



TOWN OF WAYLAND
SPECIAL TOWN MEETING
October 3, 2012
MOTION FOR ARTICLE ONE

ARTICLE 1: ADOPT BYLAW RE: CLEARING, GRADING AND PROTECTION OF SPECIMEN TREES

I hereby move that bylaw proposed under Article 1 be referred for further consideration to a temporary study committee to draft or develop a recommended bylaw amendment concerning tree cutting and land clearing to be submitted for insertion in the 2013 Annual Town Meeting Warrant, which committee shall be comprised of six voting members, one appointed by the Conservation Commission, one appointed by the Planning Board, one appointed by the Board of Health, one appointed by the Board of Public Works, and two appointed by the Oak Hill Wayland Neighborhood Association, Inc., and two nonvoting members, who shall be the Building Commissioner and the Town Planner, who shall serve ex-officio, and shall be discharged as a study committee upon the dissolution of the 2013 Annual Town Meeting without further action by the Town or its officers or said association.

(See Errata Sheet for Special Town Meeting on Reverse)



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Planning Board Report

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, the Planning Board held a public hearing on September 24, 2012 on proposed amendments to the Town's Zoning By-Laws for the Special Town Meeting on Wednesday, October 3, 2012.

Article 1: ADOPT BYLAW RE: CLEARING, GRADING AND PROTECTION OF SPECIMEN TREES

Background and Findings: The Planning Board is sensitive to the destruction that took place in the Wayland neighborhoods affected by the NSTAR tree clearing, yet this is a complicated issue and the proposed Bylaw may not be enforceable on public utilities. The law provides public utilities the rights to remove or trim trees if they interfere with the necessary and reasonable operation of their services. NSTAR holds easements for its rights of way and is required by federal regulations to have a vegetation management plan to prevent power outages along transmission lines. The Planning Board finds the Bylaw, as drafted, to be largely unnecessary if it is only effective against private landowners operating within unrestricted portions of their land. Other Town codes and permit requirements already provide the key protections that the Bylaw seeks. Lastly, the Board finds many of the definitional terms to be overly vague or subjective.

Recommendations: Upon legal determination of some degree of enforceability on public utilities, the Planning Board recommends that the Bylaw be referred to the Planning Board for further review and study. The Planning Board further recommends that a Committee be formed to include members of the Planning Board, Tree Warden, Board of Public Works, Conservation Commission, Building Commissioner and the Board of Health to review the proposed language and determine whether a Bylaw is the right step for the Town.

Vote: Planning Board voted against the Bylaw adoption 5 - 0