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**MEMORANDUM**

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: May 3, 2022

Re: Silveira Irrevocable Trust, Preliminary Plan application, 2-lot subdivision of land fronting on Wapping Road and located approximately 2 tenths of a mile north of the intersection of Wapping Road and Peckham Ave., Assessor's Plat 128 Lot 74.

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The applicant is requesting Preliminary Plan approval for a 2-lot subdivision of approximately 22.77 acres of land fronting on Wapping Rd. in the R-40 zoning district. The proposed new building lot would front on Wapping Rd. and include 84,756 sq.ft. of land, with approximately 53,000 square feet of buildable upland. The remainder parcel would retain approximately 20.83 acres of land. Both lots would have adequate street frontage on Wapping Rd. Please see the attached plan set. The new building lot would be served by private well for potable water and onsite wastewater treatment systems (OWTS). Both lots appear to meet the minimum zoning dimensional requirements. No waivers from the requirements of the subdivision regulations are requested. In addition to containing wetlands, the new development lot would contain an area within Zone 1 of the Watershed Protection District. No development is proposed within or proximate to the wetlands or Zone 1 areas. The buildable area of the lot would be accessed via an existing driveway contained in an access easement that will be retained on the remainder parcel.

Because the subject property is greater than three acres in size, the applicant is required to provide both a conventional subdivision plan and a conservation design plan. The applicant is requesting approval of the conventional plan. Due to the size of the property and the future subdivision potential, which is not part of the current request, the applicant has provided only a conceptual conservation design plan for the area of the proposed new lot. Per the town's subdivision regulations, the board may consider the conventional plan over the conservation plan in accordance with section 301 if the board finds that one or more of the following is true:

1. Employing conservation development for the subject property would not offer significant public and/or environmental benefits compared to the conventional plan.
2. Compared to the conventional plan, employing conservation development for the subject property would cause a nuisance to neighboring uses, and would be detrimental to the appropriate use of neighboring properties.
3. Compared to the conventional plan, employing conservation development for the subject property will not result in the protection of the unique natural features of the land, provide environmental benefits, such as reduced storm water runoff, or reduce infrastructure construction and maintenance costs.
4. The conservation plan would not create a neighborhood with direct visual and/or physical access to the protected open space.

**TRC and other committee reviews**

The Planning Board will conduct a site visit to the property on May 3rd. The Technical Review Committee will review the plan during its May 10<sup>th</sup> meeting. The plan will also be reviewed by the Roads & Utilities Advisory Committee and the Conservation Commission. I will provide comments from these committees as they become available.

**Recommended Conditions of Approval:**

Should the board wish to proceed with approval of the Preliminary Plan at this time the following conditions of approval should be considered:

1. The new lot will be subject to the Town's development impact fees ordinance, Town Code Chapter 150. A note to this effect must be provided on the plan prior to recording.
2. At the time of development, the owner is required to comply with the provisions of the town's storm water management ordinance (Chapter 153), and construction site runoff and erosion control (Chapter 151). The use of pervious paving and other methods to promote infiltration of storm runoff should be considered as means of meeting the requirements of Chapter 153. A note to this effect must be provided on the preliminary subdivision plan prior to approval.
3. Adequate vehicular access, subject to Fire Department approval, shall be confirmed prior to issuance of permits for development of the new building lot.

**Required findings** (Subdivision rules and regulations section 403)

The following is a list of the required findings the Board must make in approving a subdivision. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance;
3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
4. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
5. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

**The Preliminary Plan application was certified complete on April 25, 2022; therefore the Board must approve, approve with conditions, or deny the application by June 29, 2022 (65 days from certificate of completeness).**

Please contact me with any questions regarding this matter.

Cc: Applicant  
Town Solicitor