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Voters turn down overlay district bylaw

By **Katie Liesener**/ Staff Writer
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An article that would have created an overlay district to protect the tree canopy over scenic roads in a northeast Wayland neighborhood failed to gain a two-thirds majority at special Town Meeting last week.

The proposed overlay district, written by the neighborhood group Hazel Brook Watershed Association, gained 195 votes in favor and 140 against in the midnight vote - a simple majority of 58 percent.

"I'm sure the hour and the snafus with the big delay probably made a difference," said association member Skip Rosenthal, who added that a large number of supporters were seniors who did not stay to the end of the meeting.

Rosenthal said that the creation of a new restriction tends to attract controversy.

"There are a hardcore group of people who think that especially in the hands of Wayland town government, any new law is a bad law," he said.

The primary characteristic of the proposed overlay district - which would have applied to Lincoln Road, Hazelbrook Road, part of Glezen Lane, Folsom Pond Road and Peartree Lane - would have been the creation of a 25-foot buffer zone around the roadways. The removal of healthy trees greater than 4 inches wide inside that buffer zone would have been subject to review by the Planning Board.

"Most trees that arch over the road lay just outside the right-of-way," Rosenthal explained to residents at special Town Meeting.

Under the current bylaw, only those trees within the town's right-of-way are protected by Planning Board review.

Sarah McCauley, a Lincoln Road resident and opponent of the article, said the logistics of the overlay district were problematic.

"The right-of-way isn't the edge of the street. You need a surveyor to determine that," said McCauley, who added the right-of-way can vary from 2 to 10 feet in different areas.

She also said the overlay district was too restrictive of property owners' rights and could result in similar overlay districts in other neighborhoods.

McCauley, who sent out postcards against the district and spoke against the article at Town Meeting, is the wife of a developer who is building in the neighborhood.

The threat of clear-cutting, brought on by encroaching development, sparked interest in creating the overlay district, Rosenthal said.

"Things coalesced when a house on Lincoln Road was replaced with a much larger house, and all the trees on the lot were cleared, including trees in the right-of-way," he said.

Rosenthal stressed that the association was not against development, but irresponsible clearing of trees.

McCauley thinks prevention does not require an overlay district.

"The way to co-exist (with developers) is to work with the Building Department to make sure that when a developer comes into the neighborhood, they are notified of the current buffer zone," McCauley said.

At special Town Meeting, Rosenthal compared pictures of leafy tree canopies with barren clear-cut lots. He emphasized that Planning Board review would be a simple process requiring photos and sketches rather than professionally stamped, signed or certified documents, and that the buffer zone would not affect any other activity on a homeowner's property.

At special Town Meeting, the article began to run into problems when a Waltham Road man asked to have his residence excluded from the district and a woman asked that non-conforming lots also be exempted.

"The town has a Planning Board which should not allow a complex, patchwork bylaw," said resident Michael Lowery after listening to objectors.

Though the article did not pass, Rosenthal is hopeful for future efforts to protect the tree canopy.

"There's still enthusiasm to get some protection in place," he said. "It'll be back in some form,

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hopefully easier to understand. If people are confused about something, they probably won't vote for it."

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