

**TOWN OF WAYLAND
ZONING BOARD OF APPEALS
COMPREHENSIVE PERMIT DECISION
WINDSOR PLACE, WAYLAND, MA
24 SCHOOL STREET, WAYLAND, MA**

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2019 AUG 22 AM 11:30

III. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants to the Applicant a Comprehensive Permit to construct 12 dwelling units in two, three story buildings on the Property in accordance with G.L. c. 40B and its implementing regulations 760 CMR. § 56.00, subject to the conditions and limitations set forth herein.

The Comprehensive Permit described herein incorporates the requested relief from local zoning, subdivision control, Conservation Commission and Board of Health bylaws and regulations identified herein. In granting or denying this relief, the Board recognizes that the legal requirements for issuing a comprehensive permit have been met and finds that the Comprehensive Permit is consistent with local needs as defined in G.L. c. 40B, §20.

A. ADMINISTRATIVE

1. This Comprehensive Permit is granted to the Applicant and its limited dividend successors and assigns for the purpose of constructing a multi-family rental housing development at 24 School Street in Wayland as conditioned herein and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12) (b) or any successor regulation. Said construction is to be carried out consistent with the Final Plans as defined herein, including all notes on the Final Plans, and subject to the conditions set forth in this Decision. The Final Plans shall consist of the following plans, which shall be modified as necessary to comply with this Decision, and submitted to the Board as provided herein:

Site Plans

- Proposed Layout Plan, #24 School Street in Wayland, MA, dated September 6, 2017, revised August 21, 2018, prepared by Metrowest Engineering, Inc. (Sheet 1 of 5)
- Proposed Grading Plan, #24 School Street in Wayland, MA, dated September 6, 2017, revised August 21, 2018, prepared by Metrowest Engineering, Inc. (Sheet 2 of 5)
- Proposed Site Plan, #24 School Street in Wayland, MA, dated September 6, 2017, revised August 21, 2018, prepared by Metrowest Engineering, Inc. (Sheet 3 of 5)
- Proposed Details Plan, #24 School Street in Wayland, MA, dated September 6, 2017, revised August 21, 2018, prepared by Metrowest Engineering, Inc. (Sheet 4 of 5)
- Proposed Details Plan, #24 School Street in Wayland, MA, dated September 6, 2017, revised August 21, 2018, prepared by Metrowest Engineering, Inc. (Sheet 5 of 5)

Septic Plans

- Existing Conditions Plan, #24 School Street in Wayland , MA, dated November 22, 2017, last revised July 2, 2019, prepared by Metrowest Engineering, Inc. (Sheet 1 of 6)
- Subsurface Sewage Disposal System Proposed Site Plan, #24 School Street in Wayland , MA, dated November 22, 2017, last revised July 2, 2019, prepared by Metrowest Engineering, Inc. (Sheet 2 of 6)
- Subsurface Sewage Disposal System Profile of System, #24 School Street in Wayland , MA, dated November 22, 2017, last revised July 2, 2019, prepared by Metrowest Engineering, Inc. (Sheet 3 of 6)
- Subsurface Sewage Disposal System Proposed Details Plan, #24 School Street in Wayland, MA, dated November 22, 2017, last revised July 2, 2019, prepared by Metrowest Engineering, Inc. (Sheet 4 of 6)
- Subsurface Sewage Disposal System Proposed Details Plan, #24 School Street in Wayland, MA, dated November 22, 2017, last revised July 2, 2019, prepared by Metrowest Engineering, Inc. (Sheet 5 of 6)
- Subsurface Sewage Disposal System Proposed Details Plan, #24 School Street in Wayland, MA, dated November 22, 2017, last revised July 2, 2019, prepared by Metrowest Engineering, Inc. (Sheet 6 of 6)

Building Plans

- 12 Unit Townhouse Project, Windsor Place, 24 School Street, East Elevation-Building A/ Facing School St, last revised 3-12-18
- 12 Unit Townhouse Project, Windsor Place, 24 School Street, West Elevation-Building A/ Facing New Private Drive, last revised 3-12-18
- 12 Unit Townhouse Project, Windsor Place, 24 School Street, South Elevation-Building A/ Facing East Plain St and North Elevation – Building A/ Facing New Parking Lot, last revised 3-12-18
- 12 Unit Townhouse Project, Windsor Place, 24 School Street, East Elevation-Building B/ Facing New Private Drive, last revised 3-12-18
- 12 Unit Townhouse Project, Windsor Place, 24 School Street, West Elevation-Building B/ Facing Town Owned Land, last revised 3-12-18
- 12 Unit Townhouse Project, Windsor Place, 24 School Street, South Elevation-Building B/ Facing East Plain St and North Elevation – Building B/ Facing New Parking Lot, last revised 3-12-18

Landscape Plans

- Proposed Landscape Plan, 24 School Street, Wayland, MA, Revised 06-08-18 (Sheets 1 of 2 and 2 of 2)

2. This comprehensive permit is issued pursuant to the Applicant’s MassHousing project eligibility letter dated as of March 31, 2017, which approved up to twelve (12) residential dwelling units. In accordance with MassHousing’s final approval process, the Applicant shall submit to MassHousing for review and final acknowledgement of consistency with this Decision, the Final Plans.

3. The Project shall be limited to 26 bedrooms, and at least ten percent (10%) of the residential units shall contain more than two bedrooms as defined by Title 5 of the state Environmental Code and the state Building Code. Each bedroom shall be presumed to generate 110 gallons of wastewater per day, per Title 5. Of these dwelling units, not less than twenty-five percent (25%), shall be reserved for rental by qualifying households earning at or below 80% of the area median income, as defined and amended from time to time by the subsidizing agency for this project. Per the subsidizing agency's rules and guidelines, the affordable units shall be evenly dispersed throughout the Project and shall be indistinguishable from the market rate units in the Project. The affordable units shall remain affordable in perpetuity by deed riders in form and substance acceptable to the subsidizing agency and the Board for the project.

4. Prior to any ground disturbance, clearance of vegetation, or construction at the site ("Site Activities"), the Applicant shall obtain the Board's approval of the Applicant's Final Plans, which shall reflect: (a) the additional plan details and revisions called for under the Conditions set forth herein; (b) any additional changes required by other local boards and agencies to comply with state and federal law, including any Order of Conditions, Superseding Order of Conditions or Court Judgment, under the State Wetlands Protection Act, Title 5 of the State Environmental Code, and any local regulations not waived by this Comprehensive Permit; and (c) any requirements of MassHousing upon final approval of the Project. Upon completion of Applicant's Final Plans, the Applicant shall submit its Final Plans to the Board for review to determine consistency with this Comprehensive Permit. The Final Plans shall be reviewed as provided in the conditions herein.

5. The Applicant's Final Plans shall incorporate and include the following design changes and additions:

- Any modifications or details required by this Decision; and
- Any modifications or details required by any Order of Conditions, Superseding Order of Conditions or Court Judgment, under the State Wetlands Protection Act.

6. The Applicant shall comply with the stormwater management plans evidenced by the following:

- The specifications shown on the Final Plans
- The Hydrologic Analysis, Proposed Site Redevelopment Report, dated September, 2017, prepared by Metrowest Engineering, Inc.
- The Stormwater Report, Proposed Site Redevelopment Report, dated September, 2017, revised June, 2018, prepared by Metrowest Engineering, Inc.
- Slug Test and Groundwater Mounding Analysis Report, 24 School Street, Wayland, MA, dated February 28, 2018, last revised May 7, 2018, prepared by Creative Land & Water Engineering, LLC
- Letter to address Mounding Calculations/Stormwater Review, dated June 12, 2018, revised July 2, 2018, prepared by Creative Land & Water Engineering, LLC.

7. The Applicant shall obtain an Order of Conditions (or Superseding Order of Conditions, or Final Decision Superseding Order of Conditions, as the case may be) under the State Wetlands Protection Act for the Final Plans, as conditioned herein prior to engaging in any Site Activities.

8. The Board shall have the power, at a public meeting and without further public hearing to modify or amend the terms and conditions of this Comprehensive Permit on the application of the Applicant, or upon its own motion, to correct technical errors in this Comprehensive Permit, or to address the Applicant's noncompliance with any terms or conditions of this Comprehensive Permit.

9. In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, any such change must be presented to the Board for approval and for modification of this decision. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4).) If the change is determined to be insubstantial or if the Board fails to notify the Applicant by the end of such 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the change. If, during a public meeting, the Board deems a change to be substantial, then the Board shall hold a subsequent public hearing within 30 days of its determination and issue a decision within 40 days of termination of the hearing, at which the Board may approve or disapprove the requested modifications or amendments to this decision, in accordance with the provisions of Mass. Gen. Laws c. 40B, section 21, the provisions of 760 CMR 56.05 (11). The Board will determine whether additional information and advice is necessary from other boards and officials in the event of such substantial change, and will then determine whether the change or requested relief is to be approved and the decision amended accordingly. "Substantial Change" for the purposes of this paragraph shall include, but not be limited to, all matters defined as substantial changes in 760 CMR 56.07(4). If it deems necessary, the Board may at the Applicant's expense retain consultants to review and advise the Board regarding any proposed changes.

10. All easements and covenants affecting the use of the Site have been identified, and such covenants and easements are identified on the Plan of Record. The Applicant shall submit any written or recorded instruments granting or agreeing to such easements and covenants.

11. Unless substantial construction of the Project has commenced as further defined by the issuance of a building permit, the Comprehensive Permit shall expire three years after the appeal period has run, if no appeal is filed, and if an appeal is filed, this Comprehensive Permit shall expire three years from the date of final resolution or adjudication of said appeal. Any requests for an extension of time shall be made in writing no less than sixty days prior to the expiration of the Comprehensive Permit.

12. Following the passage of the appeal period or final resolution or adjudication of an appeal, whichever is later, the Applicant shall record this Decision at the Middlesex County Registry of Deeds with the plans itemized herein, and provide proof of said recording to the Board of Appeals staff. **No building permits will be issued until this condition is satisfied.**

13. Any transfer of the Project shall be in accordance with 760 CMR 56.05(12) (b). Prior to substantial completion of a Project or a phase thereof, a Comprehensive Permit may be transferred to a person or entity other than the Applicant, upon written confirmation from the Subsidizing Agency that the transferee meets the requirements of 760 CMR56.04(l)(a) and (b), and upon written notice to the Board. Transfer of a permit shall not, by itself, constitute a substantial change

pursuant to 760 CMR 56.07(4). After substantial completion, a Comprehensive Permit shall be deemed to run with the land and a transfer must be approved by the Board of Appeals after public hearing.

14. Plans. Within 30 days after the expiration of the appeal period or after the final resolution or adjudication of an appeal, the Applicant shall provide the Board and Building Department with four sets of full sized and two sets of reduced copies of the Final Plans, one Mylar plan set in addition to any recordable plan sheets, as well as a digital copy of the final endorsed plan set prior to the issuance of a building permit.

15. Construction Plans. Not less than thirty days prior to the anticipated start of construction, and to the degree that the following plans are not part of the plan set described herein, the Applicant shall submit final construction plans to the Board and Building Department, for purposes of confirming that the construction plans are consistent with the requirements of this Decision. The approval of the Building Department shall not be unreasonably withheld. All construction plans shall be stamped by a registered architect or registered professional engineer, as may be applicable. The Board may engage, at the Applicant's expense and upon prior agreement to scope and cost of services, one or more agents to review the plan(s) and make recommendations for approval or disapproval to the degree that a plan or plans are inconsistent with this decision.

16. As-built Plans. Within sixty days of issuance of the final certificate of occupancy, the Applicant shall provide "as-built" plans of the roads, buildings, water, and electrical distribution systems to the Board of Appeals, Fire Department, Building Department and Highway Department; such plans shall be approved by the Board or its agent for consistency with this decision. Approval shall not be unreasonably withheld and shall be deemed granted if not reviewed by the Board or its Agent within thirty days of submission by the Applicant. The Applicant shall provide the as-built plans for the Septic Disposal System to the Board of Health. The Applicant shall provide these plans in digital format acceptable to the Town including but not limited to a format compatible with the Town's Geographic Information System (GIS).

The digital copy of the final set of approved as-built plans must follow the five requirements listed below unless waived by the Building Department:

- a) All plans and specifications must be submitted on electronic media (CD or DVD_ROM) using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, Arc View *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required prior to receiving a Certificate of Completion from the Building Department.
- b) All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.
- c) Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.

- d) Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
- e) The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

17. The Applicant shall promptly pay the reasonable fees of the Board's consultants for post-permit reviews of the plans or documents described herein and for inspections during the construction phase, as may be deemed necessary or appropriate.

18. Copies of all required legal documents including, but not limited to, Regulatory Agreement, shall be submitted to the Board and, if necessary, the Wayland Town Counsel for review and comment, **prior to issuance of any certificate of occupancy**. It shall be the responsibility of the Applicant to pay all legal costs associated with the review of this decision, if applicable, as well as documents associated with any condition of approval by Town Counsel.

19. The Applicant shall provide the Board with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes.

20. As a "limited dividend organization," the Applicant's profit shall not exceed what is statutorily allowed for the Project. Any profit in excess of what is statutorily allowed shall be paid in accordance with 760 CMR 56.04(8) (c). Review of the Applicant's limited dividend obligations shall be done in accordance with the Regulatory Agreement. The Applicant shall comply with the requirements of the Project's subsidizing agency and applicable laws, regulations and guidelines.

21. The Board or its agent(s) may enter onto and view and inspect the subject Property during regular business hours, with prior written notice, with consent not to be unreasonably denied or delayed and until as-built plans are approved, to ensure compliance with the terms of this Decision, subject to applicable safety requirements. After completion of construction, the Town's inspection officials shall have authority subject to prior written notice, with consent not to be unreasonably denied or delayed to enter the common areas of the property for purposes of ensuring compliance with the conditions of this Decision and any other applicable permits, regulations, bylaws and statutes.

B. HOUSING

22. The Project shall not be age-restricted and shall be subject to a recorded deed restriction, in form acceptable to the Town Counsel as well as a general lease provision, subject to the review and approval of the Town Counsel, limiting the ability to convert any room not designated as a bedroom on the Final Plans for use as a bedroom. The total number of bedrooms by unit shall be as follows:

BUILDING A

Unit #	Bedroom Count
1A	2
2A	2
3A	3
4A	2
5A	2

BUILDING B

Unit #	Bedroom Count
1B	2
2B	2
3B	3
4B	2
5B	2
6B	2
7B	2

23. As a condition of any approval hereunder, at least 25% of the dwelling units shall be and shall remain affordable and shall be marketed to eligible households subject to approval by the subsidizing agency. The Affordable Units shall be and shall remain eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.

24. The Applicant shall notify the Board and the Town Planner when building permits are issued for Affordable Units and cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Applicant shall notify the Board and the Town Planner when occupancy permits are issued for the Affordable Units and cooperate with the preparation of request forms to add the units to the Town's SHI permanently. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

25. To the extent allowed under G.L. c. 40B and the regulations promulgated thereunder and other applicable law, the Applicant shall provide a preference category for Wayland residents, and their parents and children, and for employees of the Town of Wayland in the initial renting of the Affordable Units. This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein, to the extent such local preference has been allowed by the Subsidizing Agency. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.

26. The Board acknowledges that the Town will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence.

27. The Applicant shall execute a Regulatory Agreement that shall be countersigned by the Subsidizing Agency as required under G.L. c.40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement. The Affordable Units shall be identified before building permits are sought and the Affordable Units shall not be segregated from the market rate units.

28. A Regulatory Agreement with MassHousing (or its successor or assign or its designee) is hereby required which will include detailed restrictions in accordance with 760 CMR 56. The Applicant shall provide to the Board a copy of the final executed documents with MassHousing. The Agreement shall contain, at a minimum, the following terms or substantially similar provisions as may be required by the subsidizing agency:

- a) An acknowledgment that the Affordable Units shall remain in perpetuity to the extent allowed by applicable laws. It is assumed MassHousing shall comply with the requirements of 760 CMR 56.05(13).
- b) The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be substantially different in exterior appearance from the standard market rate units in accordance with MassHousing guidelines.
- c) Any excess profit, as defined in the Regulatory Agreement, shall be paid to the Town of Wayland pursuant to the Regulatory Agreement.

29. The Applicant shall cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

30. The Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Board and its counsel (the "Town Regulatory Agreement"), which shall be recorded with the Middlesex Registry of Deeds prior to issuance of any building permit and signed by all necessary parties, including all mortgagees and lien holders of record.

31. The Town Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain 25% affordable so long as the Project does not conform to local zoning; (iii) shall require that at least 25% of the units in the Project shall be affordable and rented by low and moderate income households as that term is defined in M.G.L.

Chapter 40B, Sections 20-23; and (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder.

32. The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the Affordable units shall remain affordable in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town Zoning Bylaws or for the longest period allowed by law, whichever period is longer.

33. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.

34. If and when the Town Regulatory Agreement takes effect, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23. However, this clause shall not be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee.

35. If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.

36. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.

37. The Applicant shall comply with all final approval requirements, as per the Project's subsidizing agency. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Official and the Board.

C. CONSTRUCTION

38. **No Site Activities shall begin prior to a preconstruction conference.** The Applicant shall convene a preconstruction conference with Town departments including, but not limited to, the Building Department, Fire Department, Board of Public Works, Conservation Department and Board of Health at least 14 days prior to the planned commencement of construction. For the

purposes of this decision, “commencement of construction” shall occur prior to the demolition of the existing on-site structures. The Applicant shall convene such conference by contacting the Building Department in writing. All relevant contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards subject to the Board’s or its agent’s final review and assent.

39. No construction activity shall occur on the Project, and no building permit shall be issued, until the Applicant shall have:

- a) Executed and recorded the standard form Regulatory Agreement, and provided evidence of same to the Board and the Building Inspector. The Regulatory Agreement shall be subject to review and approval, as to form and consistency, with this Decision by Town Counsel prior to execution, such approval not to be unreasonably withheld.
- b) Executed and recorded the Town Regulatory Agreement, and provided evidence of same to the Board and the Building Inspector.
- c) Obtained a Disposal Works Construction Permit under Title 5 of the State Environmental Code.
- d) Submitted to the Board and the Building Inspector a Construction Management Plan (CMP), as well as a Construction Management Schedule (CMS), that generally conforms to industry standard practice and addresses all construction-related conditions specifically set forth in this Decision. Additional copies of the proposed CMP shall be provided to the Planning Board, Board of Health, Fire Chief and Police Chief.
- e) Provide to the Department of Public Works and Building Commissioner a final Stormwater Pollution and Prevention Plan to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system.
- f) Provide procedures to the Health Department, Conservation Commission and Building Commissioner that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito-borne diseases to the residents of the Project and nearby residents.

40. Prior to Site Activities, the Applicant shall provide, and update as necessary, to the Board and Building Department:

- a) the company affiliation, name, address and business telephone number including 24-hour contact information of the construction manager who shall have overall responsibility for construction activities on site;
- b) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid;
- c) certification from the Applicant that all required federal, state and local licenses and permits have been obtained;

- d) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work (it should be provided for each Phase);
- e) proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel (if determined necessary by the Fire Department and/or Police Department); and
- f) at least 48 hour written notice. If activity on site ceases for longer than thirty days, 48 hour written notice is required prior to restarting work.

41. During construction, the Applicant shall conform to all local, state and federal laws regarding noise, odor, vibration, dust, and blocking of Town Roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction, other than emergency work or finishing cement, shall not commence on any day before 7:00 a.m. and shall not continue beyond 6:00 p.m.; provided, however, that exterior construction shall not commence on Saturdays before 8:00 a.m. and shall not continue beyond 6:00 p.m. Except for emergency work, and/or exceptions approved in advance, there shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Police Department. For this condition, construction activities shall include, but not be limited to: start-up of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; demolition of existing structures; removal of stumps and debris; and erection of new structures. Deliveries shall not commence before 5:30 a.m.

42. During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.

43. If the Police Chief or his designee determines that police details are warranted during construction, Applicant shall provide, at Applicant's expense, police details to ensure safe passage along East Plain Street and School Street in the vicinity of the Property at such locations as identified by the Police Chief or his designee.

44. The Applicant shall design its Final Plans with the following specifications:

- a) The Project shall conform to all pertinent requirements of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB), to the extent applicable.
- b) All signage, including signs to promote sale of the dwellings, shall comply with the Zoning Bylaws, except as waived herein, and shall be maintained by the Applicant.
- c) The Applicant shall provide documentation to the Building Department that no accessible parking is required on-site prior to issuance of a Building Permit

45. No tree stumps or other demolition and construction debris shall be buried on the Property. All tree stumps shall either be ground or removed from the Property. No burning is allowed on the Property.

46. The Building shall contain a fire sprinkler system. The Applicant shall submit final fire alarm/sprinkler plans to the Wayland Fire Chief for review and approval. The Applicant shall install sprinklers in compliance with M.G.L. c. 148, §26I, which requires a sprinkler system designated per NFPA code and the Massachusetts State Fire Code, as reviewed and approved by the Fire Chief. All fire protection systems shall comply with the State Building Code and any amendments thereto.

47. Blasting, if any, shall be performed in accordance with regulations of the Commonwealth of Massachusetts, 527 CMR. 13.00, and in accordance with any existing written regulations of the Wayland Fire Department related to blasting. The Applicant shall not use explosives containing perchlorate. Any blasting activity at the site must conform to the requirements of the Town's Fire Department, the State Fire Marshall's Office and any other appropriate regulatory official. Additionally, the Contractor shall be responsible for seismograph monitoring, notification to neighbors within the immediate work area prior to blasting and posting a fire detail on the site. If blasting is required for site construction, the following steps will be taken to monitor/rectify any potential damage as a result of the blasting:

- a) The Applicant shall provide documented inspections, i.e. videotaping, of any foundations and pools within 500' of any expected blast area prior to the start of any blasting;
- b) The Applicant shall provide pre and post blasting water testing for all residents within 500' of any expected blast area prior to the start of any blasting. Water quality, including radon testing, and a specific capacity/short term pumping test shall be included in this testing;
- c) The Applicant or its hired contractors, shall notify those residents within 500' of any expected blast area, when blasting will begin on the site and will again notify them when all blasting is completed;
- d) Blasting hours will be limited from 8:00a.m. to 4:00p.m., weekdays only;
- e) The Applicant shall rectify those problems that are proven to be a result of blasting, i.e. foundation cracking and deterioration in water quality of abutting properties;
- f) Hours of operations pertaining to air hammering or similar practices shall be limited to weekdays between the hours of 8:00 a.m. through 4:00 p.m.

48. All staging areas, including without limitation parking areas for construction personnel, portable toilets, temporary work facilities, etc. shall be on the Property. No parking shall be permitted on Town ways by Project personnel or others in connection with the construction of the Project. **Thirty days following the certificate of occupancy**, construction staging areas shall be cleared and completed in accordance with Final Plans.

49. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. Pursuant to 780 CMR 33 Safeguards during Construction and applicable states, the Building Commissioner may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.

50. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.

51. Landscaping and lighting shall be as shown on the Final Plans. To the extent that landscaping for the Project is not completed prior to the issuance of the certificate of occupancy, the Applicant shall provide the Town with a satisfactory surety instrument, that shall not expire unless and until it is satisfactorily replaced or released, and in an amount to be determined by the Board in consultation with Town boards and officials and other consultants based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.

52. Project surety shall be held by the Town Treasurer until the Treasurer is notified by the Board to release the surety. Requests to reduce the surety may be submitted as the landscaping work progresses and shall include the amount of requested reduction, a list of work outstanding and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the remaining work, and the surety shall be fully released upon the completion of the landscaping work.

53. Prior to the commencement of any ground disturbance, clearing of vegetation, or construction the Applicant's engineer shall provide to the Town's Engineer a detailed construction sequencing plan, which may be incorporated in the Applicant's Stormwater Pollution Prevention Plans ("SWPPP") as referenced in the Stormwater Report, last revised June, 2018, detailed plans of the wetlands delineation and related infrastructure as approved under the Wetlands Protection Act, and a construction traffic management plan during each phase of the work, which includes requirements relative to any and all appropriate signage and police details during the construction phase.

54. The Final Plans shall show the layout of the erosion control devices. An erosion control, construction management and construction sequencing plan(s) showing the construction methods, scheduling, phasing, winter stabilization measures, and location of necessary water pollution and erosion control methods shall be submitted as part of the Final Plans. The Final Plans shall show the location of the storage areas and designation of temporary stump storage or spoils material area, in accordance with state regulations.

55. The Applicant shall pay all reasonable fees imposed for the purpose of inspecting and monitoring the compliance of the Project's construction with the terms of this permit, local bylaw requirements not waived by this permit, and other permits and approvals issued with respect to this Project for which the Town has monitoring responsibility. Any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is 30 days overdue.

56. All fill used in connection with this project shall be clean fill as approved by the applicable Town of Wayland department or official with jurisdiction. Fill shall contain no trash, refuse,

rubbish or debris, including, but not limited to: lumber, brick, asphalt, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, appliances, motor vehicles or any part of the foregoing. Any fill subject to specialized disposal in conformance with current environmental criteria shall not be used.

57. In order to provide protection to abutters' trees, the Applicant shall establish and mark on the ground a Limit of Work line at the anticipated limit of grading or excavation. Construction Fencing shall be installed just inside the Limit of Work. Aside from tree protection measures, no work of any kind shall be permitted outside of the Limit of Work line, either above or below ground.

58. Excavation for any retaining wall footings within the drip line of an abutter's tree or a tree on site specified to be saved shall be done using an air spade, either directly by or under the guidance of a Certified Arborist. While constructing any retaining wall, foundation, and backfilling, exposed roots shall be protected as directed by the Certified Arborist.

59. Any required root pruning of abutters' trees, if necessary, shall be performed either directly by or under the guidance of a Certified Arborist. Any such root cutting shall occur only on the Applicant's property (unless there is permission or legal right to enter onto abutting property) and shall occur only in accordance with all of the requirements of Massachusetts state law.

60. Prior to construction, physical barriers shall be installed, as needed, to provide tree protection. Erosion controls and tree protection measures shall be continuously maintained throughout the course of construction.

61. Adjacent public streets shall be swept as needed to remove sediment and debris.

62. Board members, its staff, consultants or other duly authorized agents of the Town of Wayland shall have the right to enter upon the property to inspect the site at any time, for compliance with the Final Plans and the terms, provisions and conditions of this comprehensive permit.

63. Prior to the issuance of any building permit the Applicant shall submit plans and supporting materials and calculations for review and approval by the Wayland Fire Department under state law. Submission materials shall demonstrate compliance with all applicable access requirements.

D. INFRASTRUCTURE - GENERAL

64. The Applicant shall have the entrance locations and elevations checked in the field by a Registered Land Surveyor prior to installation of binder course pavement. Results of the survey shall be made available to the Town Engineer for review and comment.

65. At the Applicant's expense, the Applicant shall install a "Do Not Block" pavement marking box and accompanying regulatory signage on School Street at the intersection of the proposed site driveway, should the Town Engineer determine that the queues extending from the intersection

of School Street with East Plain Street are restricting turning movements entering or exiting the site.

66. The Applicant shall maintain site line clear areas along School Street and East Plain Street. Landscaping will be kept trimmed to prevent blocking sight distances at intersections.

67. The following portions of the Project shall be and shall remain forever private and the Town of Wayland shall not have, now or ever, any legal responsibility for their operation, maintenance, repair, or replacement:

- a) The entire on-site stormwater management system and all stormwater and water connections, lines and equipment required from the public way to the Property;
- b) The entire on-site sewage management system and all connections, lines, leach fields and other features.
- c) The interior sidewalks/walkways, driveways, roads, utilities, drainage systems, water system, fire protection, gas if applicable, electric, telephone, and cable system and all other infrastructure shown on the Final Plans as serving the Project, including but not limited to plowing, sanding, snow removal, trash collection, and landscape maintenance;
- d) Property lighting, landscaping and screening.

E. SEPTIC SYSTEM

68. The proposed septic disposal system shall be constructed, installed and operated in accordance with all applicable Local, State and Federal laws, rules and regulations, unless specifically waived herein, and shall include a MicoFAST 3.0 STU secondary treatment unit (the "MicroFast System") in accordance with the Final Plans.

69. The Applicant shall post a surety bond in a form mutually agreeable to the Applicant and the Town, in favor of the Town, prior to the issuance of an Occupancy Certificate, in an amount equal to the annual operating and maintenance costs of the MicroFast System. Said bond shall be in effect for one year, beginning the date the last certificate of occupancy is issued for this Project, in the amount equal to the annual operating and maintenance costs of the MicroFast System.

70. The Applicant shall install reserve trenches at the same time as the primary trenches, all in accordance with the note indicating the installation or reserve trenches at the time of initial construction is shown on the Subsurface Sewage Disposal System Proposed Site Plan, last revised July 2, 2019.

71. The Applicant shall provide an Operation and Maintenance Plan (the MicroFast System O&M Plan) for the sewage disposal system for review and approval by the Town Engineer and the Town's peer review consultant prior to issuance of a Building Permit.

72. The Project shall include a generator as shown on the Final Plans for emergency power backup in the event of utility disruption to ensure proper function of the septic system.

73. The Applicant shall enclose the generator and install appropriate baffling and insulation to avoid unnecessary noise associated with the generator.

74. The Applicant shall include specific restrictions in the lease documentation for all units prohibiting the construction and use of garbage grinders, along with prohibitions on the disposal of baby wipes and other non-disposable products.

75. The Applicant shall provide engineered stamped drawings by a qualified engineer regarding the design of the modular block retaining wall, with geogrid soil reinforcement, at the western limit of fill, to the Town Engineer, the Building Department and the Board of Health prior to issuance of a Building Permit. Said engineered stamped drawings shall affirm that the retaining wall is constructed entirely on Applicant's Property and shall be shown on the final As-Built Plans.

F. STORMWATER MANAGEMENT

76. The use of de-icing agents should be tightly restricted to that absolutely necessary for safety in consideration of water quality concerns. Sodium Chloride is not to be used for de-icing and only Calcium Chloride or other more environmentally protective alternative shall be used for de-icing operations. Snow and ice from snow removal operations shall be carefully controlled onsite to assure that any snow removed from the parking and roadway areas shall be deposited in the areas shown as "Snow Storage Areas" on the Final Plans. These restrictions and limitations shall be included in any maintenance contracts.

77. The Applicant shall resubmit plans for the proposed rain garden to the Town Engineer and the Town's peer review consultant to show compliance with the recommendations of the Nover-Armstrong letter, dated August 1, 2018, prior to issuance of a Building Permit as well as consistency with MassDEP Stormwater Handbook Vols. 2 and 3. Said plans shall show all roof drains as connecting either to a rain garden or to an infiltration basin as proposed by Applicant's engineer and as reviewed by Nover-Armstrong.

78. Snow shall never be placed within or above the stormwater management systems.

79. The Applicant shall provide a filter fabric specification for use as a separation layer at the bottom of the infiltrator for review and approval by the Town Engineer and the Town's peer review consultant prior to issuance of a Building Permit.

80. The proposed water quality units will be properly sized based upon MassDEP stormwater guidance.

81. Stormwater Management Conditions.

a) **Prior to starting any site work**, The SWPPP shall be provided to the contractors during construction and a copy must be kept on site during construction.

b) The Applicant shall comply with the SWPPP during construction.

c) The Applicant shall protect the subsurface infiltration system during construction in order to prevent a reduction in the long-term infiltration capacity of the soil. Once

construction is complete the system shall be cleaned of any silt and sediment. Removal and replacement of soil shall be completed to make certain that the infiltration rate of the soil is met. The use of silt sacks within the proposed catch basins shall be used during construction.

- d) The post development impervious areas shall be consistent with the impervious areas shown on the design plans which were used to analyze and size the stormwater management system.
- e) The as-built conditions shall closely match the drainage areas shown on the post-development drainage map included in the stormwater report.
- f) Any imported fill shall have the same drainage characteristics as the existing site soils for which the stormwater analysis and design are based.

82. Stormwater Management Maintenance. The Applicant shall provide a SWPPP and an Operation and Maintenance Plan for the stormwater system (the "Stormwater O&M Plan") for review and approval by the Town Engineer and the Town's peer review consultant prior to issuance of a Building Permit. In the event a management company is engaged; such guidelines shall be incorporated by reference in the management contract.

- a) In the event that the Applicant or its successor fails to maintain the stormwater management system in accordance with such guidelines for operation and maintenance, after notice to the Applicant or successor and the failure to reasonably cure, the Town may, but is not required to, perform necessary maintenance or repairs and the Applicant or successor hereby authorizes the Town to enter the Property for this purpose. In such event, the Applicant or successor shall reimburse the Town for any and all expense associated therewith; in the event of nonpayment, the Town may place a lien on the Property and any improvement thereupon. All costs incurred by the Town in connection with its performance of such required maintenance on the Property shall be reimbursed by the Applicant or its successor to the Town within thirty (30) days of receipt of the Town's invoice for such costs, which shall constitute a municipal charge or fee, pursuant to M.G.L. c. 40, §§57 and 58.
- b) The Stormwater O&M Plan and Long-Term Pollution Prevention Plan shall be combined into a letter sized, bound document and provided to the property Owner and Operator **prior to the final certificate of occupancy**. The condition shall also require compliance with this document in perpetuity. This document shall include a simplified site plan that would highlight the location of the various Best Management Practices (BMPs). This document shall be separate from the required SWPPP and Stormwater O&M Plan.

H. GENERAL CONDITIONS

83. The Applicant or Rental/Property Manager shall provide the Police Chief, Fire Chief, Health Director and Building Commissioner with the name and contact information for the party to be contacted in the event of an emergency. This information shall be updated as needed but no less than annually.

84. The Applicant or Rental/Property Management Company shall be responsible for all snow plowing and proper maintenance of all access ways and sidewalks so that same are kept accessible year-round for pedestrian and emergency access and egress satisfactory to the Town's public safety departments.

85. The lawn area maintenance shall be instituted for reduction/elimination of pesticides and fertilizers as recommended by the "Healthy Lawns for Healthy Families" program.

86. Except where specifically waived by this Comprehensive Permit, construction shall be in accordance with all applicable zoning and other bylaws, rules and regulations of the Town. In the event that the Applicant or the Board's site/civil engineering consultant, in the final design of the Project, determines that additional waivers not granted herein are required, the Applicant shall be required to obtain such additional waivers after written request to the Board. The Board may grant or withhold such additional waivers in accordance with applicable rules and regulations.

87. Prior to the issuance of any building permit the Applicant shall submit plans and supporting materials and calculations for review and approval by the Wayland Fire Department under state law. Submission materials shall demonstrate compliance with all applicable access requirements.

88. The Applicant and/or the Rental/Property Management Company shall be permanently responsible for the following at the Project:

- a) all plowing, sanding, and snow removal. Snow shall be piled in designated locations as shown on the Final Plans or alternate locations acceptable to the Fire Chief. In the event that snow impairs ways such that the travel area is less than eighteen feet wide, and all designated snow removal locations have been exhausted, at the direction of the Fire Chief, the Applicant shall cause snow to be transported from the Project to an off-site location for the legal disposal thereof;
- b) all site maintenance and establishing a regular schedule for site maintenance;
- c) repairing and maintaining all on-site ways, including drainage structures and utilities therein;
- d) conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines; and
- e) site lighting and landscaping.

89. Provided the Town of Wayland grants permission for said work, the Applicant shall remove and dispose of all unnatural solid debris (bricks, metal, and plastic materials) located in the off-site buffer zone and/or wetland at the Property and on the Property immediately to the west of the project site by hand, and will replant the disturbed area with native shrubs suitable for the environment including but not limited to highbush blueberry, winterberry, sweet pepper bush, and silky dogwood.

90. The Applicant shall provide landscaping in accordance with the Final Plans.

91. All utilities and water construction and materials shall be constructed consistent with the Final Plans and otherwise in accordance with Town of Wayland requirements except as otherwise shown on the Final Plans.
92. All utilities within the Premises shall be installed underground.
93. No stumps or construction debris shall be buried or disposed of at the Property.
94. The Applicant shall equip each dwelling unit with low-flow toilets and high-efficiency water sense faucets and 1.5 gallon shower heads to reduce water usage.
95. The Project shall be served by municipal water, at the Applicant's sole expense, in accordance with the Wayland Department of Public Works requirements.
96. All proposed signage shall be compliant with MUTCD standards and the appropriate signage shall be subject to the review and determination of consistency with this Decision by the Board and the Town's Safety Officer.
97. The Applicant shall work with the Wayland School Department to identify a safe location for the school bus stop and ensure that the planned stop location has adequate sight lines. Details of the specific location and any accommodations shall be included in the Final Plans and reviewed by the School Department and applicable public safety personnel.
98. Any retaining wall and fencing details shall be submitted to the Building Commissioner for review and determination of consistency with the Final Plans and applicable State Building Code requirements.
99. If any part of this Decision is for any reason held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of any other portion of this Decision.
100. The Applicant shall provide parking spaces as shown on the Final Plans.
101. Rental agreements signed by residents shall prohibit non-residents from parking cars at the Property, unless the non-residents are visitors using designated 'Visitor' parking for a short term and shall specify that parking for over-sized vehicles, recreational vehicles, trailers, boats and other similar non-standard vehicles shall be prohibited. Rental agreements shall also specifically prohibit parking on School Street and East Plain Street and on adjoining commercial properties.
102. The Applicant shall install a crosswalk for school-aged children living on the Property, as may be required by the Police Chief and/or his designee.

I. WAIVERS

103. The Board has granted the following waivers from the Town's Bylaws as follows:

Zoning	Required	Granted
--------	----------	---------

• 198-501	Sign	Special Permit	waived
• 198-502	Sign	One Sign	Two Signs
• 198.504	Earthwork	500 cu.yds.	106 cu.yds. cut 4,571 cu.yds. fill
• 198-508	Multi-Family Use	Design Review	waived
• 198.701	Height	35' maximum 2.5 stories	37.7' and 39.2' 3 stories
• Section 198.702	Front Setback	30'	16.3/23.7'
	Side Setback	15'	10.8' (Building)
	Side Setback	15'	1.0' (retaining wall)
• Section 198.802	Multi-Family Use	Special Permit	waived
• Section 198.1801	Multi-Family Use	Special Permit	waived
• Section 198.1802	Multi-Family Use	Site Plan	waived

Board of Health Regulations

• Section II.C.1	Design Flow	165 gpd	110 gpd
• Section II.C.5	Distance of Trenches	10'	6'
• Section II.D.1	Offset to Wetlands	100'	62.6'

Wetland and Water Resource Bylaw

- Section 194-A.3 Land Subject to Flooding (to the extent in excess of FEMA designation)
- Stream designation (to the extent in excess of 310 CMR 58.00)

IV. RECORD OF VOTE

On August 13, 2019, the Board, on a motion duly made and seconded, voted 3-1 (Jonathan Sachs, Thomas White and David Katz in favor, James Grumbach opposed) to approve the **Comprehensive Permit** to allow for development as conditioned herein at 24 School Street, Wayland, MA.

The Board has complied with all statutory requirements for the issuance of this Comprehensive Permit. A copy of this decision will be filed with the Town Clerk. Copies of this decision have been, or will be mailed, to all parties, persons or boards as required by M.G.L. c. 40B.

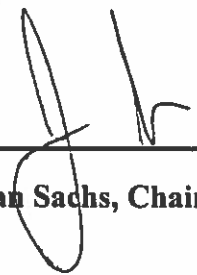
The grant of this comprehensive permit hereunder is dependent upon compliance with all of the conditions set forth above and upon the following additional terms and conditions.

This Comprehensive Permit Decision shall be a master permit which shall subsume all local permits and approvals normally issued by local boards, as that term is defined in 760 CMR 56.00 et seq. Upon presentation of this Comprehensive Permit and subsequent more detailed Final Plans as required pursuant to this Decision and in order to obtain other relevant approvals, together with final approval from MassHousing pursuant to 760 CMR 56.04(7), all Local Boards shall take all actions necessary, including but not limited to issuing all necessary permits, approvals, waivers, consents, and affirmative action such as plan endorsements and requests for waivers, after reviewing such plans only to ensure that they are consistent with this Comprehensive Permit (including any waivers or lack of waivers set forth herein), the final approval of the Subsidizing Agency, and in compliance with applicable state and federal laws, regulations, and codes.

On August 13, 2019, the Board voted to authorize the Chairman, Jonathan Sachs, to sign this decision on behalf of the Board.

Any person aggrieved by this decision may appeal to a court of competent jurisdiction within 20 days as provided by M.G.L. c. 40A, § 17 or M.G.L. c. 40B, §20 et seq., as applicable.

Zoning Board of Appeals of the Town of Wayland



Jonathan Sachs, Chairman

Date *AUGUST 23, 2019*

H. LAPSE

Any comprehensive permit granted hereunder shall lapse three years from the date that it takes final effect (i.e., the date that it is filed with the Town Clerk, subject to tolling in the event of any appeal and as provided in 760 CMR 56.05(12)(c)), unless the comprehensive permit is duly recorded before the three year period elapses and unless construction on the Project has commenced within such period. In addition, construction in accordance with this comprehensive permit shall be completed within three years of the commencement of construction. The Applicant may apply to the Board for reasonable extensions of these deadlines for good cause, but shall do so before any lapse occurs.

This comprehensive permit shall not be valid until it is duly recorded with the Registry of Deeds and evidence of such recording is provided to the Building Inspector and the Board. Any modification of this comprehensive permit shall be subject to 760 CMR 56 or any successor regulation thereto.

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

I hereby certify that this is a true copy of the decision rendered by the Board of Appeals and filed in the office of the Town Clerk on _____, _____; I further certify that twenty days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wayland, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Town Clerk

EXHIBITS

1. List of Waivers

EXHIBIT 1

WAIVERS

(List each waiver separately, citing applicable bylaw or regulation, followed by individual votes of ZBA on each waiver)

Zoning		Required	Granted Waiver
• 198-501	Sign	Special Permit	waived
• 198-502	Sign	One Sign	Two Signs
• 198.504	Earthwork	500 cu.yds.	106 cu.yds. cut 4,571 cu.yds. fill
• 198-508	Multi-Family Use	Design Review	waived
• 198.701	Height	35' maximum 2.5 stories	37.7' and 39.2' 3 stories
• Section 198.702	Front Setback	30'	16.3/23.7'
	Side Setback	15'	10.8' (Building)
	Side Setback	15'	1.0' (retaining wall)
• Section 198.802	Multi-Family Use	Special Permit	waived
• Section 198.1801	Multi-Family Use	Special Permit	waived
• Section 198.1802	Multi-Family Use	Site Plan	waived

Board of Health Regulations

• Section II.C.1	Design Flow	165 gpd	110 gpd
• Section II.C.5	Distance of Trenches	10'	6'
• Section II.D.1	Offset to Wetlands	100'	62.6'

Wetland and Water Resource Bylaw

- Section 194-A.3 Land Subject to Flooding (to the extent in excess of FEMA designation)
- Stream designation (to the extent in excess of 310 CMR 58.00)