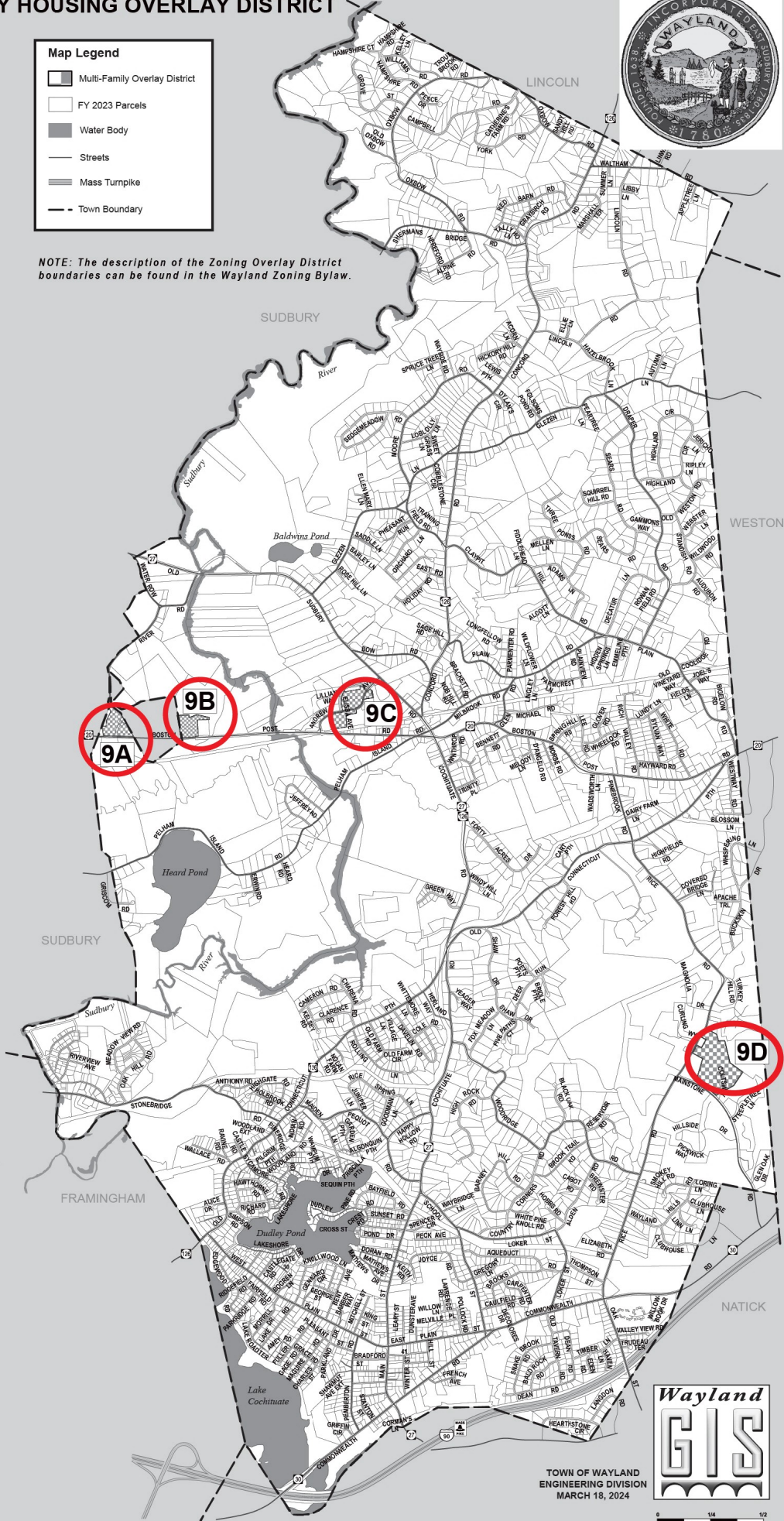
# TOWN OF WAYLAND MULTI-FAMILY HOUSING OVERLAY DISTRICT



**Map Legend**

- Multi-Family Overlay District
- FY 2023 Parcels
- Water Body
- Streets
- Mass Turnpike
- Town Boundary

NOTE: The description of the Zoning Overlay District boundaries can be found in the Wayland Zoning Bylaw.



TOWN OF WAYLAND  
ENGINEERING DIVISION  
MARCH 18, 2024



**Planning Board**  
**Supplemental Report & Recommendations**  
**May 8, 2024**  
**For Annual Town Meeting**  
**Warrant Articles 27 & 28**

The Planning Board, per Massachusetts General Laws Chapter 40A, Section 5, is required to submit a report to Town Meeting with recommendations on all proposed Zoning Amendments. What follows are the Board's Reports concerning proposed Zoning Amendments that are the subjects of Articles 27 and 28 of the Warrant for the 2024 Annual Town Meeting.

**WARRANT ARTICLE 27 – Amend Zoning Bylaw to Add Retail Self-Storage As An Additional Commercial Use In A New Subdistrict B-1 In The Business B Zone**

**Planning Board Recommendation:**

By unanimous vote the Planning Board **recommends disapproval** of this proposed zoning bylaw amendment for Retail Self-Storage and a vote of “No” on this Article.

**Procedural History:**

On Wednesday, May 1, 2024, as required by law, the Planning Board held a duly noticed and advertised Public Hearing on Petitioners' proposed March 15, 2024 revised amendments to the Town's Zoning Bylaws that would: i) amend Chapter 198 of the Code of the Town of Wayland to add Retail Self-Storage as an additional commercial use allowed only in a new Subdistrict B-1 in the Business B Zone; and ii) amend the Town's Zoning Map to create a new Subdistrict B-1 at 193 Commonwealth Road within the Business B Zoning District. It should be noted that the May 1 public hearing was the second public hearing on the subject matter of this proposal, the Planning Board previously issued a report and recommendation on March 19, 2024 (see 2024 ATM Warrant - Appendix D at pp. 127-128), and the Board took official notice of the record in the previous proceeding.

**Summary of Petitioners' Proposal:**

This zoning article, proposed by Petitioners, is seeking to re-zone a 2.9-acre lot at 193 Commonwealth Road (Parcel 51D-019) for a new, single-purpose principal use. The proposed change would create a subdistrict B-1 in the current Business B zone to allow a Retail Self-Storage facility as a permitted use. The parcel of land in question is located on the south side of Commonwealth Road (Route 30) between the Donelan's market shopping area to the west and residentially zoned land to the east. The predominant zoning in the surrounding area is single-family residential (i.e., 20,000 square foot residential lots).

The main provisions of the proposed zoning amendment are:

- Create Subdistrict B-1 comprised of a single parcel of land in the existing Business B zoning district;

- Add a new business use and definition to the bylaws as well as dimensional requirements that apply only to this one new business use;
- Add the requirement that for this particular business use to proceed, it would need to receive a special permit and the criteria for granting that permit are prescribed in the language of the proposed bylaw.

### **Public Comments:**

Numerous public comments were received from residents living in the immediate neighborhood and others. Overall concerns voiced were that the proposed bylaw amendment, if adopted, would: i) change the character of the neighborhood; ii) not fulfill the Town's Master Plan for Cochituate Village; iii) not be an appropriate location for a storage facility use; iv) create a safety concern because the language of the bylaw doesn't assure sufficient parking spaces for the "community space"; and v) create a safety concern for those wishing to access the community space. Several commenters stated their concern that, without a requirement now to ensure sufficient parking for the square footage of the building, if the self-storage facility were to fail, the building would sit unused and abandoned. Concerns were also raised about the environmental sensitivity of the parcel due to the wetlands and floodplain associated with Snake Brook at the rear of the parcel. Concerns were raised that the proposed zoning change would constitute spot zoning and so could engender lawsuits and would set a precedent for other site-specific zoning proposals in the future. Comments were also received in support of the proposal's inclusion of a community space inside any retail self-storage facility and for the prescribed specificity of the building design.

### **Planning Board Comments:**

While deliberating on the recommendation that the Planning Board would make to Town Meeting, it considered all of the comments received on the proposal.

**Size of Building.** The proposed maximum lot coverage of the footprint of a building would be increased from 25% in the rest of the Business B District to 35% in the proposed Subdistrict B-1, indicating that a very large building is desired yet, the proposed bylaw does not specify the maximum allowable square footage of the building.

**Parking for Retail Self Storage.** Petitioners provide their own formula of requiring one parking space for each 15,000 square feet of retail self-storage floor area.

**Parking for the "Community Space".** There is nothing in the proposed language that specifies the actual square footage of the accessory use "community space", just that it must be a minimum of 3% of the "total square footage" (presumably the total square footage of the building). Similarly, the number of required parking spaces for the "community space" use would be left for the Zoning Board of Appeals to establish in the future, using the criteria in Article 6 Site Plan Review. However, using those Site Plan criteria, considerably more on-site parking availability would be required especially for the intended "community space". And, the potential varied community uses could require significantly more parking than the site can readily accommodate.

**"Community Space".** Although the Board appreciates the interest of one group in obtaining more community space, if the use of the building were to change from Retail Self-Storage to another Business B use, there is nothing that assures the continuance of the community space because the requirement for "community space" is only a prerequisite to issuance of a special

permit for the Retail Self-Storage use. The Petitioners' unusually detailed Section 1102.1.5. for project design and issuance of a special permit leave the Zoning Board with little room for objective review of any proposed project. Moreover, this is a proposal to amend a zoning bylaw. It is not meant to be a review of a specific project. The potential size of the overall building footprint which could cover over an acre and rise 35 feet in height versus the minimal size of the accessory community space does not seem to offer a substantial public benefit.

**Master Planning.** The primary Retail Self-Storage use that is the subject of Petitioners' proposal does not meet the objectives of the Master Plan for Cochituate Village or the active service-related retail businesses envisioned to provide vibrancy in a Business B District. The proposed use is more akin to a warehouse and would be more properly located in a Limited Commercial District. The Board is concerned that one-off proposals for specific parcels of land interfere with the Town's established overall zoning scheme.

**State Law.** There is a concern that the proposed zoning amendment may run afoul of M.G.L. ch. 40A, Section 4 that requires the same uses to be allowed in all of the Business B districts across town. Massachusetts State Law requires that when zoning bylaws are crafted for principal districts such as Business B, the same uses are to be allowed across that entire district. Wayland has three small Business B zoning districts and this proposal calls for re-zoning just one parcel in one of those Business B districts. Retail Self-Storage would be a permitted use on only this one parcel. Town Counsel has advised that this raises concerns of the legality of the proposed zoning change. It is carving out just one spot in the overall Business B zoning district where the proposed use would be allowed.

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**WARRANT ARTICLE 28 – Amend Zoning Bylaw to Add New Provisions to Article 18 Conservation Cluster Development District to Allow Solar Compact Conservation Clusters**

**Planning Board Recommendation:**

By unanimous vote, the Planning Board **recommends disapproval** of this proposed amendment to the existing Conservation Cluster Development District Zoning Bylaw and a vote of "No" on Article 28.

**Procedural History:**

On Wednesday, May 1, 2024, as required by law, the Planning Board held a duly noticed and advertised Public Hearing on Petitioners' proposed March 8, 2024 revised amendments to the Town's Zoning Bylaws that would amend Chapter 198 of the Code of the Town of Wayland to add new provisions to the Article 18 Conservation Cluster Development District to allow Solar Compact Conservation Clusters. It should be noted that the May 1 public hearing was the second public hearing on the subject matter of this proposal, the Planning Board previously issued a report and recommendation on April 9, 2024, and the Board took official notice of the record in the previous proceeding.

**Summary of Petitioners' Proposal:**

This proposal by the Petitioners is seeking to amend three sub-sections of the Conservation Cluster Development District Zoning Bylaw (Article 18) to facilitate clustered layout developments with efficiently sized dwelling units, rooftop solar, high performance energy standards, land and water conservation, and agriculture. It calls for site plan review rather than a

special permit, waiver of many provisions in the rest of the Conservation Cluster Development bylaw, and disregard of requirements in the Subdivision Regulations.

**Public Comments:**

Public comments that were received voiced support for the concept and for its goal of environmental sustainability. However, commenters were concerned that the proposed bylaw amendment had not been carefully drafted or sufficiently thought through to resolve internal inconsistencies with other provisions of the town's zoning bylaws. Some commenters urged the lead Petitioner to withdraw the proposal from consideration at the upcoming Town Meeting.

**Planning Board Comments:**

The purpose of the existing Conservation Cluster Development District Zoning Bylaw (Article 18) is “promoting the more efficient use of land in harmony with its natural features; encouraging the preservation of open land for conservation, agriculture, open space and recreational use; preserving historical and archaeological resources; and protecting existing or potential municipal water supplies . . .” and it is applicable to a 5-acre tract of land within a Single Residence District. The Petitioners’ proposal lists ten specific criteria for granting approval of what is referred to as a “Solar Compact Conservation Cluster” (apparently meant to be a sub-set of what is already permitted) but many of the provisions in the proposal are in conflict with provisions in the existing bylaws. For example, while the existing bylaw requires only a 5-acre tract of land, the Petitioners’ proposal requires a minimum 8-acre tract. The Petitioners’ proposal appears to reduce the perimeter buffer around the tract, increase the amount of required open land and reduce the possibilities of who can own that land, prescribe the size of dwellings, and more. It takes away much of the flexibility contained in the existing bylaw. Of special note is that the language of the proposal calls for Solar Compact Developments to be built “by right” subject only to Article 6 Site Plan review. But the existing Zoning Bylaw specifically exempts Article 18 Conservation Clusters from Article 6 review. And, too, the Table of Permitted Principal Uses by District specifies that Conservation Clusters and Multi-Family Dwellings are only allowed by special permit. In addition, although the existing Conservation Cluster bylaw requires substantial construction to begin within eighteen (18) months of issuance of a special permit, the Petitioners’ proposal calls for an allowance of five (5) years after issuance of a site plan review decision. Zoning bylaws must be clearly crafted so that they are easily understood and enforceable and provisions in one section of the bylaw cannot conflict with other provisions in another section.

The Board is supportive of the concept of sustainable development and development that promotes efficient use of land in harmony with its natural features. It appears that the existing Conservation Cluster Development District Bylaw already would allow development of Solar Compact projects. The Town Planner and the Planning Board have offered to work with the lead Petitioner to discuss any necessary zoning revisions required to accomplish the goal of more sustainable development while ensuring that the provisions are broadly applicable so that more than one project can benefit.