

**Wayland Board of Assessors**  
**June 2, 2014**  
**Town Building**

**Attendees:** Chair S. Rufo, J. Brodie, D. Hill, M. Upton, E. Brideau, D. Ellis, J. Marchant

**Meeting called to order**

S. Rufo called the meeting to order at 7:10pm

**Enter Executive Session**

At 7:10pm, S. Rufo moved to go into Executive Session to discuss Potential Litigation with Wayland Town Center LLC, as Indicated by their Tax Representative and to reconvene in open session.

Roll call: M. Upton-yes; J. Brodie-yes; D. Hill-yes; S. Rufo-yes

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The BOA returned to open session at 8:15pm

**FY'14 Real Estate Abatements**

Director Brideau presented three abatement applications and recommended one for approval and two for denial. The board reviewed the information and discussed the abatement applications. J. Brodie moved to accept the director's recommendation and approve by signature one abatement application. D. Hill seconded. The board signed their approval. The board also signed two denials.

**FY '14 Supplemental Tax Billing & Omitted Revised Assessments**

Director Brideau presented information on a property that was omitted from the FY'14 tax rolls.

Director Brideau presented information on a property that needs a revised FY'14 assessment.

The board signed off on the omitted and revised assessments and signed the omitted and revised assessment report for fiscal 2014 that will be sent to the state.

Director Brideau informed the board of four properties that are due an FY'14 supplemental tax bill. The board signed their approval for the four supplemental tax bills to be sent out.

**Correspondence and Documents for BOA Signature**

Month End Reports

Excise May 2014 \$11,553.74

Warrants/Commitments

Third commitment for 2014 motor vehicle excise \$144,835.25

Circuit Breaker Applications

Director Brideau recommended the board approve the 15 circuit breaker applications presented that have been reviewed and meet the criteria. J. Brodie moved to accept the director's recommendation to approve the 15 circuit breakers by signature. D. Hill seconded. The board signed their approval.

Director Brideau recommended one circuit breaker for denial that has been reviewed and does not meet the criteria. The board signed the denial.

Tax Deferral

The tax deferral presented was previously approved by the board; however there were issues with the document's signature page. Town counsel suggested breaking the document up for each party to have its own area for signatures and notary. This was done and the board re-signed the document.

**Review of minutes from May 12, 2014**

Discussion: D. Hill suggested that moving forward the minutes include the late arrival or early departure of board members to clarify to the reader why a board member may not have been included in a discussion. D. Hill moved to accept the open session BOA minutes of May 12, 2014 as presented. J. Brodie seconded. Vote Unanimous

### **Property Inspections**

S. Rufo read from an article that discussed assessors entering properties that are for sale. (See attached)  
The board discussed the article.

Discussion ensued regarding M. Upton's concerns regarding not getting into homes that pulled building permits between years 2000-2009.

Director Brideau explained that during the full list and measure, all information on the property cards was reviewed – including building permit activity and data was corrected on the property records cards as needed (finished basement/renovated kitchen or bath etc.)

M. Upton described a property she visited.

### **Topics not reasonably anticipated by the Chair 48 hours in advance of Meeting, if any**

None

### **Thoughts and Concerns from BOA members**

J. Brodie expressed concern that non-public assessing information was divulged to the press.

### **Public Comment**



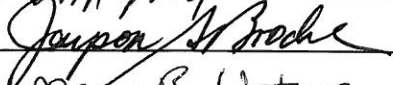
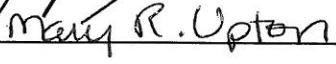
None

### **Meeting Adjourned**

J. Brodie moved to adjourn at 9:17pm. M. Upton seconded. Vote Unanimous.

Respectfully submitted,  
Jessica Marchant

Town of Wayland  
Fiscal Year 2014  
Omitted/Revised Assessments Breakdown

Location	Map Lot	Owner Name & Address	Legal Reference	Original Assessed Value	Correct Assessed Value	Tax Rate	Total Tax Due:
2 Fields Lane	25 090C	Warren Ziegler Mary Jane Boyd 157 Plain St Wayland, MA 01778	BOOK 62,503 PAGE 571 LOT SIZE 11,249	0	20,800	18.33	381.26
						REAL ESTATE	381.26
						CPA	0
						Total :	381.26
19 Wadsworth Ln #101	29 041H	Redstone Realty LLC 8 Doaks Ln Marblehead, MA 01945	Book 61485 Page 566 Condominium	36,300	803,500	18.33	14,062.78
						Real Estate	14,062.78
						CPA:	193.43
						Total:	14,256.21
						Total Real Estate:	14,444.04
						Total CPA:	193.43
						Grand Total:	14,637.47
Board of Assessors:						DATE:	
						4/2/2014	
							
							
							

FISCAL YEAR 2014

NOTICE OF COMMITMENT 2014 – **REVISED/OMITTED ASSESSMENT**

The Commonwealth of Massachusetts  
The Town of Wayland  
Office of the Board of Assessors

To: Town Accountant/Finance Director

You are hereby notified that a **Commitment**, as shown below, has this day been made by the Board of Assessors to Paul W. Keating Jr. the Collector of taxes.

<u>TAX</u>	<b>AMOUNT OF COMMITMENT</b>
PERSONAL PROPERTY TAX .....	\$ 0.00
REAL ESTATE TAX .....	\$ 0.00
CPA .....	\$ 0.00

**OMITTED ASSESSMENT**

<b>REAL ESTATE TAX</b> .....	<b>\$ 381.26</b>
PERSONAL PROPERTY .....	\$ 0.00

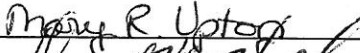

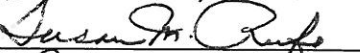

**REVISED ASSESSMENT**

<b>REAL ESTATE</b> .....	<b>\$14,062.78</b>
<b>COMMUNITY PRESERVATION ACT</b> .....	<b>\$ 193.43</b>

**ALL SPECIAL ASSESSMENTS**

I/E FINE .....	\$ 0.00
WATER LIEN .....	\$ 0.00
STR BETTERMENT .....	\$ 0.00
TITLE V BETTERMENT .....	\$ 0.00

Board of Assessors  
Wayland

Date: June 2, 2014

THE COMMONWEALTH OF MASSACHUSETTS

**WAYLAND**  
Name of City or Town

OFFICE OF THE BOARD OF ASSESSORS

June 2, 2014

TO THE COLLECTOR OF TAXES:

You are hereby notified that upon the recommendation of the Commissioner of Corporations and Taxation, under the provisions of General Laws, Chapter 59, Section 76, an omission of the valuation of the Real Estate located at 2 Fields Lane Book 62503 Page 571 on Map 25 / Lot 090C, has been made as follows:

Assessed to Warren Ziegler  
Mary Jane Boyd  
157 Plain Rd, Wayland, MA 01778

	VALUATION	AMOUNT OF TAX	DATE OF ASSESSMENT
Revised	\$20,800	\$381.26	01/01/2013
Original	\$ 0.00		
Additional			
Additional CPA		\$0.00	

You are hereby required to levy and collect of the said Warren Ziegler and Mary Jane Boyd of 157 Plain Rd., Wayland MA 01778 a tax in the amount of \$381.26 which has been duly assessed on such additional valuation and entered on the tax list. Collection of this tax is to be made in the manner provided by General Laws, Chapter 59 Section 75, as amended.

Mary R. Upton  
David W. Hill  
Susan M. Ruffo  
Jayson M. Rodie



Board of Assessors  
of WAYLAND

THE COMMONWEALTH OF MASSACHUSETTS

**WAYLAND**  
Name of City or Town

OFFICE OF THE BOARD OF ASSESSORS

June 2, 2014





TO THE COLLECTOR OF TAXES:

You are hereby notified that upon the recommendation of the Commissioner of Corporations and Taxation, under the provisions of General Laws, Chapter 59, Section 76, a revision of the valuation of the Real Estate located at 19 Wadsworth Ln #101 Book 61485 Page 566 on Map 29 / Lot 041H, has been made as follows:

Assessed to Redstone Realty LLC  
8 Doaks Ln  
Marblehead, MA 01945

	VALUATION	AMOUNT OF TAX	DATE OF ASSESSMENT
Revised	\$803,500	\$14,062.78	01/01/2013
Revised CPA		\$193.43	
Original	\$36,300	\$665.38	
Original CPA		\$ 0.00	

You are hereby required to levy and collect of the said Redstone Realty, LLC of 8 Doaks Ln., Marblehead, MA 01945 a tax in the amount of \$14,062.78 and CPA in the amount of \$193.43 which has been duly assessed on such additional valuation and entered on the tax list. Collection of this tax is to be made in the manner provided by General Laws, Chapter 59 Section 75, as amended.



Board of Assessors  
of WAYLAND

SUPPLEMENTAL BILLING FISCAL YEAR 2014

CO Number	Date CO Signed	Map	Lot	Location	Assmnt 1/1/2013	Value @ CO	Additional Assmnt	%Increase	Daily Tax Amount	# Days to 6/30/2014	Supplmntl Assmnt	CPA
C20130100	10/23/13	11	090B	6 DYLAN'S CIR	804,500	1,268,000	463,500	0.576134	23.27659	250	5,819.15	87.29
C20140003	2/4/2014	29	48	134 BOSTON POST RD	4,226,000	8,015,400	3,789,400	0.896687	190.3006	146	27,783.88	416.76
C20140001	01/22/14	34	006A	134 OLD CONNECTICUT PATH	233,100	535,800	302,700	1.298584	15.20135	159	2,417.01	36.26
C20140004	02/21/14	19	81	7 HIDDEN SPRINGS LN	567,800	1,549,900	982,100	1.729658	49.32025	129	6,362.31	95.43

Total Assessment: 42,382.35 635.74

Board of Assessors: DATE:

*August M. Carbo* 6/2/2014  
*David M. Hill*  
*Joseph D. Brode*  
*Mary R. Upton*



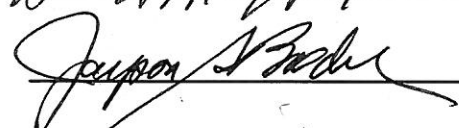
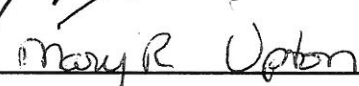
**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WAYLAND  
OFFICE OF THE BOARD OF ASSESSORS**

TO: TOWN ACCOUNTANT/FINANCE DIRECTOR  
TREASURER/COLLECTOR

RE: **EXCISE ABATEMENT**  
DUE IN THE MONTH OF MAY 2014

<u>TYPE/REASON</u>	<u>QUANTITY</u>	<u>TOTAL</u>
60A (2014)	70	\$11,548.11
(2013)	01	\$ 5.63
TOTAL	71	<b>\$11,553.74</b>

You are hereby notified that excise taxes were abated, as specified in the above schedule, to the aggregated amount of **ELEVEN THOUSAND FIVE HUNDRED FIFTY THREE DOLLARS AND SEVENTY FOUR CENTS**

BOARD OF ASSESSORS  
WAYLAND

Date: June 2, 2014



YEAR 2014

ASSESSORS WARRANT TO COLLECTOR  
**MOTOR VEHICLE AND TRAILER EXCISE**  
*THIRD* COMMITMENT 2014-03

THE COMMONWEALTH OF MASSACHUSETTS  
WAYLAND  
**OFFICE OF THE BOARD OF ASSESSORS**

To .....**Paul W. Keating, Jr.**..... Collector of Taxes for  
.....**Wayland**.....In the County of .....**Middlesex**...

Greeting:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby required to levy on and collect from the several persons named in the excise list herewith committed to you the amount of the MOTOR VEHICLE AND TRAILER EXCISE assessed to each such person for the privilege of registration, as therein set forth, with interest, the sum total of such list being **ONE HUNDRED FORTY FOUR THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND TWENTY FIVE CENTS.** (\$144,835.25)

And you are to pay over said taxes and interest to ...**Paul W. Keating, Jr.**...Treasurer of **Wayland**, or to his successor in office, at the times and in the manner provided by General Laws, Chapter 60, Section 2, and also to give to the treasurer as aforesaid an account of all charges and fees collected by you. And you are to make written return of said excises and interest with your tax list and of your doings thereon at such times as the assessors shall in writing require.

But you are to complete, and make up an account of, the collection of the whole sum hereby committed to you, with interest, on or before December 31 of the current year.

And if a person refuses or neglects to pay his excise for fourteen days after demand, you shall issue a warrant to collect said excise including interest, charges and fees. If a person refuses or neglects to pay his excise after you or your designee have notified the person by mail or other means that a warrant to collect has been issued, and you or your designee have exhibited a copy of the said warrant to collect, or delivered a copy thereof to the taxpayer, or left it at his last and usual place of abode, or of business, you or your designee may request a hearing in the district court having jurisdiction. If the court finds that the debt is owed and there is sufficient property and an ability to pay, a warrant to distrain or commit and take the body of such person and commit him to jail shall issue to you or your designee to serve upon said person, according to law. Upon the issuance of the warrant to distrain or commit, you or your designee shall proceed to enforce the collection of said excise in accordance with the provisions of said court warrant.

And in the levy and collection of the amounts hereby committed to you, and of interest, and charges, and fees as provided by law, you are to have and to exercise all the powers conferred by the laws of this Commonwealth upon collectors of taxes.

Given under our hands this 2<sup>ND</sup> day of JUNE, 2014

*Robert J. Goff*  
.....  
*David W. Hill*  
.....  
*Joseph S. Madala*  
.....  
*Mary R. Upton*  
.....  
.....

Board of Assessors  
Of Wayland



**Town of Wayland**  
 41 COCHITUATE ROAD  
 WAYLAND MASSACHUSETTS 01778  
 www.wayland.ma.us TEL. 508-358-3788

OFFICE STAFF  
 Ellen M. Brideau, MAA Director Assessing  
 Denise Ellis, Assistant Assessor  
 Jessica Marchant, Administrative Assessor  
 Savitri Ramgoolam, Department Assistant

BOARD OF ASSESSORS  
 Susan Rufo, Chairman  
 Jayson Brodie, Vice Chair  
 Molly Upton  
 Zachariah L. Ventress  
 David Hill

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**MEMO**

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**TO:** BOARD OF ASSESSORS  
**FROM:** ELLEN BRIDEAU, DIRECTOR OF ASSESSING *ENB*  
**SUBJECT:** CIRCUIT BREAKER MATCH  
**DATE:** 06/02/2014

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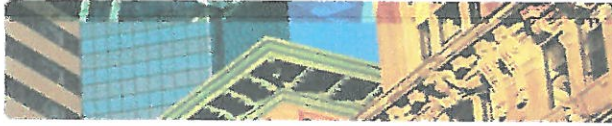
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I have reviewed the following 15 circuit breaker applications and recommend approval:

Map-Lot	Last Name	First Name	No.	Street
43A-020	AFFANANATO	SALVIN & LORRAINE	287	OLD CONNECTICUT PATH
45-099D	AKASHIAN	SANDRA	15	PICKWICK WAY
11-002	BROCKINGTON	GENE	150	CONCORD RD
32-005	CARISTO	JANET	174	PELHAM ISLAND RD
018-051	FAY	PATRICIA	55	ORCHARD LN
038-079	GAUGET	MARCIA	42	ROLLING LN
46D-022	ISAACSON	KENNETH	228	LAKESHORE DR
04-045	KILPATRICK	JOHN	302	CONCORD RD
14-050	KRETZ	SANDRA	58	SEDGEMEADOW RD
50-011	MCMULLEN	PATRICIA	60	FULLER RD
43B-049	MEYER	SUSAN	241	COCHITUATE RD
47A-001	PAGANO	ALFRED	24	BAYFIELD RD
45-109B	RADAR	SALLEE	4	CUTTING CROSS WAY
46D-085	RICHARDS	JOSEPH	150	WEST PLAIN ST
24-068	ROBINSON	STANLEY	9	WHEELOCK RD

*6/2/2014*

*Susan M. Rufo*  
*David Hill*  
*Jayson Brodie*  
*Molly R. Upton*



# Real Estate Law

## About Us

- Who We Are
- Contact Us
- 2014 Board of Directors
- 2014 GEAR
- Committee Leadership
- 2014 Committee Members
- 2013 Annual Report
- Staff
- Privacy Policy



Have some town officials shown up with the fire department during a smoke detector inspection and insisted on entering the property? Or, has a town building inspector or someone from the assessor's office visited your listing and requested entry?

Recently, the brokerage counseling hotline has been receiving multiple calls similar to the questions posed. Apparently, in several towns officials have recently been making visits to properties and listing agents need to have a better understanding of the law, and their responsibilities as to allowing these types of town officials into the homes of their clients. The following questions and answers will give you a brief overview on how to handle several of these types of scenarios.

**Q:** I have heard that Town Building Inspectors and Assessors have been making visits to homes listed for sale lately. Do homeowners have to let them into their homes?

**A:** No. There is no statute or regulation in Massachusetts that allows for these municipal officials to enter a home without permission. Further, there is no state administrative procedure that requires an assessor or building inspector to be permitted to inspect the interior of a home, whether to evaluate the condition of the interior when valuing the property, or to look for a building code or building permit issue. Additionally, homeowners have a constitutional right to refuse entry under the Fourth Amendment to the United States Constitution.

**Q:** Are there any exceptions to this rule?

**A:** Yes; if a homeowner seeking to challenge the assessed value of the property has applied for abatement Massachusetts law requires the homeowner to comply with the assessor's request to enter the home in order to be considered for abatement. Therefore, the homeowner may still refuse entry to the assessor, but that refusal will also provide a basis to deny the application for abatement.

**Q:** What should I do if an assessor asks to enter the home during an open house, when my client is not present?

**A:** As your seller's agent, you should always follow the lawful instructions of your client. Therefore, you should not allow an assessor into your client's home without permission, preferably in writing, to do so. The assessor should not enter a home without consent. Consent, however, may be given verbally, in writing, or it may be implied. For example, if a broker is in control of the property and allows the assessor into the home, it is likely that a court would rule that consent was given, even if the broker had never actually received permission from the homeowner.

**Q:** My seller-client has stated that he does not want to allow the Fire Department into his home to conduct a smoke detector inspection. Does the same rationale apply?

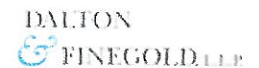
## Upcoming Events

6/9/2014  
Webinar: Technology and Real Estate Brokerage

9/11/2014  
REALTOR Day on the Hill

9/10/2014  
Webinar: OREIS

Please Support our Industry Affiliates



A: No, Massachusetts law specifically requires that sellers ensure that the home is properly equipped with appropriate smoke and carbon monoxide detectors. It also authorizes the fire department to ensure that residential properties are in compliance upon the sale or transfer of such structure. Therefore, prior to the sale of the property, the fire department must be allowed to enter the premises for purposes of conducting a smoke detector inspection.

Q: Several town officials accompanied representatives from the Fire Department during a smoke detector inspection. Must I also allow those representatives into the home, since they came in at the same time?

A: No. If you are present for a smoke detector inspection and are faced with the question of whether to allow entry to a municipal representative other than a representative from the fire department, you should consult with the sellers prior to granting consent. The sellers are within their rights to limit entry to the fire department representative. A REALTOR® should ask for verification of the person's identity, affiliation with the fire department and, depending upon the seller's instructions, may refuse entry.

Lastly, if any of the scenarios above present themselves, make your broker and seller aware of the situation, and document the "intrusion".

