



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

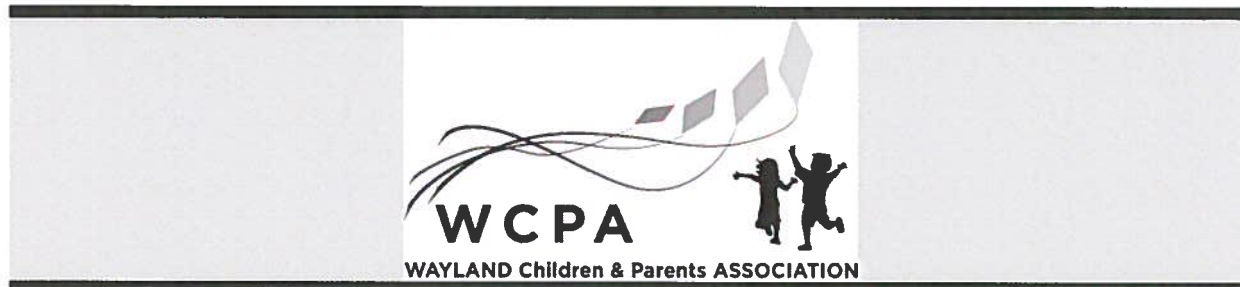
BOARD OF SELECTMEN

MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, December 1, 2014
Wayland Town Building
Selectmen's Meeting Room

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Placement of Temporary Signs for the Wayland Children and Parents Association Annual Holiday Cookie Decorating Party and Bake Sale at the Weston Border on Route 20/Old Connecticut Path, the Intersection of Route 20 and Route 27, the Intersection of Old Connecticut Path and Route 27, and in Front of the Cochituate Fire Station, from December 10-17, 2014
3. Vote the Question of Approving the Placement of a Temporary Sign for the Boy Scout Troop 1 Annual Tree and Wreath Fundraiser at the Intersection of Old Connecticut Path and Route 27 from December 2-14, 2014
4. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Westport Rivers Vineyard and Winery, Sarah Cogswell, Manager, on Saturday, January 17, 2015, Saturday, February 7, 2015, and Saturday, February 28, 2015, from 10:00 a.m. to 2:00 p.m.
5. Vote the Question of Approving for Release of the Executive Session Minutes of February 24, 2014 (with redactions), March 17, 2014, and April 3, 2014



November 23rd, 2014

Via Email (mdinapoli@wayland.ma.us)

Ms. MaryAnn DiNapoli
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: Signboard Request

Dear Ms. DiNapoli:

The Wayland Children and Parents Association is hosting the annual Holiday Cookie Decorating Party and Bake Sale on Wednesday December 17, 2014 at the Wayland Town Building (Large Hearing Room). This event invites Wayland parents to bring their children for cookie decorating while adults enjoy coffee, conversation and cookies from the sale. The WCPA also invites participants to bring an unwrapped present to benefit Toys for Tots.

We are requesting permission to post our sandwich boards to promote this event starting December 10th, 2014 at the following locations:

- "Five Corners" of Rt. 126 and Route 27
- Cochituate Fire Station
- Corner of Route 20 and Route 27
- Coach Grill

Thank you for your consideration and we look forward to hearing from the Selectmen regarding our request.

Sincerely,
Laura Jacques & Danielle Meade
WCPA External Marketing/Public Relations

DiNapoli, MaryAnn

From: John Broderick <jhblb@verizon.net>
Sent: Thursday, November 20, 2014 2:19 PM
To: DiNapoli, MaryAnn
Subject: Troop 1--sign @ Five Paths

Hello Ms. DiNapoli,

Troop 1 would appreciate the Town's permission to place a sandwich board at the intersection of Old Conn. Path and Cochituate Road (Five Paths). The start date: Nov. 29 thru Dec. 14. This is in regard to our annual Tree and Wreath fundraiser.

Thank you--John Broderick (ASM Troop 1 Coch.)

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

GREGORY C. WATSON
Commissioner

November 14, 2014

Westport Rivers Vineyard & Winery
Sarah Cogswell
PO Box N145
Westport, MA 02790

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Ms. Cogswell:

Please be advised that your application for certification of Wayland Winter Farmers' Market, on Saturdays from January 10th 2015 to March 14th 2015, from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink that reads "Gregory C. Watson". The signature is written in a cursive style with a large, sweeping "G" and "W".

Gregory C. Watson, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-624-7000 Fax: 617-624-1189 www.mass.gov/agr



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F

*To be completed by the licensed farm winery and returned to the
Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

1. Applicant Information:

Name of Licensed Farm Winery	Westport Rivers Vineyard & Winery		
Farm Winery License Number	FW-19	State of Issue	MA
Contact Person	Sarah Cogswell		
Address	PO Box N145		
City	Westport	State	MA 02790
Phone Number	508-542-0434	Email	Cogswell.sarah3@gmail.com
Name of Applicant Event	Wayland Winter Farmers' Market		
Please attach Approval Letter from event manager (if required by M.G.L. c. 138, Section 15F)			

2. Event Information:

Type of Event	<input type="checkbox"/> Agricultural Fair or Show	<input checked="" type="checkbox"/> Farmers' Market (as defined by MDAR policy)	<input type="checkbox"/> Other Agricultural Event
Name of Event	Wayland Winter Farmers' Market		
Event Address	397 Boston Post Road		
City	Wayland	State	MA 01778
Event Phone Number	508-358-2283	Event Website	
Primary Contact Person	Peg Mallett		
Contact Address	397 Boston Post Road		
City	Wayland	State	MA 01778
Contact Phone	508-358-2283 ext.336	Contact Email	mallettpeg@gmail.com



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JOHN SENCHYSHYN
ACTING TOWN ADMINISTRATOR
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BOARD OF SELECTMEN
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
STEVEN J. CORREIA
JOSEPH F. NOLAN

CONFIDENTIAL

Board of Selectmen
Meeting Minutes
Executive Session
February 24, 2014

Attendance: Anthony V. Boschetto, Edward J. Collins, Steven J. Correia, Joseph F. Nolan

Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Wastewater Management District Commission member Sam Potter, Town Planner Sarkis Sarkisian, Planning Board Chair Kent Greenawalt, Personnel Board members Marianne Peabody, Phil Schneider, and Jessica Green, and Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 6:38 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by a unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0) as permitted by Massachusetts General Laws Chapter 30A, Section (a)(3) to discuss the strategies with respect to pending litigation between the Twenty Wayland, LLC and the Town and its Wastewater Management District Commission, and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to collective bargaining with the Town Unions.

Discussion:



Wastewater Management District Commission member Sam Potter, Town Planner Sarkis Sarkisian, and Planning Board Chair Kent Greenawalt left the meeting at 7:12 p.m.

The Board was joined by Personnel Board members Marianne Peabody, Phil Schneider, and Jessica Green, in anticipation of collective bargaining negotiations. J. Senchyshyn was asked for an update on the Dash Cam negotiations. He said the town offered the Police Union an expedited agreement consisting of wages and one item from each party, if the parties could come to an agreement before March 25, the date of the scheduled arbitration, and drop the Dash Cam issue.



By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:30 p.m. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.



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ROBERT MERCIER
INTERIM TOWN ADMINISTRATOR
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BOARD OF SELECTMEN
ANTHONY V. BOSCHETTO
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CONFIDENTIAL

**Board of Selectmen
Meeting Minutes
Executive Session
March 17, 2014**

Attendance: Tony V. Boschetto, Edward J. Collins, Joseph F. Nolan
Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Executive Assistant MaryAnn DiNapoli, Police Chief Robert Irving

Purpose: The session was called at 6:48 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0) of the Board of Selectmen in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy and negotiations with respect to collective bargaining with the Wayland Police Association as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town.

Discussion: J. Senchyshyn presented the Board with a settlement offer from the Wayland Police Association. He reviewed the past history of the issue; he said the police union filed a prohibitive practice charge with the Labor Relations Board because the town purchased dashcams before negotiating. He said the hearing will be held on March 25, 2014, and the police advised that they only want the dashcams removed from the cars. J. Senchyshyn said the president of the police union then met with Police Chief Robert Irving, and together they put forward an agreement for Board review. The Board considered the agreement, which includes an increase in call-back times, an increase in the uniform allowance, an increase in educational reimbursement, an increase in detail rates, a change to the in-car video policy which would allow the union representative to view passive recordings, and the ability of retired police officers and intermittent officers to take details. J. Senchyshyn said the estimated cost increase is \$8,900 per year. T. Boschetto asked if approving the agreement would have any impact on the upcoming negotiations. J. Senchyshyn said no, successor bargaining will not be impacted. The Board asked about the ramifications of not accepting the settlement offer. J. Senchyshyn said there would be substantial legal fees involved in defending the Prohibitive Practice charge. J. Nolan moved, seconded by E. Collins, to accept the settlement offer of the Wayland Police Association. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0.

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:15 p.m. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0.



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Board of Selectmen
Meeting Minutes
Executive Session
April 3, 2014

Attendance: Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Joseph F. Nolan

Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Selectman Elect Cherry Karlson

Purpose: The session was called at 6:50 p.m. in the Wayland High School Field House, by a unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0) as permitted by Massachusetts General Laws Chapter 30A, Section (a)(2) to discuss negotiations with respect to an employment contract with a non-union employee (Town Administrator) as a discussion of this matter in an open meeting may have a detrimental effect on the bargaining position of the Town.

Discussion: J. Senchyshyn reviewed his conversation with Don Jutton from Municipal Resources Inc. regarding the employment of candidate William Jones. He said D. Jutton has been corresponding directly with the candidate. W. Jones forwarded his items of interest to be incorporated into an employment contract. J. Senchyshyn reviewed comparable wages and benefits for Massachusetts Town Administrators/Managers. The Board developed a counter-proposal for W. Jones and instructed J. Senchyshyn to forward the counter-offer and keep the negotiations moving forward.

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:25 p.m. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the April 3, 2014, Meeting

1. List of Contract Requests from William Jones, Applicant for Town Administrator Position



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BOARD OF SELECTMEN

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JOSEPH F. NOLAN

BOARD OF SELECTMEN Monday, December 1, 2014 Wayland Town Building Selectmen's Meeting Room

REVISED CORRESPONDENCE - I

Selectmen

1. Public Comment, Speed Limit Change in Damon Farms
2. Public Comment, 2015 Annual Town Meeting Dates
3. Public Comment, Septage Facility Vote
4. Public Comment, Feedback regarding Council on Aging Space Needs
5. Letter of 11/12/14 from John A. Zizza to Board of Selectmen Office re: Thank You for Repairs
6. Clerk's Notice, 11/13/14, from Middlesex Superior Court, re: Ide et al v. Thomas, Member of the Zoning Board of Appeals and Town of Wayland et al
7. Letter of 11/14/14 from ComCast to WayCAM re: Conveyance of Funds for PEG (Public, Education and Government) Access and Other Cable Related Purposes
8. Email of 11/17/14 from Anne Marie Aigner to Board of Selectmen Office re: Heather and Gary Wood
9. Letter of 11/18/14 from Michelle M. Meltzer, Michelle's Jewelry Boutique, to Board of Selectmen re: Thank You for Hearing
10. Letter of 11/19/14 from ComCast to Board of Selectmen re: Free Internet Service to Wayland Schools and Library
11. Letter of 11/21/14 from Sovereign Consulting re: Availability of Post-Temporary Solution Status Report, 78 Boston Post Road
12. Letter of 11/20/14 from C. Peter R. Gossels to Board of Selectmen and Board of Public Works re: Correct Date on Signs Announcing Entrance to Wayland
13. Letter of 11/24/14 from Linda Segal to School Committee re: Request for Response to Public Records Request of November 17, 2014
14. Letter of 11/25/14 from Board of Selectmen to Sudbury Board of Selectmen re: Wayland-Sudbury Septage Disposal Facility
15. Memorandum of 11/24/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Traffic Crash Data, East Plain Street/Commonwealth Road
16. Director of Public Health Report, November 17, 2014

Conservation Commission

17. Letter of 11/25/14 from Brian J. Monahan, Conservation Administrator, to Trask Incorporated, re: 4 School Street

DiNapoli, MaryAnn

From: Richard Repose <rrepose@yahoo.com>
Sent: Saturday, November 15, 2014 11:55 AM
To: Selectmen
Subject: Speed Limit Control

Dear Wayland Board of Selectmen:
From: Richard & Carol Repose, 14 Dean Rd.

We understand that at your next meeting the installation of 25 mph speed limit signs in the Daymon Farms neighborhood will be discussed. The streets involved are Dean Rd., Old Tavern Rd. and Timber Ln. We wish to support this initiative. The speed limit signs will slow down traffic through our neighborhood during week day rush hours. Chief Irving supports this. Thank you for your consideration.

DiNapoli, MaryAnn

From: Chris Orcutt <christianorcutt@gmail.com>
Sent: Monday, November 17, 2014 10:01 AM
To: Selectmen; Amy Stagg
Subject: Speed limit in Damon Farms - Message is from an unknown sender

Hello - I know you are taking up the issue of the speed limit for Old Tavern Road, Dean Road, and Timber Lane at your meeting tonight and I hope that you will consider a speed limit of 15 or 20 mph. I live at 10 Dean Road, which is at a fairly sharp 90 degree bend in the road. I have a 5 year-old daughter, and our neighbors have two 4 year-old girls and anyone driving around that bend at even 25 mph is certainly not going to have time to stop for a kid who has wandered into the road, especially when visibility is reduced because the trees are full of leaves. I encourage anyone to take that corner at 25 or 30 mph - it is just not safe.

There are a lot of people who cut through the neighborhood in the morning to avoid the light at the intersection of route 30 and Oak Street, and these people are in a hurry. I leave around 8:15 to bring my daughter to preschool, and there is almost always someone tailgating me through the neighborhood to get to Oak Street. It would be ideal if we could have a sign restricting access to Old Tavern Road from route 30 in the morning as well as a safely reduced speed limit.

Thank you for your time and consideration -

Chris Orcutt

DiNapoli, MaryAnn

From: Carole Plumb <caplumb@comcast.net>
Sent: Monday, November 17, 2014 10:31 AM
To: Selectmen
Subject: make the speed limit change for Dean Rd, Daymon Farms subdivision

Dear Members of the Board of Selectmen,

While it would be a shame to have to stick up more traffic signs in the neighborhood, I ask that you vote to apply to the state for a 25 mph speed limit on Old Tavern Road, Dean Road and Timber Lane. I do not know if at least a trial period is allowed for enforcement but it would be worth it to find out if cut-through traffic from Route 30 to Oak Street will slow down or stop.

Since I grew up in Daymon Farms, I do 20-25 mph by custom while driving around because of kids, walkers, dogs, et.al. As walker, I can tell you after ~7:15 am, the traffic starts picking up and speeding along from the cars cutting through on Dean. Some you can stare down to get to make them slow down, some not. Bluntly, there are drivers living in the neighborhood who are as guilty of routine speeding along over 30 mph at hours of the day when that is accident waiting to happen. If a 25 mph limit can push drivers to treat the area more like a school zone, it would improve safety and quality of residential life.

Sincerely,
Carole Plumb
Bald Rock Rd

**Gail R. Shapiro
201 West Plain Street
Wayland, MA 01778**

November 17, 2014

To the Wayland Board of Selectmen:

I'm here tonight to ask that you set the date for the 2015 Annual Town Meeting to one that does **not** conflict with a religious holiday.

At a time when our Town is seeking to encourage more volunteer participation in our government, it is incumbent upon you – our elected leaders – to promote a message that is inclusive, not exclusive.

While I understand that some citizens may use the days of school vacation to travel, and some of our children participate in sports or other activities, and no day is perfect for everyone – to put the recreational **wants** of some ahead of the religious **obligations** of others is not the message you want to send.

I last stood before a Town Board with a similar matter almost 20 years ago, when we successfully petitioned to change the High School graduation time so it wouldn't conflict with the Jewish Sabbath.

You've done a pretty good job of respecting the religious rights of all for the past two decades. Do the right thing tonight.

Thank you,

Gail Shapiro

West Plain Street

RECEIVED

NOV 18 2014

Board of Selectmen
Town of Wayland

2

DiNapoli, MaryAnn

From: gailshapiro@comcast.net
Sent: Monday, November 24, 2014 5:42 PM
To: Nolan, Joseph F.; Karlson, Cherry; Antes, Mary; Boschetto, Anthony V.; Collins, Edward J.
Cc: Balmer, Nan; DiNapoli, MaryAnn
Subject: Please postpone septage facility vote!

Dear Selectmen:

At last spring's ATM, people asked if a ground lease was more appropriate than disposition of the land; if there were other, better uses than senior housing, such as a crematorium; about the landfill-related issues of gas and leachate affecting the value of the property, which could then reduce offers from developers.

Since we don't know anything more now than we did last spring, more time is needed to gather this information, and to consider the financial and other implications of this action.

To dispose of this issue in Executive Session tonight - with insufficient consideration - seems unwise. There's no big rush. We urge you to postpone.

Thank you,
Gail Shapiro and Gil Wolin
West Plain Street

TO: Nan Balmer, Wayland Town Administrator
FROM: Linda L. Segal, 9 Aqueduct Rd., Wayland, MA 01778
DATE: Nov. 18, 2014
RE: Feedback re CoA space needs

Thank you for the opportunity to comment on a possible new senior center. In recent years, Bill Sterling and the CoA have explained the need for more space to serve Wayland's senior population. Many agree that the Council on Aging needs more space than currently available at Wayland Town Building.

Public comment has been solicited regarding a location that is still unclear to many residents. I suggest a map of the land and existing structure with all pertinent GIS data layers clearly represented be added to the committee's website.

I attended the Nov. 10 site walk at the Town Center municipad and appreciated the chance to view the unfinished building's interior. If there are future site visits, perhaps the parcel perimeter could be temporarily marked.

From my attendance at Long Range Planning Working Group meetings, I am aware of wants and needs expressed by various town departments, boards and other stakeholders. At the same time, the Town needs to articulate a sustainable debt management strategy. We must be careful to "live within our means" while carrying the debt of new high school and DPW facilities.

The new CoA/CC advisory committee is tasked with reviewing the feasibility of using the municipad. I see no mention yet of performing an environmental site assessment (a.k.a. 21E) if the Town is looking to acquire an interest in that land. The need/intent to do so is documented in 2008 meeting minutes of the Board of Selectmen. Just because the current AUL does not cover the municipad does not lessen the responsibility of the Board of Selectmen and its advisory committee to make informed decisions about what is feasible.

I respectfully request the following sentence on the committee's website be edited. No "former day care center" exists at 430 Boston Post Road.

"On September 8, 2014, the Board of Selectmen established a Council on Aging/Community Center Advisory Committee as a temporary advisory committee to review the feasibility of utilizing the former day care center at the Town Center municipal pad as a Wayland Council on Aging/Community Center."

FYI: Raytheon and its consultants are scheduled to make their annual PIP (Public Involvement Plan) presentation on Wednesday, Dec. 3 at 7:30 p.m. in the Large Hearing Room. They plan to report on the status of their environmental cleanup at 430 Boston Post Road and typically provide a question and answer opportunity. Their website is:

<http://raytheon.erm.com/home.htm>

I hope these varied comments are helpful.

BOS

JOHN A. ZIZZA, ESQUIRE
38 CHURCH STREET
WINCHESTER, MASSACHUSETTS 01890
TEL: 781-756-0044
FAX: 781-729-6840

RECEIVED

NOV 17 2014

Board of Selectmen
Town of Wayland

November 12, 2014

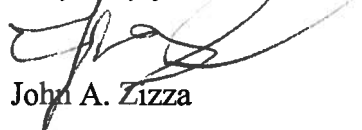
Maryann DiNapoli
Executive Assistant
Board of Selectman
Town of Wayland
41 Cochituate Rd
Wayland, MA 01778

Dear Ms. DiNapoli:

I would like to express my appreciation to you regarding my request to fix the ruts in the road and the broken light at corner of my street. I am happy to report that the DPA has fixed the ruts and the lights are now working.

Please find enclosed copy of your letter attached. Again I appreciate everything you have done.

Very truly yours,



John A. Zizza

JAZ:rtr
enclosure

5



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November 4, 2014

John A. Zizza
123 Lincoln Road
Wayland MA 01778

Dear Mr. Zizza:

Thank you for your letter of October 22, 2014. I am pleased to hear that our DPW has done the repairs on Waltham Road as you noted.

We are investigating the problem of the missing light at the corner of Lincoln and Waltham Road. We are in contact with NSTAR, and if it is not corrected soon, we will be in touch with their local representative.

Again, thank you for contacting us with your concerns. We apologize for any inconvenience and hope we can bring these issues to closure soon.

Sincerely,

MaryAnn DiNapoli
Executive Assistant
Board of Selectmen

**Commonwealth of Massachusetts
County of Middlesex
The Superior Court**

CIVIL DOCKET#: MICV2010-04497-J

RE: Ide et al v Thomas, Member Zoning Board Of Appeals Town Of Wayland et al

TO: Mark J Lanza, Esquire
9 Damonmill Square Suite 4A4
Concord, MA 01742

CLERK'S NOTICE

SEE ATTACHED COPIES.

Dated at Woburn, Massachusetts this 13th day of November,
2014.

Michael A. Sullivan,
Clerk of the Courts

BY: James Lynch
Assistant Clerk

Telephone: 781-939-2781

**Disabled individuals who need handicap accommodations should contact the Administrative Office
of the Superior Court at (617) 788-8130**

(6)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. 2010-4497JUDITH IDE & others¹

vs.

E. MICHAEL THOMAS & others²**MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS SPRINT
SPECTRUM, L.P. AND CLEAR WIRELESS, LLC'S
MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS TOWN OF WAYLAND
ZONING BOARD OF APPEALS AND BUILDING COMMISSIONER'S
MOTION FOR SUMMARY JUDGMENT**

The plaintiffs, residents of the Town of Wayland, filed this complaint for judicial review pursuant to the Zoning Act, G.L. c. 40A, §17, alleging that the Defendant Zoning Board of Appeals of the Town of Wayland (the "Zoning Board of Appeals") exceeded its authority when it approved a decision of the Town of Wayland Planning Board ("Planning Board") approving a site plan, and approved the decision of the Wayland Building Commissioner ("Commissioner") issuing a building permit to defendant Sprint Spectrum, L.P., ("Sprint") and its affiliate Clear Wireless, LLC ("Clear Wireless") to install, operate and maintain a wireless communications facility on an existing tower on property located at 139 Old Connecticut Path, also known as Reeves Hill, in Wayland Massachusetts ("the Property"), where four or more wireless carriers

¹ Barbara Grad-Allen, Peter F. Allen, Marguerite Brynjolfsson, Netilia McArthur, Edward J. Collins, and Margaret T. Patton

² Eric B. Goldberg, Aida A. Gennis, Jerry L. Boos, and Thomas W. White, as they are members of the Zoning Board of Appeals of the Town of Wayland, Daniel F. Bennet, as he is Building Commissioner of the Town of Wayland, and Sprint Spectrum, L.P. and its Affiliate Clearwire Wireless, Inc. (a/k/a Clear Wireless LLC and Clearwire Wireless, L.L.C.)

were already operating. The plaintiffs contend that pursuant to the Town of Wayland Bylaws (“the Bylaws”), only the Zoning Board of Appeals, not the Planning Board, has the authority to authorize the operation of more than four wireless carriers, or collocators, on the Property. The plaintiffs seek annulment of the Zoning Board of Appeals’ approvals for the site plan and the building permit (“the Zoning Board of Appeals’ decision”).

Defendants Sprint and Clear Wireless now move for summary judgment. Defendants Zoning Board of Appeals and Commissioner filed a separate motion for summary judgment joining in the arguments of defendants Sprint and Clear Wireless. The defendants collectively assert that the plaintiff’s claims are barred by the doctrine of res judicata; that the plaintiffs lack standing under Massachusetts law to appeal the Zoning Board of Appeals’ decision; and, that even if the plaintiffs have standing, their claims fail as a matter of law because the Zoning Board of Appeals’ decision is legally tenable. The plaintiffs did not timely file an opposition to the defendants’ summary judgment motions; however, the plaintiffs did file a response to the defendant’s statement of material facts and submitted a statement of proposed agreed-upon material facts, and appeared through counsel at the hearing on this matter and argued orally in opposition.³ Because I conclude that the plaintiffs lack standing, both under an issue preclusion analysis and because they have offered no evidence to oppose summary judgment, and because, in any event, the Zoning Board of Appeals’ decision withstands the plaintiffs’ challenge as a matter of law, the defendants’ summary judgment motions are **ALLOWED**.

³ On March 14, 2014, an order of separate and final judgment entered in this court as to plaintiff Marguerite Brynjolfsson after her claims were dismissed for failure to timely serve answers to interrogatories. Paper #9.

FACTUAL BACKGROUND⁴

Sprint is a national provider of wireless communications services including telephone, Internet, email, text, photograph, and video messaging. In 2006, Sprint announced a plan to develop and employ a high-speed Internet services network using Worldwide Interoperability for Microwave Access (“WiMAX”) technology, which is licensed by the Federal Communications Commission.

In August, 2009, Sprint and Clear Wireless filed an application with the Planning Board for approval of a site plan. The proposal involved adding WiMAX technology to the existing monopole structure at the Property, which had been approved for prior wireless installations. Specifically, Sprint and Clear Wireless sought to collocate on the existing tower by adding three new WiMAX antennas and two wireless backhaul dish antennas on the monopole, together with one supporting equipment cabinet to be located within the existing fenced-in compound at the base of the monopole.

Four public hearings were held on this application between November 16, 2009 and January 14, 2010. The Planning Board approved the application and concluded that, with the addition of some special conditions, the installation of an additional wireless communication facility to the existing monopole structure on the property complied with the Bylaws. After receiving approval from the Planning Board, Sprint and Clear Wireless filed an application for a building permit with the Commissioner which was approved. A building permit was issued on August 24, 2010.

⁴ Some additional facts are reserved for the discussion section of this memorandum that follows.

The plaintiffs subsequently filed a notice of appeal with the Zoning Board of Appeals from the Planning Board's site plan approval, the Commissioner's decision to issue a building permit, and the issuance of the building permit. The plaintiffs asserted that the Planning Board lacked authority to approve the site plan proposed by Sprint and Clear Wireless under Article 15A of the Bylaws. The plaintiffs argued that Article 15A does not provide for more than four wireless carriers, or collocators, as of right on a particular locus and that the installation of equipment by any carrier other than the first four carriers approved by Article 15A (see below) requires a separate application to and approval by the Zoning Board of Appeals itself.

After hearing, the Zoning Board of Appeals rejected the plaintiffs' argument and upheld the Planning Board's decision granting site plan approval and upheld the Commissioner's issuance of the building permit, finding that both actions were in compliance with the applicable provisions of the Bylaws. The plaintiffs then filed this complaint asserting that the decisions of the Commissioner and the Planning Board should be annulled for failure to comply with the Bylaws.

Article 15A of the Bylaws pertains to a "Planned Wireless Communications Services District" and provides, in relevant part, as follows:

Section 198-1558.2 A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall consist of (i) a change in number of buildings or equipment cabinets located on the site compared to that shown on the Plans identified in §198-1554.1, (ii) an increase in the height of the monopole compared to that shown in the Plans identified in §198-1554.1, or (iii) in addition to the externally visible equipment including the number of antennas on the monopole compared to that shown on the Plans identified in §198-1554.1. Notwithstanding the provisions of (i) and (iii) above, any subsequent change that only adds collocators antennas, buildings, or equipment cabinets for up to a maximum of four wireless carriers shall not constitute a "major modification" and shall not require site plan approval under Article 6 of this Zoning Bylaw, whether or not the change was shown on the Plans identified in §198-1554.1.

Section 198-1558.3 A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall require site plan approval from the Planning Board under Article 6 of the Zoning Bylaw and a building permit.

Section 198-1559.3.5 The facilities of Cingular Wireless and three additional FCC-licensed collocators within the tower and within the fence are hereby approved. *All additional collocators must file a separate application with the [Zoning Board of Appeals].* (Emphasis supplied).

The complaint alleges that each of the plaintiffs resides in the same single residence district where the Property is located and is “a person aggrieved” by the Zoning Board of Appeals’ decision within the meaning of the Bylaws⁵ and G.L. c. 40A, §17. Plaintiff Netilia McArthur additionally alleges that she is an abutter to the Property and is therefore a party in interest with respect to the Property within the meaning of G.L. c. 40A, §11. The Planning Board additionally identified plaintiffs Judith Ide, Peter F. Allen, Barbara Grad-Allen and Netilia McArthur as being “parties in interest” as defined under G. L. c.40A, §11. The Planning Board did not identify plaintiffs Edward J. Collins or Margaret T. Patton as “parties in interest.”

PROCEDURAL HISTORY

On November 21, 2011 the defendants filed an assented-to motion to stay the proceedings and amend the scheduling order in this case, pending the resolution of another action in this Court, MacArthur v. Thomas, et. al., MICV-2009-02712 (“the Metro PCS action”). That case involves the wireless carrier known as Metro PCS Massachusetts, LLC (“Metro PCS”).

⁵ Section 604.9 of the Bylaws provides: “Upon denial or issuance of any required building permits, any person aggrieved by a decision of the Building Commissioner may appeal the site plan decision of the Planning Board to the [Zoning Board of Appeals] pursuant to MGL c. 40A, § 8. Any person aggrieved by a decision of the [Zoning Board of Appeals] made as required by this Article 6 may appeal said decision pursuant to MGL c. 40A, § 17.” Town of Wayland Bylaws, available at: <http://ecode360.com/12360755?#12360755>, last visited September 24, 2014.

Metro PCS sought to add three wireless communications antennas and related equipment to an existing wireless communications tower on the same Property involved in this case. The motion to stay was allowed. All of the plaintiffs in this case, except Marguerite Brynjolfsson, whose claims are now dismissed,⁶ are the same as in the Metro PCS action. The plaintiffs in the Metro PCS action claimed, as they have in this case, that the Zoning Board of Appeals exceeded its authority when it issued a decision denying their appeal from the Commissioner's decision to issue a building permit following site plan approval by the Planning Board allowing Metro PCS to install and operate a wireless communication facility antenna on the Property. The plaintiffs relied in the Metro PCS action on the same argument they have asserted here: that Article 15A of the Bylaws does not permit the installation of more than four wireless carriers or collocators on the Property without the permission of the Zoning Board of Appeals.

In the Metro PCS action, after a jury waived trial, another justice of this court issued findings of fact and rulings of law and concluded that the plaintiffs lacked standing to challenge the Zoning Board of Appeals' decision because they had failed to demonstrate that they were persons "aggrieved" and dismissed the case. See MICV-2009-02712, Paper # 20 (Hogan, J., January 30, 2013) ("the Metro PCS Order"). An appeal from that decision was docketed but was later dismissed for lack of prosecution.

⁶ See note 3, *supra*.

DISCUSSION

I. Res Judicata

The defendants assert that the plaintiffs' claims are barred by res judicata based on the Metro PCS Order holding that the plaintiffs lack standing. "The term 'res judicata' describes doctrines by which a judgment has a binding effect in future actions. It comprises both claim preclusion (also known as 'merger' or 'bar') and issue preclusion (also known as 'collateral estoppel.')." Jarosz v. Palmer, 436 Mass. 526, 530 n.3, quoting Heacock v. Heacock, 402 Mass. 21, 23 n.2 (1988). The doctrine of issue preclusion, which is raised here, "provides that when an issue has been 'actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action between the parties whether on the same or different claim.'" Jarosz, 426 Mass. at 530-531, quoting Cousineau v. Laramie, 388 Mass. 859, 863 n.4 (1983) and Restatement (Second) of Judgments § 27 (1988). Issue preclusion, or collateral estoppel, may sometimes be used defensively, as the defendants seek to do here, in order "to prevent a plaintiff from asserting a claim the plaintiff has previously litigated and lost against another defendant." Parklane Hosiery Co. v. Shore, 439 U.S. 322, 326 n.4 (1979). Defensive issue preclusion requires the moving party to establish that "(1) there was a final judgment on the merits in the prior adjudication; (2) the party against whom estoppel is asserted was a party (or in privity with a party) to the prior adjudication; and (3) the issue in the prior adjudication is identical to the issue in the current adjudication. . . . Additionally, the issue decided in the prior adjudication must have been

essential to the earlier judgment.” Commissioner of the Dep’t of Empl. & Training v. Dugan, 428 Mass. 138, 142 (1998) (citations omitted).

Here, there was a final judgment on the merits in the prior adjudication; estoppel is being asserted against the same plaintiffs who were involved in the prior adjudication; and the issue decided in the prior adjudication – the plaintiffs’ standing – was essential to that judgment. Thus, what remains for consideration is whether the issue of standing as to each of the plaintiffs was the same in the prior adjudication as in the current case.

The summary judgment record includes a copy of the Metro PCS Order (Exhibit E to the defendants’ Statement of Material Facts). The Court in that case made detailed factual findings concerning the standing of each plaintiff except Netilia MacArthur, who withdrew as a party plaintiff prior to trial (see Metro PCS Order at *2). While the plaintiffs question the validity of those factual findings and their relevance to the instant motion, they have not included in the summary judgment record – either through affidavit, deposition testimony or otherwise – any additional or different facts relevant to their standing in this case. As such, the factual record before me on the question of each plaintiff’s standing for purposes of this summary judgment motion consists solely of the allegations in the complaint and, as to plaintiffs Ide, Allen, Grad-Allen, Collins and Patton, the findings made in the Metro PCS Order.⁷ Because the plaintiffs

⁷ This court is not bound by the factual findings made in the Metro PCS action. However, the plaintiffs did not object to the inclusion of the Metro PCS Order in the summary judgment record. While the plaintiffs state that they “expressly do not admit the truth or accuracy of any facts found” in the Metro PCS Order (See Plaintiffs’ Response to Statement of Material Facts at ¶ 27, in Consolidated Document: Statement of Material Facts by Sprint Spectrum, L.P. and Clear Wireless, LLC’s [Motion] for Summary Judgment; and Plaintiffs’ Response to Statement of Material Facts in Support of Motion by Sprint Spectrum, L.P. and Clear Wireless, LLC for Summary Judgment; and Plaintiff’s Statement of Proposed Agreed Upon Material Facts, Paper #10), they have not provided any evidence to support their claims of standing in this case. The plaintiffs cannot rely upon “mere assertions of the existence of disputed facts

have failed to produce additional evidence on their standing in this case, they are estopped from re-litigating that issue, and the defendants are entitled to summary judgment. This is true even as to Netilia MacArthur. Although the Metro PCS Order does not address MacArthur's standing since she withdrew as a plaintiff, her complaint alleges merely that she is an abutter and that she is aggrieved by the Zoning Board of Appeals' decision. Without some factual allegations as to how her rights are affected by that decision, her claim is insufficient as a matter of law and must be dismissed. See Valcourt v. Zoning Board of Appeals of Swansea, 48 Mass. App. Ct. 124, 127 (1999) (to qualify as an aggrieved person, a plaintiff must sustain a personal injury, and that injury must be supported by specific facts); see also Iannacchino et al. v. Ford Motor Company, 451 Mass. 623, 636 (2008) (allegations in a complaint must plausibly suggest, not merely be consistent with, an entitlement to relief).

Even if collateral estoppel does not apply, however, as discussed below, the plaintiffs have not otherwise established that they have standing such that they can proceed in the instant case.

II. Standing

A plaintiff has standing to challenge a zoning decision under G.L. c. 40A, §17 only if he is "aggrieved" by that decision. 81 Spooner Rd., LLC v. Zoning Board of Appeals of Brookline, 461 Mass. 692, 700 (2012). An aggrieved person is one who has suffered some infringement of his legal rights. Id., citing Marashlian v. Zoning Bd. Of Appeals of

without evidentiary support" to defeat summary judgment. Bergendahl v. Massachusetts Elec. Co., 45 Mass. App. Ct. 715, 718-719 (1998). Because the plaintiffs have failed to present any evidence rebutting the findings in the Metro PCS Order, I accept those findings as the operative facts for purposes of this summary judgment motion.

Newburyport, 421 Mass. 719, 721 (1996) Additionally, “the right or interest asserted by a plaintiff claiming aggrievement must be one that the Zoning Act is intended to protect, either explicitly or implicitly.” 81 Spooner Rd., LLC, 461 Mass. at 700. Under G.L. c. 40A §11, persons identified as “parties in interest” are entitled to a rebuttable presumption of standing. Id.⁸ That presumption, however, may be challenged by an adverse party who offers evidence “warranting a finding contrary to the presumed fact.” Id., quoting Marinelli v. Board of Appeals of Stoughton, 440 Mass. 255, 258 (2003). Where an adverse party offers such evidence, “the presumption of aggrievement is rebutted, and the plaintiff must prove standing by putting forth credible evidence to substantiate the allegations.” 81 Spooner Rd., LLC, 461 Mass. at 701. The plaintiff must “establish – by direct facts and not by speculative personal opinion – that his injury is special and different from the concerns of the rest of the community.” Id., citing Standerwick v. Zoning Bd. of Appeals of Andover, 447 Mass. 20 (2006).

In the summary judgment context, “a defendant can rebut [a plaintiff’s presumption of standing] by showing that, as a matter of law, the claims of aggrievement raised by [the plaintiff], either in the complaint or during discovery, are not interests that [G.L. c. 40A, §17] is intended to protect.” 81 Spooner Rd., LLC, 461 Mass. at 702. Alternatively, where the plaintiff has “alleged harm to an interest protected by the zoning laws, a defendant can rebut the presumption of standing by coming forward with credible affirmative evidence that rebuts the presumption.” Id. In the latter case, “a defendant is not *required* to present affirmative evidence that refutes the

⁸ Parties in interest are defined as: “the petitioner, abutters, owners of land directly opposite on any public or private street were way, and abutters to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owners located in another city or town, the planning Board of the city or town, and the planning Board of every abutting city or town.” G.L. c. 40A §11.

plaintiff's basis for standing," as long as the defendant demonstrates based on materials in the summary judgment record that the plaintiff cannot prove "a legally cognizable injury." *Id.* at 703, quoting *Standerwick*, 447 Mass. at 35 (emphasis in original). "The plaintiff always bears the burden of proving aggrievement necessary to confer standing; an abutter's presumption of standing simply places on the adverse party the initial burden of going forward with evidence." *81 Spooner Rd., LLC*, 461 Mass. at 701.

Here, plaintiffs Edward J. Collins and Margaret T. Patton do not even have a presumption of standing. In the complaint, Collins and Patton allege only that they reside in the same single residence district where the Property is located and are "persons aggrieved" within the meaning of G.L. c. 40A, §17. Neither the complaint nor the summary judgment record include any facts to support their allegations that they are aggrieved, and they have not alleged that they are situated with respect to the Property so as to make them parties in interest. Additionally, the Court found in the Metro PCS action that Collins and Patton live approximately one mile from the Property and are not parties in interest as defined in §11.⁹ As such, Collins and Patton lack standing to bring this action, and the defendants are entitled to summary judgment as a matter of law on Collins and Patton's claims.

Plaintiff Judith Ide has a presumption of standing as a party in interest as she is either an abutter or an abutter to an abutter to the Property.¹⁰ Plaintiffs Peter F. Allen and Barbara Grad-Allen, as abutters to abutters, and/or because they are identified as "parties in interest" by the

⁹ Metro PCS Order, ¶ 35.

¹⁰ Metro PCS Order, ¶38.

Planning Board, likewise enjoy a presumption of standing.¹¹ None of these plaintiffs, however, have made any specific assertions as to how their rights are affected, either in the complaint or in opposing summary judgment. Moreover, through the factual findings of the Metro PCS order, the defendants have “presented evidence sufficient to warrant a finding that the plaintiffs’ claims of aggrievement [as asserted in that action] did not confer standing on them” under G. L. Chapter 40A. Standerwick, 447 Mass. at 35. Therefore, these plaintiffs have the burden to prove standing in order to withstand summary judgment, and, as previously discussed, they have failed to do so.

As noted in the prior section of this memorandum, plaintiff Netilia MacArthur’s claim fails because it is insufficient on its face as a matter of law. Even if her complaint could withstand scrutiny on that basis, however, it cannot withstand summary judgment. Although the Court in the Metro PCS action made no specific findings relating to Netilia MacArthur, I conclude that the defendants have met their burden as to her because she has not come forward with any affirmative evidence to support her claim that her rights have been infringed. To the extent she would, hypothetically, make assertions comparable to those made by the other plaintiffs in the Metro PCS action, those assertions are rebutted by the Metro PCS findings. While it might be possible for some or all of these plaintiffs to produce evidence that the Sprint/Clear Wireless equipment affects or would affect their interests differently from the Metro PCS equipment, they have not done so. Therefore, the defendants are entitled to summary judgment on this basis as well.

¹¹ Metro PCS Order, ¶ 44.

III. Validity of the Zoning Board of Appeals' Decision

Finally, the defendants assert that even if the plaintiffs have standing, their claims fail as a matter of law because the Zoning Board of Appeals' decision is legally tenable. The standard of review under G.L. c. 40A is well-established and requires substantial deference to the Zoning Board of Appeals. Its decision "cannot be disturbed unless it is based on a legal untenable ground, or is unreasonable, whimsical, capricious or arbitrary." Davis v. Zoning Bd. of Chatham, 52 Mass. App. Ct. 349, rev. denied 435 Mass. 1105 (2001) (citations omitted).

The plaintiffs contend that the Zoning Board of Appeals' decision does not comport with Article 15A of the Bylaws. Specifically, the plaintiffs assert that the Planning Board lacked authority to authorize Sprint and Clear Wireless to install equipment on the Property. They argue that Article 15A's provision that "additional collocators must file a separate application with the [Zoning Board of Appeals]" should be interpreted as vesting authority only in the Zoning Board of Appeals itself, rather than the Planning Board, to approve or disapprove the applications of additional collocators on the Property. This argument lacks merit.

Because the Planning Board apparently recognized that the above-quoted clause of Article 15A was unclear, it sought an advisory opinion from Town Counsel, Attorney Mark J. Lanza, before acting on Sprint and Clear Wireless's application. Attorney Lanza provided an opinion letter dated January 5, 2010 to Planning Board chairperson Kevin F. Murphy, explaining that Article 15A vests jurisdiction in the Planning Board to act on Sprint and Clear Wireless's application, notwithstanding the clause in question (Exhibit A to Sprint and Clear Wireless's Statement of Material Facts at pp. 020-021). The letter explains that, although Article 15A


requires an applicant to *file* with the Zoning Board of Appeals, that filing requirement does not affect the Planning Board's jurisdiction to *act on* such an application. In fact, Article 15A specifically provides for Planning Board review and action on applications for additional collators. The letter also explains that the Zoning Board of Appeals concurred with this interpretation of Article 15A in its decision in the Metro PCS action.

I agree with the defendants that Town Counsel's interpretation of Article 15A is reasonable and consistent with the overall purpose of the bylaw: to ensure that there is appropriate site review before permitting a major modification to an existing wireless communication facility. As such, it cannot be said that the decisions of the Zoning Board of Appeals approving the Planning Board's actions are legally untenable, unreasonable, whimsical, capricious or arbitrary. Accordingly, even if the plaintiffs have standing to contest the validity of the Zoning Board of Appeals' decisions, their claims must fail.

ORDER

For the foregoing reasons, it is hereby **ORDERED** that the defendants' motions for summary judgment are **ALLOWED**. Accordingly, the plaintiffs' complaint is **DISMISSED** and judgment shall enter in favor of the defendants.

Dated: November 13, 2014


Kathe M. Tuttmann
Justice of the Superior Court

/ /
Commonwealth of Massachusetts
County of Middlesex
The Superior Court

CIVIL DOCKET# **MICV2010-04497**

Judith H. Ide, Barbara Grad-Allen, Peter F. Allen, Marquerite Brynjolfsson, Netilia McArthur, Edward J. Collins, Margaret T. Patton,
Plaintiff(s)

vs.

E. Michael Thomas, Member Zoning Board Of Appeals Town Of Wayland, Eric B. Goldberg, Member Zoning Board Of Appeals Town Of Wayland, Aida A. Gennis, Member Zoning Board Of Appeals Town Of Wayland, Jerry L. Boos, Member Zoning Board Of Appeals Town Of Wayland, Thomas W. White, Member Zoning Board Of Appeals Town Of Wayland, Daniel F. Bennett, Building Commissioner Of The Town Of Wayland, Sprint Spectrum, L.P., Affiliate Clearwire Wireless, Inc., (a/k/a Clear Wireless LLC,

Defendant(s)

SUMMARY JUDGMENT M.R.C.P. 56

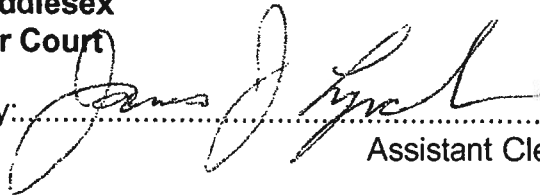
This action came on to be heard before the Court, Kathe M. Tuttmann, Justice, presiding, upon motion of the defendant(s), E. Michael Thomas, Member Zoning Board Of Appeals Town Of Wayland, Eric B. Goldberg, Member Zoning Board Of Appeals Town Of Wayland, Aida A. Gennis, Member Zoning Board Of Appeals Town Of Wayland, Jerry L. Boos, Member Zoning Board Of Appeals Town Of Wayland, Thomas W. White, Member Zoning Board Of Appeals Town Of Wayland, Daniel F. Bennett, Building Commissioner Of The Town Of Wayland, Sprint Spectrum, L.P., Affiliate Clearwire Wireless, Inc., (a/k/a Clear Wireless LLC, for Summary Judgment pursuant to Mass. R. Civ. P. 56- the parties having been heard - and the Court having considered the *pleadings-depositions-answers to interrogatories-admissions- and affidavits, finds there is no genuine issue as to material fact and that the defendant is entitled to a judgment as a matter of law,

It is **ORDERED** and **ADJUDGED**:

That the Complaint of the Plaintiff (s), Judith H. Ide, Barbara Grad-Allen, Peter F. Allen, Marquerite Brynjolfsson, Netilia McArthur, Edward J. Collins, Margaret T. Patton be and hereby is **DISMISSED** against the Defendant (s), E. Michael Thomas, Member Zoning Board Of Appeals Town Of Wayland, Eric B. Goldberg, Member Zoning Board Of Appeals Town Of Wayland, Aida A. Gennis, Member Zoning Board Of Appeals Town Of Wayland, Jerry L. Boos, Member Zoning Board Of Appeals Town Of Wayland, Thomas W. White, Member Zoning Board Of Appeals Town Of Wayland, Daniel F. Bennett, Building Commissioner Of The Town Of Wayland, Sprint Spectrum, L.P., Affiliate Clearwire Wireless, Inc., (a/k/a Clear Wireless LLC, with costs.

Dated at Woburn, Massachusetts this 13th day of November, 2014.

Commonwealth of Massachusetts
County of Middlesex
The Superior Court

By:  Assistant Clerk

Entered: 11/13/2014

copies mailed 11/13/2014

Commonwealth of Massachusetts
County of Middlesex
The Superior Court

Civil Docket MICV2010-04497J

RE: Ide et al v Thomas, Member Zoning Board Of Appeals Town Of Wayland et al

TO: Mark J Lanza, Esquire
9 Damonmill Square Suite 4A4
Concord, MA 01742

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **11/13/2014**:

RE: Defendants Sprint Spectroum, L.P. and Clear Wireless LLC's MOTION for Summary Judgment, pursuant to Mass.R.Civ.P. 56, Statement of material facts in support, Defts Town Of Wayland Zoning Board Of Appeals' and Building Commissioner's motion for summary judgment and assent to Co -defts Sprint Spectroum, L.P. and Clear Wireless LLC's motion for summary judgment, Sup ct rule 9A affidavit of compliance and no opposition.

is as follows:

Motion (P#8) After hearing, ALLOWED, See Memorandum of Decision and Order issued this date. Dated: November 13, 2014 (Bruce R. Henry, Justice) Notices mailed 11/13/2014

Dated at Woburn, Massachusetts this 13th day of November, 2014.

Michael A. Sullivan,
Clerk of the Courts

BY:

James Lynch
Assistant Clerk

Telephone: 781-939-2781

Copies mailed 11/13/2014

Commonwealth of Massachusetts
County of Middlesex
The Superior Court

Civil Docket MICV2010-04497J

RE: Ide et al v Thomas, Member Zoning Board Of Appeals Town Of Wayland et al

TO: Mark J Lanza, Esquire
9 Damonmill Square Suite 4A4
Concord, MA 01742

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **11/13/2014**:

RE: Defendants Town of Wayland Zoning Board of Appeals' and Building Commissioner's Motion for Summary Judgment and Assent to Co-Defendants Sprint Spectrum, L.P. 'S and Clear Wireless, LLC's Motion for Summary Judgment

is as follows:

Motion (P#12) After hearing, ALLOWED, See Memorandum of Decision and Order issued this date. Dated: November 13, 2014 (Tuttman, Justice) Notices mailed 11/13/2014

Dated at Woburn, Massachusetts this 13th day of November, 2014.

Michael A. Sullivan,
Clerk of the Courts

BY:

James Lynch
Assistant Clerk

Telephone: 781-939-2781

Copies mailed 11/13/2014

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

November 12, 2014

In the Matter of
Town of Wayland

OADR Docket No. WET-2014-012
Wayland, MA

RECOMMENDED FINAL DECISION

INTRODUCTION

A ten citizen group ("Petitioners") filed this appeal concerning the real property at 484 Boston Post Road, Wayland, Massachusetts. The Petitioners challenge the Superseding Order of Conditions ("SOC") that the Massachusetts Department of Environmental Protection's Northeast Regional Office ("MassDEP") issued for work on an existing paved road ("the road") that travels from Route 20 to the Town of Wayland's transfer station. The proposed project involves repaving the existing road, performing culvert repairs, installing amphibian crossings, and other mitigation. The SOC was issued pursuant to the Wetlands Protection Act, G.L. c. 131 § 40, and the Wetlands Regulations, 310 CMR 10.00.

The Petitioners' challenge to the SOC is rooted in the road's creation in 1978. At that time the Wayland Conservation Commission and the United States Army Corps of Engineers approved the Town's plans to build the road through existing wetlands to provide access to the Town's dump. The wetlands include Riverfront Area, Bordering Land Subject to Flooding, and Bordering Vegetated Wetland ("BVW"). No mitigation was required, presumably because none



Comcast Cable Communications, Inc.
241 West Central Street
Natick, MA 01760
www.comcast.com

Bos
NJB

November 14, 2014

Via USPS

WAYCAM
C/O James Mullane, Exec. Director
268 Old Connecticut Path
Wayland, MA 01778

Dear Mr. Mullane:

In accordance with the Renewal Cable Television License between the Town of Wayland and Comcast commencing on September 17, 2010 (License), please find enclosed a check in the amount of Thirty-Five Thousand Fifty-Eight Dollars and Eighty-Seven Cents (\$35,058.87). This check is made payable to Wayland Community Access & Media Inc. (AKA: WAYCAM). Specifically, this payment is made pursuant to License Section 6.4(b) and represents four and six-tenths percent (4.6%) of Comcast's Wayland cable-related gross revenues for the period of July 1, 2014 through September 30, 2014. Furthermore, this payment is intended to fund Wayland public, education and government (PEG) access and other cable related purposes, including, among other things, salary, operating and other related expenses connected to PEG access operations and programming of the Town of Wayland.

Acceptance of this check fulfills a certain obligation under the aforementioned License section and accounting period.

Respectfully submitted,

Frank W. Foss
Senior Manager, Government & Regulatory Affairs

Enclosure

cc: Wayland Board of Selectmen



RECEIVED
NOV 18 2014
Board of Selectmen
Town of Wayland

7



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast cable communications group company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

REMITTANCE ADVICE

Date: 31-Oct-14

Vendor Name: WAYLAND COMMUNITY ACCESS & MEDIA INC

No. 210013453

Vendor No.: 190983

INVOICE NO.	INVOICE DATE	ACCOUNT NUMBER	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
189548	30-Sep-14		305213-Wayland MA	0.00	35,058.87
TOTAL				0.00	35,058.87

THE FACE OF THIS DOCUMENT HAS A MULTI COLORED BACKGROUND - NOT A WHITE BACKGROUND



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast cable communications group company
 1701 JFK Boulevard
 Philadelphia, PA 19103-2838

JP Morgan Chase NA
 Columbus, OH 43271
 56-154441



No. 210013453

Date: 31-Oct-14
 Void After 180 Days

Pay Thirty-Five Thousand Fifty-Eight Dollars And Eighty-Seven Cents*****

\$ *****35,058.87

To WAYLAND COMMUNITY ACCESS & MEDIA INC
 The WAYCAM
 Order 66 SHERMAN BRIDGE ROAD
 Of WAYLAND, MA 01778

AUTHORIZED SIGNATURE

Catherine Arjivis

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈ 210013453⑈ ⑆044115443⑆

675528343⑈



System Name: Comcast of Massachusetts I, Inc.
 Email: Patrick_Moore@cable.comcast.com
 Phone: 610-650-2999


Vendor ID: 190983
 Contract Name: Wayland MA
 Statement Period: Jul - Sep, 2014
 Payment Amount: \$35,058.87
 Statement Number: 189548
 CUID: None
 System ID: 8773-1000-2210

WAYLAND COMMUNITY ACCESS & MEDIA INC
 WAYCAM
 66 SHERMAN BRIDGE ROAD
 WAYLAND, MA, 01778

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$263,584.71
Limited Basic Video Service	\$77,332.32
Digital Video Service	\$182,877.43
Pay	\$90,378.49
PPV / VOD	\$32,949.87
Video Equipment	(\$35.00)
Digital Video Equipment	\$35,203.33
Video Installation / Activation	\$4,416.53
Franchise Fees	\$33,667.87
PEG Fees	\$5,329.29
Guide	\$167.67
Other	\$4,161.59
Late Fees	\$671.31
Write-offs / Recoveries	(\$928.42)
Ad Sales	\$29,404.86
Home Shopping Commissions	\$2,967.81
Total	\$762,149.66
Franchise Fee %	4.60 %
Franchise Fee	\$35,058.87

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.


 Pat Moore
 Analyst

DiNapoli, MaryAnn

From: Anne-Marie <annemarie@aignerprenskymarketing.com>
Sent: Monday, November 17, 2014 3:45 PM
To: DiNapoli, MaryAnn
Subject: HEATHER & GARY WOOD - Message is from an unknown sender
Attachments: heather and gary 2.jpg; heather after Wes birth.JPG; heather and wes in hospital.jpg; Boston Globe_10.13.14.pptx

MaryAnn:

Thanks so much for returning my calls and for hearing me out regarding a very sad and compelling story involving a young couple who just moved to Wayland on September 1st to start their new married lives together with their brand new baby boy – only to have their plans derailed completely. Here's the more complete story:

Heather and Gary got married about two years ago. The first year they were married, Heather – a fitness nut -- did four triathlons. As you can see from the attached, she was in amazing shape – and when they learned they were pregnant, they were over the moon excited. A very normal pregnancy, Heather continued to work through her pregnancy with special needs kids at Brookline High School system and Gary continued to run events for Wheelworks cycling shop in Belmont.

All was proceeding normally. In fact, they even found their dream home in Wayland and planned to move shortly after their baby's birth. As it turned out, Heather was a week overdue in August when their doctor scheduled delivery on August 23rd – after 36 hours of labor, the docs finally convinced Heather to have a C-section – and Wesley Wood was born, beautiful and healthy. Everything was still proceeding normally – and you can see how amazing Heather looked in the hospital with her new son.

Two days after Wesley's birth, Gary and Heather signed the papers to move into their new home – and within days, she began to feel sick. First, tingling in her extremities – then excruciating pain in her arms and legs. They rushed her to the hospital where the doctors struggled to figure out what was wrong. Then, she was transferred to the neuroscience floors at Mass General – where was diagnosed with Guillain Barre, and not only Guillain Barre, but the most severe case possible – Miller Fisher Syndrome.

(Guillain-Barre syndrome is a serious disorder that occurs when the body's defense (immune) system mistakenly attacks part of the nervous system. This leads to nerve inflammation that causes muscle weakness and other symptoms. Miller Fisher syndrome is a rare, acquired nerve disease that is considered to be a variant of Guillain-Barré syndrome. It is characterized by abnormal muscle coordination, paralysis of the eye muscles, and absence of the tendon reflexes.)

Within hours, Heather was put on a respirator and feeding tube as her entire body began to shut down completely. She is aware of her surroundings – and they were able to tell her what was happening before she became completely immobile. She cannot move, talk, even breathe on her own. Gary brings the baby in every day for some "skin on skin" time with his mom – but can you imagine how excruciating it must be not only to be dealing with the horrible pain of the disease (which attacks nerve endings) but the mental anguish of not being able to hold her new baby boy?

We have set up a website to fundraise--- [www.giveforward.com/heather and gary wood](http://www.giveforward.com/heather_and_gary_wood) . We will also be working with Gary's employer, Wheelworks in Belmont – but, ultimately, the couple will be reduced to one paycheck – Gary's – although Heather's colleagues at Brookline High School have pooled their vacation and sick days to extend Heather's coverage by the school. They will also need a larger car to accommodate Heather's wheelchair, will have to

retrofit their home so that Heather can function there – and countless other needs they are just now beginning to think about now. A high school friend of Gary’s – a contractor – is donating his time to retrofit the house – as is an electrician and a plumber.

Heather just last week opened her eyes for the first time. The doctors have no idea how long it will be before Heather can speak, communicate in any way, hold her baby, reach out to her husband. GBS and MFS are true “mystery diseases” – no one knows really what causes it, where it comes from, why it strikes one out of 100,000 people – and how long it renders the patient completely helpless. Sometimes patients begin to plateau in a month, sometimes 6 months. Whatever the prognosis for Heather Wood, it will be a long, long fight for this young couple.

I’m also attaching the Boston Globe article that ran last month – but now we need helping hands, not just funds. So, we are turning to Gary and Heather’s new neighbors in Wayland. We are looking for materials to get the Woods’ new home ready for her return – we have found a used chairlift, are looking for an all-wheel drive SUV that can accommodate a baby and the baby’s gear PLUS easy access for Heather (i.e., slippery leather seats!), etc. And, of course, funds – on the fundraising site. We are gathering the list of materials that will be needed – and should have that shortly.

But, as I said, this is about how the Town of Wayland and its residents can help a young couple who are just starting their lives in your town. They’ve been handed a huge challenge – but they are also the kind of folks who will fight through this and will become great additions to your community once they’re back on their feet. And, they are also the kinds of people who would do this for others, if needed. BTW – they live on Old Connecticut Path in Wayland.

I appreciate your help – and am happy to have a more in-depth conversation should it be needed. I would like to get to the Wayland Town Crier at some point later this week. On the eve of Thanksgiving – thank you.

Anne-Marie Aigner
President
Aigner/Prensky Marketing Group
Executive Producer/Food Truck Festivals of NE
214 Lincoln Street, Suite 300
Allston, MA 02134
617 254-9500 (w)
617 484-5151 (mobile)
617 782-5008 (f)

annemarie@aignerprenskymarketing.com

Annemarie@foodtruckfestivalsofne.com



Food Truck Festivals of New England (FTFNE) and Food Trucks 2 Go were founded in 2011 to bring food trucks from all over the New England region to cities, towns, and fans that don't yet have a daily food truck community and to provide a matchmaking service for those looking to book food trucks and the trucks themselves. FTFNE is New England's original and only touring food truck events company and remains committed to producing events that feature the highest quality and most creative menus from a broad range of mobile food kitchens and chefs.

Michelle's Jewelry Boutique

310 Boston Post Rd.

Wayland MA 01778

508-358-2300

michelle@michellesjewelryboutique.com

11/18/14

Dear Wayland Board of Selectmen ,

Thank you for coaching me last night into a better understanding of the laws regarding second hand gold purchases appropriately enforced in our town.

As a small business owner, I pride myself in being a member of the Wayland business community and doing things correctly. As a human I sometimes make mistakes and this error was a good opportunity for me to learn how I can do better. Again thank you for being leaders in our community.

Sincerely,



Michelle M. Meltzer

RECEIVED

NOV 20 2014

Board of Selectmen
Town of Wayland



November 19, 2014

Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Dear Chairman and Members of the Board:

Comcast is pleased to announce that it will continue to provide high-speed Internet service to Town of Wayland schools, and your local library, free of charge again this year, continuing the company's tradition of putting its advanced fiber technology to work for the communities we serve.

Comcast has offered free high-speed Internet service to schools, libraries and Boys & Girls Clubs across the region since our arrival in 2003. Comcast also uses an advanced fiber-rich network to deliver free cable television service to schools and other public buildings in Town of Wayland. The company's broadband contribution in Town of Wayland alone has an annual value of more than \$5,392.80.

Additionally, Comcast launched Internet Essentials in 2011, a program which provides families with children who are eligible to receive free and reduced lunches under the National School Lunch Program (NSLP) with low-cost Internet service, affordable computers and digital literacy training. The goal of Internet Essentials is to help close the digital divide and ensure more Americans benefit from all the Internet has to offer. The national program addresses what research has identified as the three primary barriers to broadband adoption – 1) a lack of understanding of how the Internet is relevant and useful; 2) the cost of a home computer; and 3) the cost of Internet service. The launch of this program has been a collaborative effort with schools, community leadership and community based organizations throughout the country. To learn more, please visit <http://www.partner.internetessentials.com>.

Comcast is focused on delivering the best in innovation, information and entertainment to our customers in Town of Wayland and across the region. We are committed to using our resources to make meaningful investments in communities where our customers and employees live and work. Comcast is pleased to help make a difference in schools and libraries by providing fast and reliable video and high-speed Internet connections.

As always, it has been a pleasure working with your community and we look forward to continuing our support of Town of Wayland for years to come.

Sincerely yours,

Timothy G. Murnane
Vice President, External Affairs
Comcast – Greater Boston Region

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NOV 24 2014

Board of Selectmen
Town of Wayland



November 21, 2014

Ms. Julia Junghanns
Director of Public Health
41 Cochituate Road
Wayland, MA 01778

Mr. Robert Mercier
Interim Town Administrator
41 Cochituate Road
Wayland, MA 01778

Re: Availability of Post-Temporary Solution Status Report
Former Shell-Branded Service Station
78 Boston Post Road
Wayland, Massachusetts 01778
Release Tracking Number (RTN) 3-27717

RECEIVED
NOV 24 2014
Board of Selectmen
Town of Wayland

Dear Mr. Mercier and Ms. Junghanns:

In accordance with the Massachusetts Contingency Plan (MCP) 310 CMR 40.1403 (3)(e), this correspondence serves as notification that a Post Temporary Solution Status (PTSS) Report was submitted to the Massachusetts Department of Environmental Protection (MassDEP) for the above-referenced location (the disposal site).

This PTSS Report outlines the implementation of the Comprehensive Remedial Action (CRA) selected for the disposal site. The selected CRA is groundwater monitoring until soil excavation becomes a feasible option.

A copy of the PTSS Report, as well as other applicable documents pertaining to the subject site, is available for review at the MassDEP Northeast Regional Office located at 205B Lowell Street, Wilmington, MA 01887. If you have any questions please call the undersigned.

Sincerely,
SOVEREIGN CONSULTING INC.

Philip D. McBain, LSP
Senior Project Manager

cc: Annette Dokken – Motiva Enterprises LLC
MassDEP NERO
Newstone Wayland LLC
Sovereign File – 2E828

C. PETER R. GOSSELS

ATTORNEY AT LAW

84 STATE STREET · BOSTON · MASSACHUSETTS 02109-2299 · 617 / 742-9310

WAYLAND OFFICE BY APPOINTMENT: 32 HAMPSHIRE ROAD · WAYLAND · MASSACHUSETTS 01778-1021 · 508 / 358-7438

TELECOPIER 617 / 742-5734

November 20, 2014

The Selectmen of the
Town of Wayland
41 Cochituate Road
Wayland, Massachusetts 01778

Mr. Chairman and Members of the Board of Selectmen,

I have, on a number of occasions over the years, tried to persuade the person or person who have jurisdiction over the signs on Routes 20, 27, 30 and 126, which notify travelers that they have entered our fair town, that Wayland was not founded in 1835; but seceded from Sudbury by act of the Legislature in 1780. The signs on Route 20 were finally corrected a few years ago by the application of some tape with the number 1780 printed thereon.

As far as I know, all of the other signs which notify the public that they are entering Wayland still announce that our town was founded in 1835.

I would hope that you can find a way to correct this error.

With every best wish,



C. Peter R. Gossels

CPRG/cal

cc: Board of Public Works

P.S. A similar error appeared on our town seal until it was finally corrected in 2000 in response to my urging.

Linda L. Segal
9 Aqueduct Rd.
Wayland, MA 01778-4605
lmlsegal@comcast.net

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NOV 24 2014

Board of Selectmen
Town of Wayland

Keeper of the Records
Wayland School Committee
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

November 24, 2014

RE: Public Records Request

Dear Members of the Wayland School Committee

On Monday, Nov. 17, 2014, I first contacted you by email seeking your assistance because the link from your website to the public record of the High School Building Committee (HSBC) was broken. It appears that your link to that public record has been removed from your website.

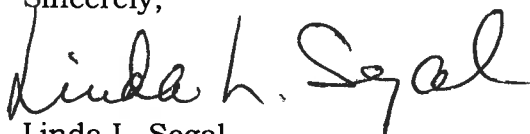
Pursuant to the Massachusetts Public Records Law G.L. c. 4, § 7, cl. 26 and G.L. c. 66, § 10 and the Open Meeting Law G.L. c. 30A, I respectfully request access to the following public records:

1. The meeting agendas and minutes of the School Committee and the HSBC when it was decided at a public meeting to "take down" the online public record, from 2004 to the present, of Wayland's \$70 million high school project.
2. The public record of the ten-year high school project which, according to a Nov. 21 email from Barb Fletcher, "is stored in paper form and on a disk."

The law requires a response to this request within ten calendar days. Kindly inform me in writing when these requested documents will be available in the School Department office.

Thank you.

Sincerely,



Linda L. Segal

cc: Wayland School Superintendent
Wayland Town Administrator
Wayland Town Clerk

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2014 NOV 24 AM 8:59



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

November 25, 2014

Board of Selectmen
Town of Sudbury
322 Concord Road
Sudbury, MA 01776

RE: Wayland-Sudbury Septage Disposal Facility

Dear Members of the Board of Selectmen:

We are writing to inform you that Wayland has obtained an appraisal of the decommissioned Wayland-Sudbury Septage Disposal Facility, and that the appraisal, dated October 20, 2014, from the Appraisers Group, concludes that the Facility has no market value. Therefore, under the "Septage Disposal Agreement Between the Towns of Wayland, Massachusetts and Sudbury, Massachusetts," dated June 4, 1997, we are letting you know that Wayland intends to proceed with demolishing the Facility and that Sudbury is responsible for reimbursing Wayland for half of the demolition cost as provided for in the Agreement, ¶XV.B.2.b.

As you know, the Facility was decommissioned by agreement of both Towns and stopped operating as of December 1, 2009. In addition to the provision regarding allocation of payment for demolition costs in the event the Facility has no market value, the Agreement, ¶XV.B.2.b., states: "if it shall occur within five years of the expiration of this Agreement." It is not clear what this five-year time period refers to, and when the time period might begin and end. Under one interpretation, since the Facility ceased all operations as of December 1, 2009, the Agreement terminated then. Five years after December 1, 2009 is December 1, 2014. Without waiving any argument that a different five-year period may be applicable, and notwithstanding that the December 1, 2014, date may not be significant, and because we have now obtained the appraisal, we are letting you know of our intent to proceed with demolition. A copy of the appraisal is enclosed for your information.

We look forward to continuing to work cooperatively with you to resolve all of the remaining issues associated with the Facility. As part of that, we will provide you with further information regarding the costs of demolition once those are ascertained.

Very truly yours,

Joseph F. Nolan
Chair, Board of Selectmen

44 Trapelo Road
Belmont, MA 02478

The
APPRAISERS
Group

617.489.2003
appraisersgroup.com
fax 617.489.2033

APPRAISAL REPORT OF:

490 Boston Post Road
Wayland, Massachusetts

PREPARED FOR:

John Moynihan, MCPPO
Public Buildings Director
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

PREPARED BY:

The Appraisers Group

Effective Dates: September 16, 2014

Appraisal Date: October 20, 2014

Our File No.: 143183Wayland

Client File No.: N/A

44 Trapelo Road
Belmont, MA 02478

The
APPRAISERS
Group

617.489.2003
appraisersgroup.com
fax 617.489.2033

October 20, 2014

Mr. John Moynihan, MCPPO
Public Buildings Director
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: Appraisal Report
490 Boston Post Road
Wayland, MA

Dear Mr. Moynihan:

I have prepared the attached appraisal report for the purpose of providing an opinion of the market value of the fee simple interest in the above referenced property as of September 16, 2014, the most recent date of inspection of the subject property. The intended use of the appraisal is to assist the client with potential disposition of the property.

The subject property is located on the north side of Boston Post Road (Route 20) at the Sudbury town line. The area is utilized by the Towns of Wayland and Sudbury for municipal uses and includes the Town of Wayland transfer station at 484 Boston Post Road, the Town of Sudbury transfer station at 20 Boston Post Road, Sudbury as well as a solar panel installation in neighboring Sudbury.

The subject property represents a decommissioned septage treatment facility comprised of an industrial building and several above ground tanks. These improvements were decommissioned and closed in 2009 after a review by the towns of Wayland and Sudbury determined that even with expensive capital improvements required to meet DEP permitting standards, the facility had little chance of being economically feasible in the long term. As of the inspection date, the improvements were not being used and there are reportedly no plans to use them. The eventual plan by the town is to demolish them in favor of a new mixed-use development as dictated by the recently approved new zoning for the district.

The existing improvements are owned jointly by the towns of Wayland and Sudbury, however, the underlying land is owned solely by the Town of Wayland and is not part of the subject property. At the client's request, I have provided a value opinion of the improvements only.

Until recently, the property was located in a Refuse Disposal District which severely limits the potential uses of the property. The property has been rezoned to allow residential development. The client has requested that I provide a value opinion of the existing improvement under the former

**490 Boston Post Road
Wayland, Massachusetts**

zoning and the current zoning.

The attached report addresses the issues that affect the subject's value. Perhaps the most important factor affecting the value under the former zoning is the severely limited number of uses allowed by right in the Refuse Disposal District. After a review of these uses, discussions with Town of Wayland officials and a review of market conditions and activity, I have concluded there are no viable uses of the subject property that would provide a positive value to the existing improvements.

Under the new, mixed-use zoning, industrial uses are not allowed. Furthermore, the condition and physical characteristics of the existing building do not lend themselves to re-use for any potential development scenario of the site allowed under the current zoning. As a result, I have concluded there is no value to the existing building under the current zoning.

I have made extraordinary assumptions whose use could affect the assignment results and if found to be untrue, could alter the opinion of value. These are cited in the report body under the section "Assumptions and Limiting Conditions". The client is urged to read these.

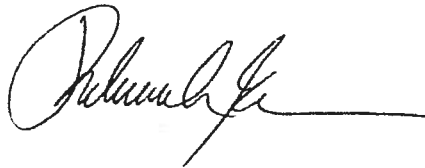
The analyses and conclusions within the attached report are based upon field research, interviews with market participants, and publicly available data that I have collected. The accompanying report has been prepared in accordance with the *Uniform Standards of Professional Appraisal Practice* (USPAP).

It is the opinion of the appraiser that the market value of the fee simple interest in the **subject improvements only**, located at 490 Boston Post Road in Wayland, Massachusetts, as of September 16, 2014, was:

**ZERO DOLLARS
\$0**



Marcus Johnson, MRA
STAFF APPRAISER
MA CERT. GENERAL R.E. APPRAISER LIC. #70246



Richard Goulet, MRA
SUPERVISORY APPRAISER
MA CERT. GENERAL R.E. APPRAISER LIC. #9



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Memorandum

11/24/2014

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Traffic Crash Data

The Board of Selectmen requested further traffic crash data at its meeting on 11/18/2014. Officer Wilkins conducted a computer search of traffic crashes that occurred at the confluence of streets at the Lokerville Green since 7/1/1989. These crashes were reported with locations of 124 East Plain Street, 285 Commonwealth Road and 4 School Street Ext. Without pulling each individual crash report, the exact location at this intersection cannot be determined.

There have been 176 vehicle crashes at this location reported since 7/1/1989. 146 of these crashes did not report injuries and 30 of the crashes reported injuries. It is possible that there could be a few additional traffic crash incidents at this location that were computer coded as a different location or as a different incident.

cc: Officer Mark Wilkins, Community Services Officer
Mr. Stephen Kadlik, DPW Director

RECEIVED

NOV 24 2014

Board of Selectmen
Town of Wayland

15

Wayland Police Department Incidents by Type

Printed: 11/20/2014 2:11 pm

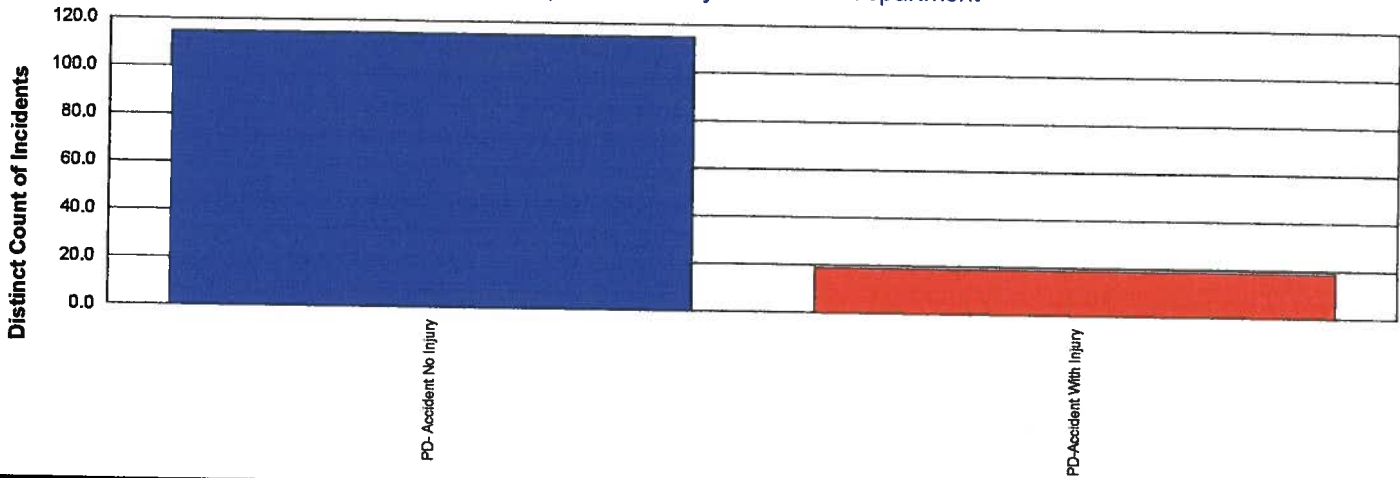
From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

Distinct Count of Incidents by Type

For Department: Wayland Police Department



PD- Accident No Injury

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
7/1/1989 6:22:00PM	1989000000849	124 EAST PLAIN STREET
10/14/1989 12:15:00PM	1989000003566	124 EAST PLAIN STREET
1/20/1990 3:56:00PM	1990000000471	124 EAST PLAIN STREET
3/18/1990 3:21:00PM	1990000001602	124 EAST PLAIN STREET
9/19/1990 8:10:00AM	1990000005768	124 EAST PLAIN STREET
10/6/1990 8:20:00AM	1990000006113	124 EAST PLAIN STREET
10/27/1990 2:46:00PM	1990000006569	124 EAST PLAIN STREET
4/3/1991 3:38:00PM	1991000001862	124 EAST PLAIN STREET
8/5/1991 6:08:00PM	1991000004622	124 EAST PLAIN STREET
9/19/1991 1:57:00PM	1991000005684	124 EAST PLAIN STREET
11/25/1991 8:58:00AM	1991000006926	124 EAST PLAIN STREET
1/23/1992 8:40:00AM	1992000000469	124 EAST PLAIN STREET
1/31/1992 7:53:00PM	1992000000634	124 EAST PLAIN STREET
4/17/1992 5:29:00PM	1992000002038	124 EAST PLAIN STREET
6/10/1992 8:28:00AM	1992000003157	124 EAST PLAIN STREET
6/26/1992 12:35:00PM	1992000003521	124 EAST PLAIN STREET
7/22/1992 7:40:00AM	1992000004062	124 EAST PLAIN STREET
10/31/1992 6:59:00PM	1992000006304	124 EAST PLAIN STREET
11/13/1992 8:45:00AM	1992000006551	124 EAST PLAIN STREET
12/22/1992 3:54:00PM	1992000007325	124 EAST PLAIN STREET
1/6/1993 7:00:00PM	1993000000201	124 EAST PLAIN STREET
6/18/1993 8:03:00AM	1993000002956	124 EAST PLAIN STREET

Wayland Police Department

Incidents by Type

Printed: 11/20/2014 2:11 pm

From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

PD- Accident No Injury (continued)

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
9/10/1993 2:23:00PM	1993000004475	124 EAST PLAIN STREET
9/24/1993 12:06:00PM	1993000004673	124 EAST PLAIN STREET
10/15/1993 7:12:00AM	1993000004998	124 EAST PLAIN STREET
11/30/1993 6:50:00AM	1993000005694	124 EAST PLAIN STREET
4/16/1994 10:27:00AM	1994000001661	124 EAST PLAIN STREET
11/4/1996 8:55:00PM	1996000005488	124 EAST PLAIN STREET
11/15/1996 3:31:00PM	1996000005667	124 EAST PLAIN STREET
12/8/1996 6:13:00PM	1996000006139	124 EAST PLAIN STREET
5/9/1997 2:41:00PM	1997000002255	124 EAST PLAIN STREET
9/24/1997 7:56:00AM	1997000004951	124 EAST PLAIN STREET
5/7/1998 7:15:00PM	1998000002474	124 EAST PLAIN STREET
9/26/1998 1:35:00PM	1998000005758	124 EAST PLAIN STREET
10/9/1998 4:51:00PM	1998000006058	124 EAST PLAIN STREET
3/7/1999 9:34:00AM	1999000001364	124 EAST PLAIN STREET
4/5/1999 1:35:00PM	1999000001878	124 EAST PLAIN STREET
6/11/1999 1:30:00PM	1999000003367	124 EAST PLAIN STREET
6/11/1999 5:51:00PM	1999000003371	124 EAST PLAIN STREET
9/11/1999 8:32:00PM	1999000005484	124 EAST PLAIN STREET
9/27/1999 7:50:00AM	1999000005876	124 EAST PLAIN STREET
10/25/1999 3:15:00PM	1999000006513	124 EAST PLAIN STREET
11/6/1999 6:31:00PM	1999000006787	124 EAST PLAIN STREET
2/3/2000 12:07:00PM	2000000000814	124 EAST PLAIN STREET
7/20/2000 8:08:00PM	2000000004517	124 EAST PLAIN STREET
10/17/2000 8:18:00AM	2000000006457	124 EAST PLAIN STREET
3/7/2001 10:21:00AM	2001000001415	124 EAST PLAIN STREET
8/31/2001 4:47:00PM	2001000005050	124 EAST PLAIN STREET
10/2/2001 7:26:00AM	2001000005630	124 EAST PLAIN STREET
11/3/2001 4:26:00PM	2001000006337	124 EAST PLAIN STREET
11/8/2001 7:56:00AM	2001000006429	124 EAST PLAIN STREET
2/10/2002 2:31:00PM	2002000000798	124 EAST PLAIN STREET
6/7/2002 2:23:00PM	2002000002995	124 EAST PLAIN STREET
7/24/2002 1:40:00PM	2002000004134	124 EAST PLAIN STREET
8/22/2002 1:25:00PM	2002000004778	124 EAST PLAIN STREET
9/15/2002 6:00:00PM	2002000005360	124 EAST PLAIN STREET
9/24/2002 3:58:00PM	2002000005541	124 EAST PLAIN STREET

Wayland Police Department

Incidents by Type

Printed: 11/20/2014 2:11 pm

From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

PD- Accident No Injury (continued)

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
11/14/2002 12:38:00PM	2002000006476	124 EAST PLAIN STREET
2/2/2003 11:06:00AM	2003000001223	124 EAST PLAIN STREET
4/19/2003 3:19:00PM	2003000003390	124 EAST PLAIN STREET
6/3/2003 7:48:00AM	2003000004581	124 EAST PLAIN STREET
6/27/2003 3:09:00PM	2003000005081	124 EAST PLAIN STREET
7/29/2003 5:11:00PM	2003000005940	124 EAST PLAIN STREET
7/31/2003 8:05:00PM	2003000006004	124 EAST PLAIN STREET
8/23/2003 11:54:00AM	2003000006713	124 EAST PLAIN STREET
12/12/2003 10:13:00AM	2003000010088	124 EAST PLAIN STREET
1/17/2004 1:27:00PM	2004000000500	124 EAST PLAIN STREET
2/17/2004 9:43:00AM	2004000001377	124 EAST PLAIN STREET
2/28/2004 8:34:00AM	2004000001694	124 EAST PLAIN STREET
4/21/2004 6:54:00AM	2004000003305	124 EAST PLAIN STREET
6/18/2004 5:05:00PM	2004000005233	124 EAST PLAIN STREET
6/30/2004 6:57:00PM	2004000005598	124 EAST PLAIN STREET
8/25/2004 6:41:00PM	2004000007294	124 EAST PLAIN STREET
10/1/2004 8:34:00AM	2004000008470	124 EAST PLAIN STREET
11/9/2004 7:30:00AM	2004000009604	124 EAST PLAIN STREET
12/30/2004 5:50:00PM	2004000011060	124 EAST PLAIN STREET
1/7/2005 7:29:00AM	2005000000167	124 EAST PLAIN STREET
2/3/2005 9:35:00AM	2005000000956	124 EAST PLAIN STREET
2/10/2005 6:40:00PM	2005000001147	124 EAST PLAIN STREET
6/28/2005 6:12:00PM	2005000005069	124 EAST PLAIN STREET
9/8/2005 8:52:00AM	2005000007872	124 EAST PLAIN STREET
1/26/2006 6:21:00PM	2006000000825	124 EAST PLAIN STREET
3/15/2006 8:05:00AM	2006000002358	124 EAST PLAIN STREET
3/21/2006 7:42:00AM	2006000002607	124 EAST PLAIN STREET
3/27/2006 5:19:00PM	2006000002825	124 EAST PLAIN STREET
4/5/2006 9:06:00AM	2006000003097	124 EAST PLAIN STREET
10/15/2006 7:44:56PM	2006000009465	124 EAST PLAIN STREET
1/15/2007 12:22:16PM	2007000000480	124 EAST PLAIN STREET
1/23/2007 1:56:07PM	2007000000740	124 EAST PLAIN STREET
8/3/2007 12:58:15PM	2007000007811	124 EAST PLAIN STREET
9/25/2007 7:37:29AM	2007000009914	124 EAST PLAIN STREET
12/18/2008 4:40:37PM	2008000012235	124 EAST PLAIN STREET

Wayland Police Department

Incidents by Type

Printed: 11/20/2014 2:11 pm

From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

PD- Accident No Injury (continued)

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
6/16/2009 8:26:24PM	2009000005286	124 EAST PLAIN STREET
6/22/2009 11:59:51AM	2009000005459	124 EAST PLAIN STREET
12/10/2010 1:00:50PM	2010000010851	124 EAST PLAIN STREET
1/9/2011 2:49:27PM	2011000000367	124 EAST PLAIN STREET
1/16/2011 4:23:46PM	2011000000699	124 EAST PLAIN STREET
11/28/2011 8:07:02AM	2011000012811	124 EAST PLAIN STREET
12/6/2011 8:21:31PM	2011000013087	124 EAST PLAIN STREET
7/8/2012 3:05:49PM	2012000006291	124 EAST PLAIN STREET
7/12/2012 8:46:03AM	2012000006455	124 EAST PLAIN STREET
8/5/2012 2:17:15PM	2012000007320	124 EAST PLAIN STREET
8/22/2012 6:05:40PM	2012000007918	124 EAST PLAIN STREET
9/12/2012 10:41:08AM	2012000008670	124 EAST PLAIN STREET
9/19/2012 7:35:36AM	2012000008926	124 EAST PLAIN STREET
10/6/2013 7:34:40PM	2013000010949	124 EAST PLAIN STREET
10/14/2013 5:56:32PM	2013000011248	124 EAST PLAIN STREET
10/21/2013 2:19:10PM	2013000011491	124 EAST PLAIN STREET
11/19/2013 2:45:43PM	2013000012627	124 EAST PLAIN STREET
12/16/2013 3:48:10PM	2013000013570	124 EAST PLAIN STREET
2/18/2014 9:11:51AM	2014000001589	124 EAST PLAIN STREET
4/2/2014 8:52:37PM	2014000003059	124 EAST PLAIN STREET
9/25/2014 5:07:42AM	2014000009694	124 EAST PLAIN STREET
10/10/2014 3:13:09PM	2014000010247	124 EAST PLAIN STREET
11/5/2014 6:04:21PM	2014000011245	124 EAST PLAIN STREET

PD- Accident No Injury : 115

PD-Accident With Injury

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
12/1/1993 3:34:00PM	1993000005730	124 EAST PLAIN STREET
5/9/1994 3:33:00PM	1994000002006	124 EAST PLAIN STREET
6/3/1994 11:26:00AM	1994000002367	124 EAST PLAIN STREET
6/18/1994 12:11:00PM	1994000002631	124 EAST PLAIN STREET
5/9/1997 2:41:00PM	1997000002255	124 EAST PLAIN STREET
7/4/1997 6:26:00PM	1997000003392	124 EAST PLAIN STREET
11/5/1997 8:34:00AM	1997000005705	124 EAST PLAIN STREET
5/7/1998 7:15:00PM	1998000002474	124 EAST PLAIN STREET
5/19/1999 3:14:00PM	1999000002835	124 EAST PLAIN STREET
3/8/2001 7:59:00AM	2001000001461	124 EAST PLAIN STREET

Wayland Police Department Incidents by Type

Printed: 11/20/2014 2:11 pm

From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

PD-Accident With Injury (continued)

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
7/28/2002 3:15:00PM	2002000004228	124 EAST PLAIN STREET
2/3/2003 3:08:00PM	2003000001259	124 EAST PLAIN STREET
6/15/2005 8:04:00PM	2005000004648	124 EAST PLAIN STREET
12/5/2006 3:18:06PM	2006000011011	124 EAST PLAIN STREET
10/31/2007 5:03:00PM	2007000011129	124 EAST PLAIN STREET
5/16/2009 2:24:53PM	2009000004188	124 EAST PLAIN STREET
5/8/2012 8:47:21AM	2012000004027	124 EAST PLAIN STREET
9/24/2012 1:03:12PM	2012000009087	124 EAST PLAIN STREET
5/5/2013 1:59:10PM	2013000004968	124 EAST PLAIN STREET

PD-Accident With Injury :	19
Department: Wayland Police Department :	132
Jurisdiction: Town of Wayland :	132

Total Incidents : 132

Wayland Police Department Incidents by Type

Printed: 11/20/2014 1:48 pm

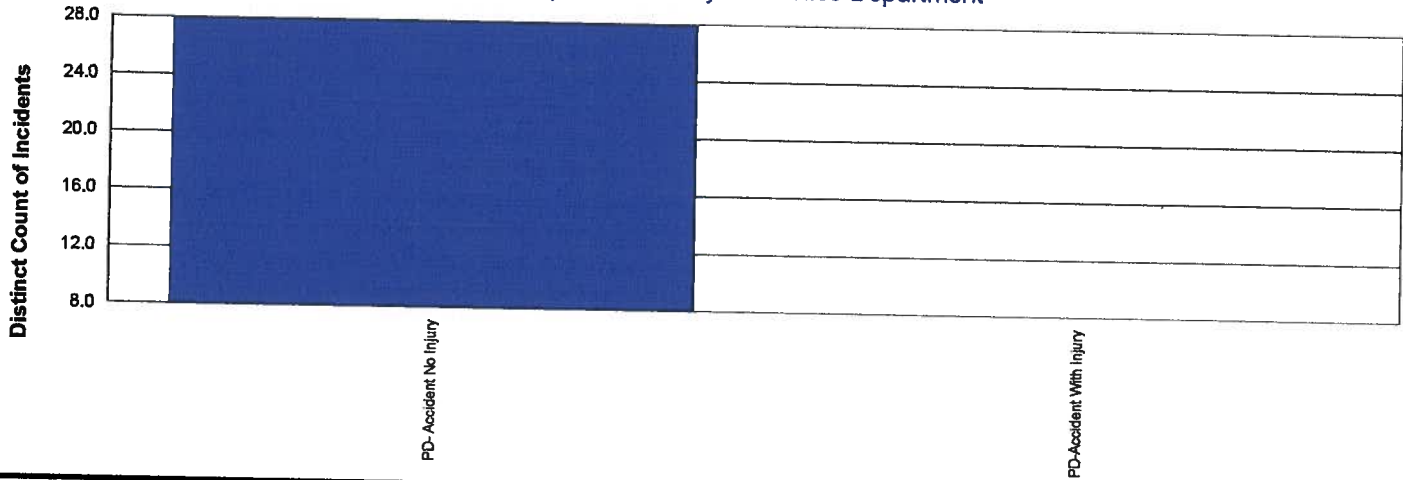
From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

Distinct Count of Incidents by Type

For Department: Wayland Police Department



PD- Accident No Injury

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
8/5/1997 7:59:00AM	1997000004004	285 COMMONWEALTH ROAD
10/2/1997 1:31:00PM	1997000005099	285 COMMONWEALTH ROAD
12/9/1997 7:55:00PM	1997000006292	285 COMMONWEALTH ROAD
9/2/1998 8:20:00AM	1998000005188	285 COMMONWEALTH ROAD
6/8/1999 1:24:00PM	1999000003288	285 COMMONWEALTH ROAD
10/24/2001 7:52:00AM	2001000006108	285 COMMONWEALTH ROAD
7/1/2002 9:07:00AM	2002000003570	285 COMMONWEALTH ROAD
7/3/2003 9:46:00AM	2003000005245	285 COMMONWEALTH ROAD
6/7/2005 5:12:00PM	2005000004351	285 COMMONWEALTH ROAD
7/15/2005 8:21:00PM	2005000005736	285 COMMONWEALTH ROAD
10/19/2005 9:26:00AM	2005000009290	285 COMMONWEALTH ROAD
1/5/2006 1:29:00PM	2006000000134	285 COMMONWEALTH ROAD
4/10/2006 6:20:00PM	2006000003280	285 COMMONWEALTH ROAD
9/21/2007 4:49:56PM	2007000009776	285 COMMONWEALTH ROAD
11/21/2007 4:52:36PM	2007000011834	285 COMMONWEALTH ROAD
12/17/2007 3:48:51PM	2007000012598	285 COMMONWEALTH ROAD
1/15/2008 4:48:39PM	2008000000529	285 COMMONWEALTH ROAD
3/26/2008 2:36:45PM	2008000002977	285 COMMONWEALTH ROAD
9/19/2008 9:29:04PM	2008000009354	285 COMMONWEALTH ROAD
6/3/2009 2:28:45PM	2009000004860	285 COMMONWEALTH ROAD
4/23/2010 3:48:07PM	2010000003365	285 COMMONWEALTH ROAD
7/28/2010 5:44:17PM	2010000006603	285 COMMONWEALTH ROAD

Wayland Police Department

Incidents by Type

Printed: 11/20/2014 1:48 pm

From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

PD- Accident No Injury (continued)

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
12/21/2011 4:51:21PM	2011000013573	285 COMMONWEALTH ROAD
6/14/2012 6:42:18AM	2012000005350	285 COMMONWEALTH ROAD
9/27/2012 3:47:48PM	2012000009216	285 COMMONWEALTH ROAD
2/21/2013 1:59:27PM	2013000001981	285 COMMONWEALTH ROAD
10/10/2013 11:57:42AM	2013000011099	285 COMMONWEALTH ROAD
7/1/2014 2:03:12AM	2014000006371	285 COMMONWEALTH ROAD

PD- Accident No Injury : 28

PD-Accident With Injury

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
11/8/2000 1:46:00PM	2000000006914	285 COMMONWEALTH ROAD
7/23/2005 6:35:00PM	2005000006036	285 COMMONWEALTH ROAD
12/8/2005 11:49:00AM	2005000011087	285 COMMONWEALTH ROAD
4/11/2007 2:31:34PM	2007000003387	285 COMMONWEALTH ROAD
5/16/2008 5:22:23PM	2008000004848	285 COMMONWEALTH ROAD
10/19/2010 5:36:31PM	2010000009429	285 COMMONWEALTH ROAD
1/21/2011 7:46:34PM	2011000000934	285 COMMONWEALTH ROAD
6/19/2011 9:04:44PM	2011000007210	285 COMMONWEALTH ROAD

PD-Accident With Injury : 8

Department: Wayland Police Department : 36

Jurisdiction: Town of Wayland : 36

Total Incidents : 36

Wayland Police Department Incidents by Type

Printed: 11/20/2014 10:13 am

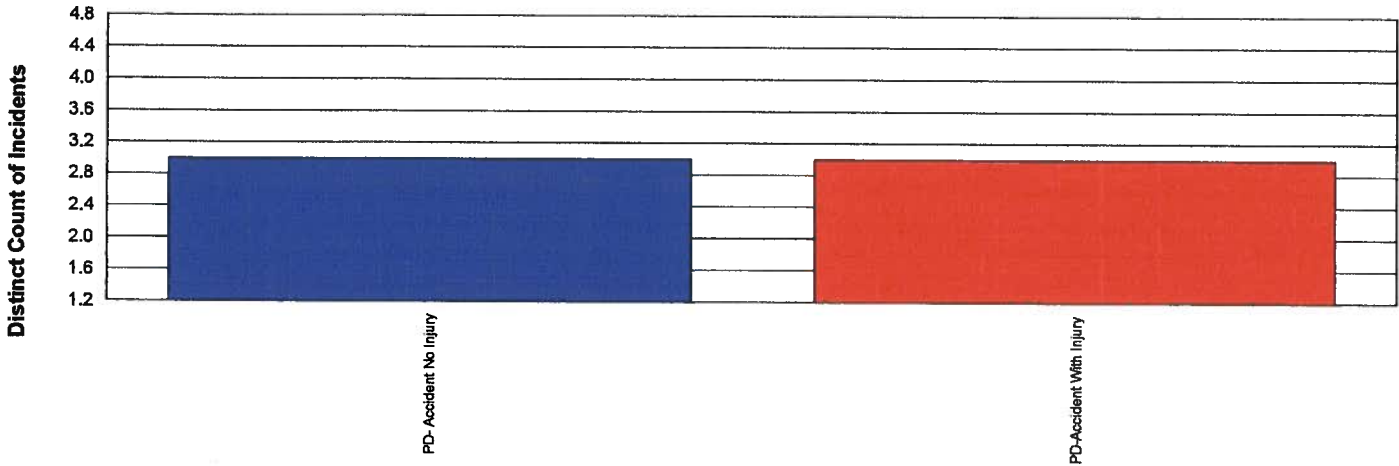
From Date:01/01/1987 to:11/20/2014

Jurisdiction: Town of Wayland

Department: Wayland Police Department

Distinct Count of Incidents by Type

For Department: Wayland Police Department



PD- Accident No Injury

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
6/13/1997 7:22:00PM	1997000002953	4 SCHOOL STREET
7/7/2002 12:25:00PM	2002000003731	4 SCHOOL STREET
10/10/2003 10:25:00PM	2003000008146	4 SCHOOL STREET

PD- Accident No Injury : 3

PD-Accident With Injury

<u>Date & Time</u>	<u>Incident Number</u>	<u>Address</u>
9/20/1994 5:40:00PM	1994000004128	4 SCHOOL STREET
9/23/2003 3:41:00PM	2003000007610	4 SCHOOL STREET
11/4/2012 9:34:19AM	2012000010579	4 SCHOOL STREET

PD-Accident With Injury : 3

Department: Wayland Police Department : 6

Jurisdiction: Town of Wayland : 6

Total Incidents : 6



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOS
NF 3

RECEIVED

NOV 18 2014

Board of Selectmen
Town of Wayland

Julia Junghanns, R.S., C.H.O.
DIRECTOR OF PUBLIC HEALTH
TEL. (508) 358-3617
www.wayland.ma.us

Wayland Board of Health Director's Report November 17, 2014

Septic system work and building approvals-We currently have a backlog of building approvals and septic system designs. For the past couple of weeks we have been focusing on a push to get all the current projects reviewed and approved if approvable. Contracted help has been assisting. At the same time we still have installations, soil testing and construction projects going on to get things completed before the winter weather.

New DPW site-Septic system construction began last week and is in the process at the new DPW site. I have been onsite for a pre-construction meeting and have conducted beginning inspections. We expect construction to be completed this week.

Office staff and Medical Reserve Corp Volunteers have been attending a required training series of 3 National Incident Management (NIMS) classes; Incident Command System 100, Incident Command System 200 and National Incident Management System 700. The training is for emergency response, including structure, and management operations. Deputy Fire Chief Houghton is presenting the classes and we expect to have two classes completed by Tuesday November 18th. A third class will be planned in the near future to complete the series, dates will be set soon. More ICS classes are available for MRC Volunteers.

Discussions with Wayland Youth and Family Services regarding WaylandCares. PHN/Nurse Leader Ruth Mori and I met with Dossie Kahn, Psy.D., Assistant Director of Youth and Family Services to share ideas regarding potential focus areas for development. Dossie and/or Lynn will be planning to join one of our regularly scheduled Community Health Nurse's meetings to help bridge with nursing staff and obtain insight on current school student issues.

Tobacco Compliance Checks were conducted by the Wayland Police Department. Two of fifteen (15) establishments sold cigarettes to an underage youth. Violators are: Sperry's Fine Wine of 87 Andrew Ave. and Gulf Gas station of 28 Boston Post Road. Gulf Gas Station of 28 Boston Post Road also sold tobacco to an underage youth on July 30, 2014 and February 25, 2014.

Respectfully,
Julia Junghanns, R.S., C.H.O.
Director of Public Health



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3606

November 25, 2014

Mr. Ben Stevens
Trask Incorporated
30 Turnpike Road, Suite 8
Southborough, MA 01772

RECEIVED

NOV 25 2014

Board of Selectmen
Town of Wayland

Re: 4 School Street

Dear Mr. Stevens:

The Conservation Commission is in receipt of your letter concerning 4 School Street dated October 21, 2014, together with some photos, and is responding thereto.

Commission member Barbara Howell did not attend any Planning Board meeting or offer any opinion regarding the above-noted property. Perhaps you are referring to Betty Salzberg, another Commission member, who has reported to the Commission that she did offer comments at a recent Planning Board meeting in her capacity as a member of the Wayland Housing Partnership. She did not claim to be and was not speaking on behalf of the Commission.

The Commission does not have any record of additional submittals pertinent to the Order of Conditions under the Wetlands Protection Act, DEP File No. 322-590, and the Chapter 194 Permit issued on November 19, 2004. Thus there has been no cause for the Commission to discuss this property, other than with respect to your recent communication.

Should you wish to address any issues concerning resource areas affecting 4 School Street, please file the appropriate applications as noted in Condition #47 of the Order of Conditions and Condition #30 of the Permit for DEP File 322-590.

If you have any questions, please contact me or the Commission. Thank you.

Sincerely,

Brian J. Monahan
Conservation Administrator

cc: Conservation Commissioners
J. Nolan, Board of Selectmen
Nan Balmer, Town Administrator
Sarkis Sarkisian, Town Planner
File

17



TRASK INCORPORATED

30 Turnpike Road • Suite 8
Southborough, MA 01772
PH: (508) 485-0077
FX: (508) 485-4879

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NOV 03 2014

WAYLAND CONSERVATION COMMISSION

Town of Wayland
Conservation Commission, Brian Monahan
41 Cochituate Road
Wayland, MA 01778

21 October 2014

RE: 4 School Street "River Status"

Dear Mr. Monahan;

At a recent Planning Board meeting while discussing the potential of relocating the affordable housing requirements in full or in part from the Covered Bridge Lane project to 4 School Street location; a Conservation Commission Board member (Barbara Howell) was present and offered her opinion.

To summarize; Ms. Howell stated that she was a Conservation Commission Board member and that "her board" was of the opinion that the wetland directly behind 4 School Street (to the west) was part of a river system and subject to the River Protection Act for any potential development. She went on to have a definitive opinion that affordable housing units at 4 School Street would be less desirable than building them at the proposed location on Lot 1 at Covered Bridge Lane. What was unclear is whether she was speaking for your Board at that time, or speaking as a resident.

I would respectfully request that you clarify with your board whether they have had such a discussion regarding 4 School Street either regarding the River Status; or as a potential site for off-site affordable housing. If you have, please let me know when that discussion took place and if there are any minutes from that forum. If you have not, then I will assume that Ms. Howell was speaking as a Wayland resident at our Planning Board meeting and not as a Conservation Commission member.

My understanding is that beyond the Order of Conditions issued on or around 2005 for a septic replacement at 4 School Street (at which time there was no ruling on the River Status) that there have been no additional submittals regarding this resource area. Please confirm.

Please be advised that we have been monitoring this wetland area. We have photographic documentation (enclosed herewith) that shows the culvert down gradient from this wetland system adjacent to 264 Commonwealth Road as it runs under Commonwealth Road (as the outlet for the

Trask

TRASK INCORPORATED

30 Turnpike Road • Suite 8
Southborough, MA 01772
PH: (508) 485-0077
FX: (508) 485-4879

wetland area behind 4 School Street). This area has been and is still bone dry, with no evidence of consistent running water. We believe this satisfies the condition which would render this resources area as not meeting the standards for a river under the Rivers Protection Act.

Regards,

A handwritten signature in black ink, consisting of a long horizontal line with a short diagonal stroke at the beginning.

Ben Stevens

CC: Joseph F. Nolan, Chairman, Wayland Selectmen
CC: Sarki Sarkisian; Wayland Planning
CC: Charlie Rousseau
CC: Desheng Wang



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, December 1, 2014
Wayland Town Building
Selectmen's Meeting Room

REVISED CORRESPONDENCE - II

Zoning Board of Appeals

18. Decision No. 14-28, 178 West Plain Street
19. Continue Hearing, December 9, 2014, 63 Edgewood Road

Minutes

20. Council on Aging/Community Center Advisory Committee, November 10, 2014
21. Historic District Commission, September 18, 2014, October 16, 2014
22. Housing Partnership, September 30, 2014
23. Board of Library Trustees, October 15, 2014, October 27, 2014
24. Personnel Board, September 15, 2014, October 20, 2014
25. Board of Public Works, October 22, 2014, November 13, 2014

State

26. Notice of Hearing, 11/13/14, from Alcoholic Beverages Control Commission re: Dudley Chateau of Cochituate, January 15, 2015



TOWN OF WAYLAND
MASSACHUSETTS
01778

Selectmen

BOARD OF APPEALS

TOWN BUILDING
41 Cochituate Road
TELEPHONE: (508) 358-3600
FAX: (508) 358-3606

DECISION NO. 14-28

NAME OF APPLICANT:

Daniel and Elena Martynick

APPLICATION FOR:

Any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct a second floor) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2 and 401.1.3. The property is located at 178 WEST PLAIN STREET which is in a SINGLE RESIDENCE DISTRICT. (14-28)

DATES OF HEARING:

November 18, 2014.

BOARD CONDUCTING HEARING AND RENDERING DECISION:

E. Michael Thomas, Eric Goldberg, Aida Gennis, Thomas White and Michael Connors.

DECISION:

Special Permit granted, with conditions.

VOTE OF BOARD:

Unanimous (5-0).

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NOV 24 2014

Board of Selectmen
Town of Wayland

CONDITIONS:

1. Construction shall be in substantial conformity with the plans filed with the Building Department October 2, 2014 dated July 23, 2014.
2. The applicants must obtain any other necessary permits and approvals from other municipal boards having jurisdiction over this matter as may be required.

FACTS AND REASONS:

The property in question is located at 178 West Plain Street. The Applicants seek zoning relief as may be necessary to “construct a second floor”. The property is pre-existing non-conforming due to insufficient lot area and insufficient frontage.

Because the Applicants seek to alter and extend a pre-existing, nonconforming property, under M.G.L. c. 40A, § 6 and § 401.1.2 of the zoning bylaw, the Applicants need a special permit, and must demonstrate to the Board that the proposal “shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood.” The current house contains 1,310 square feet of Gross Floor Area. The new construction will add 1,122 square feet of Gross Floor Area. This results in 2,432 square feet of total Gross Floor Area which is an increase in Gross Floor Area of approximately 86%.

Under § 203 of the bylaw, in order for the applicants to receive a special permit, they must further demonstrate to the satisfaction of the Board that “the use of the premises [as altered]...shall not be against the public interest, shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety.”

The Chairman, E. Michael Thomas, asked whether any members of the public wished to be heard. No member of the public appeared or asked to be heard. Additionally, there were no letters filed with the Board in favor or in opposition of the Petition.

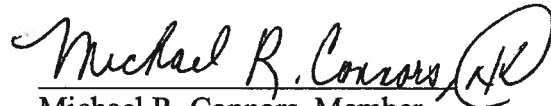
By a vote of 5-0, the Board finds pursuant to G.L. c. 40A, § 6 that the proposed construction of a second floor would increase the existing nonconformity of the existing structure on a nonconforming lot. Nonetheless, the Board further finds that the proposed construction is not against the public interest, nor does it derogate from the character of the neighborhood, and is not detrimental, offensive or injurious to the public health or safety and thus meets the requirements of the zoning bylaws.

Thus, the Board concludes that the proposed construction of a second floor to the existing structure will not be substantially more detrimental than the existing nonconforming structure to the neighborhood and votes unanimously to approve the Special Permit subject to the conditions set forth herein.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD

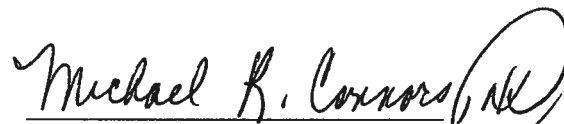
November 24, 2014


Michael R. Connors, Member

CERTIFICATION:

The Board of Appeals, by delivery of a copy of this Decision to the Applicants, Daniel and Elena Martynick, does hereby certify that copies of this Decision and all plans referred to in this Decision have been filed with the Planning Board of the Town of Wayland and with the Town Clerk of the Town of Wayland.

BOARD OF APPEALS


Michael R. Connors, Member



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3600
FAX: (508) 358-3606

NOVEMBER 21, 2014

POSTED

There will be a Zoning Board of Appeals

continued hearing on

DECEMBER 9, 2014

at

8:20 p.m.

for the applicant

DAVID & LILLIAN WATKINS
(14-27)

63 EDGEWOOD ROAD

to be held in the Town Building.

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TOWN OF WAYLAND
TOWN CLERK
2014 NOV 21 AM 10:52

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NOV 24 2014

Board of Selectmen
Town of Wayland

19



Town of Wayland Massachusetts

Community Center Advisory Committee

Frank Krasin, Co-Chair
Steve Correia,
Ken Isaacson
Carol Martin
Jean Milburn,
Andrew Reck
William Sterling, Co-Chair

Community Center Advisory Committee (CCAC)

Minutes: November 10, 2014

In attendance: Steve Correia, Frank Krasin, Jean Milburn, Andrew Reck, William Sterling and Carol Martin. Also in attendance were Planning Director, Sarkis Sarkisian and COA Director Julie Secord (8:30am). Absent: Ken Isaacson.

The meeting was called to order at 7:58am when a quorum was established in the lobby of the Natick Community/Senior Center at 117E. Central Street, Natick, MA. Co-Chair Sterling announced the purpose of the meeting was conduct off-site tours of the Natick Community/Senior Center and the Day Care Building at the Wayland Town Center.

Tour of Natick Senior/Community Center: Administrative Assistant Sandy Carr and Jemma Lambert, Director at the Natick Community/Senior Center served as tour guides. Built in 2004, the center is a two-story 25,000 square foot building shared by Parks and Recreation, Council on Aging, Veterans Services, Human Services and the Organic Farm. The Community/Senior center reaches out to all demographic groups and serves an average of 600 residents daily.

Amenities include a Café, kitchen, multi-purpose room with stage, lobby with seating/gathering area, exercise room, gym with walking track, patio, several activity rooms, conference room, exam room, offices and storage area. There is also a gift shop run by the Friends of the COA.

The Café serves 40-60 lunches each day. The kitchen supports the Meals on Wheels program which currently average 60 meals/day. All the meeting rooms, kitchen and gym are available to rent, generating a revenue source.

After the tour, Ms. Lambert led the Committee in a discussion, highlighting what she termed "lessons learned including:

1. Avoid large open office areas that seat 4-6 as productivity may adversely affected.
2. Locate staff offices away from exam rooms as privacy may be compromised.
3. Purchase calendar management software to ensure no overlap on room reservations
4. Leave some unfinished space to see what needs develop once center is open.
5. Select an all-encompassing name.
6. Invest in good quality sound barriers.

In regards to the rental spaces, Ms. Lambert indicated the demand was approximately twice the availability and the rental process had become somewhat labor intensive. To resolve this issue, the Center was in the process of establishing an advisory committee to evaluate and recommend rental policies and rates to the Board of Selectmen.

The Committee thanks both Ms. Carr and Ms. Lambert for their time and such an informative tour. Ms. Carr distributed copies of the November 2014 issue of the Natick Sentinel to the Committee.

At 9:00am, Co-Chair Sterling announced the Committee would recess for approximately 20 minutes, then re-convene at Wayland Town Center for the purpose of touring the Day Care building.

At 9:01, Alan Reck left the meeting.

At 9.28am, Co-Chair Sterling reconvened the Committee on the Municipal Pad at Wayland Town Center.

Tour of Day Care Building at Wayland Center: The Committee conducted a self-guided tour of the interior of the day care building and was surprised to see what good condition the building is in, considering it was never finished and been left unoccupied for approximately 10 years. The Committee especially noted the “bones” of the building appear to be good, the sprinkler pipes are in place and much of the plumbing and possibly the electrical may be useable. Touring the exterior, the Committee was thrilled with the scenic view behind the building.

Adjournment: At 9:52 PM, a motion was made and seconded to adjourn. The vote in favor was 6 – 0.

Respectfully submitted,

Carol B. Martin

Handout: Natick Sentinel, 11/2014, source Natick Community/Senior Center

Historic District Commission Meeting
September 18, 2014

HDC members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Kevin Crowley

Others present: Connors Comrie, Richard Turner

The minutes of the August 21, 2014 meeting were accepted. (4-0-0)

The Annual Report was accepted. (4-0-0)

Design Review Guidelines -- Some of the items discussed were gutters and paint colors (Sherwin Williams and Benjamin Moore Historic colors) along with additions, lighting, and a sign policy.

Sign for 25 Cochituate Road -- Connor Comrie was present to show exactly what the sign advertising Comrie Real Estate would look like. The wording and color will be changed but not the size of the physical sign which has been in place for many years and was the base for the ebay sign. (That sign which extends from the building has a plywood base to which two signs, one on either side of the plywood base will be attached.) Gretchen explained that we could call this a diminutive change, and we would send out a letter about this change to everyone in the HD. Residents in the HD could object within 10 days. A motion was made to consider this a diminutive change; and the motion was accepted. (4-0-0)

Public Hearing - Temporary Sign - 24 hours once a week on Mellen Green regarding the Farmers Market at Russells . Peg Mallett had submitted an application and a picture of the Farmers Market temporary

sign. She will not place signs in the HD for the rest of Summer Farmers' Market. In January, a Winter Farmers Market will begin. Gretchen had asked other HDC's how they would handle such temporary signs. There was further discussion among HDC members. Alice made the motion to table the vote until more HDC members were present. This motion received a unanimous, favorable vote. (4-0-0)

The meeting adjourned at 8:40 pm.

Respectfully submitted,
Margery Baston

Historic District Commission Meeting
October 16, 2014

HDC members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Desmond McAuley, Kathie Steinberg

Other present: Jean Millburn (for the First Parish), Richard Turner

Public comment: There was none.

The minutes of the September 18, 2014 meeting were accepted. (5-0-0)

Public Hearing - Temporary Sign - 24 hours once a week. The applicant was not present. This would be for winter market. Signs would go up on Friday night and be removed Saturday night. For the last week or so of the summer market the sign was placed on Blacksmith Green. Alice moved that we eliminate all temporary signage on the Mellen Law Office Green. Desmond asked that we delay the decision on whether to allow a temporary sign for the Farmers' Market until the next HDC meeting. He wanted more time to think about this issue. (In the town Desmond grew up -- the only place signs could be placed was on the town green.) Alice moved to withdraw her motion and this motion was accepted (5-0-0) There was a motion to continue the hearing until next month, Nov. 20 at 7:45 pm. This received a unanimous, positive vote (5-0-0)

Hearing - First Parish Church -- stairs and railings for the deck on the west side of the recent addition. Jean Milburn presented an application and photos on the connector and its deck (on the west elevation). Side rails and handrails are needed for safety purposes. Currently there is a bluestone landing just beyond the deck. Jean pointed out that the public view would be of the the end of the two posts and the risers of the stairs.

The steps are intended to look like and blend in with other steps -- so they will be painted white with gray treads. Desmond pointed out that the balusters should be evenly spaced. He also thought the carriage bolts (called out as lag bolts on plans) could be counter-sunk so they would not be visible. Desmond asked about a cap on the railing -- in the drawings it looked like a 2 x 6 board. If the top of handrail is beveled the water would run off. Desmond thought posts could reflect the detail found elsewhere on the building, however, he also thought it should be kept simple. Kathie suggested the detail that is evident on the columns on the front porch of Parish House.

After much discussion Jean reiterated the changes advised by the HDC: make bottom end of balusters flush with trimboard; bevel the handrail to shed water; make the handrail of the deck and stairs join smoothly and continuously; space balusters more evenly; paint railings white; countersink the heads of the lag bolts; and have treads of steps match gray of Parish House porch steps. There was a motion to approve these changes; and everyone voted in favor. (5-0-0) Gretchen will send a certificate to Jean and to the Building Committee at the First Parish.

Jean briefly reported that things are going very well with the historic preservation currently underway at the First Parish.

Design Review Guidelines -- color is something some HDCs do not cover. We will continue discussion next month -- and have a hearing in January or February. Paint color could be "advisory" review. Older HDs regulate color; new HDs generally do not. Refer to Historic New England paint color. Any comments, please send an e-mail to Gretchen.

Other business:

Meaghan Winokur will be resigning (because she has become too busy to attend meetings). Marjorie Ford, is a real estate agent, and she has expressed interest in serving on the HDC. Gretchen will send the BoS a

sample letter for them to send to Greater Boston Real Estate Board requesting nominees. This is required by the by-law.

Additional alternate members are needed on the HDC. Gretchen recently tried to reach the Finlaysons (who live at 39 Old Sudbury Road, in the Bow Road Historic District).

Kathie Steinberg reminded the HDC that there is a need to follow through on the proposed sidewalk for Old Sudbury Road between the Wayland Depot and the stone piers.

In past there was some thought of a Historic District in Cochituate Village but it came about in conjunction with concern over a CVS locating on the south east corner, site of Dunkin Donuts. With the neighborhood so distracted by the CVS controversy there was not sufficient time to plan an HD or an Architectural Preservation District and to explain its significance to property owners such that a related warrant article failed at Town Meeting.

The meeting adjourned at 9:20 pm.

Respectfully submitted,
Margery Baston

WAYLAND HOUSING PARTNERSHIP

Minutes – September 30, 2014

Submitted by Rachel G. Bratt

Approved November 18, 2014

Attending: Mary Antes, Chris DiBona, Kathy Boundy, Rachel Bratt, Pat Harlan, Marty Nichols, Armine Roat, and Betty Salzberg

Also present: residents: Mary Barber, Keith Barber, School Street; Betsy Brigham, Rice Road; George Bernard, E. Plain St.

At 7:48, Rachel called the meeting to order.

Since several residents were in attendance, she indicated that she would change the agenda to allow for the discussion of the Covered Bridge proposal to come first. She asked for public comment. Each resident spoke and the following represents the major points that were made.

- Traffic at the Street location is a big problem; it is not a safe intersection and adding more units is not a good idea.
- It doesn't seem right or fair for the Planning Board to approve a site plan with on-site affordable housing, and then to reverse that.
- Units should be included on-site; Sage Hill is a great example of how the Inclusionary By Law is meant to work. Why can't the affordable units be placed on-site?
- There don't seem to be any extenuating circumstances that preclude on-site development.
- Lower income people would also enjoy the Covered Bridge location's outdoor space. Putting the affordable units there would promote diversity across the Town.
- If off-site housing is to be built, it should be spread across the whole town, which is what the Inclusionary By Law intends.
- The Cochituate area already has something like 83% of all the affordable housing in Town (according to Sarki Sarkissian). It is important to spread it around.
- The proposed units would not be like those at Covered Bridge; the units are supposed to be comparable.
- Neighbors have not gotten notification about the specifics of the proposed units. It would be premature for the Planning Board to vote on a proposal that neighbors have not had sufficient opportunity to discuss and weigh in on.
- Need to better understand the wetlands issue.
- Approving this proposal would set a bad precedent.

Mary commented on the Housing Authority's concerns about the Covered Bridge proposal. She has some concern about whether the homeowner association fees would be a problem for affordable housing residents; these fees are problem in other developments in Town. The WHA also believes that there should be 2 off-site units required for every 1 on-site unit mandated by the By-Law.

Betty emphasized that wetland and all other environmental rules must be complied with. The Conservation Commission has not yet seen the proposal for units to be built at the School Street location.

Mary noted that at the Selectmen's meeting the night before, the traffic problems with the intersection were discussed. There is a possibility that the E. Plain road in front of the Villa may be closed to Eastbound traffic. This would increase congestion in front of the School Street property. "This is the worst location for new affordable housing."

Marty noted that he thought the Planning Board's guidelines gave the PB some leeway in making judgments about whether to accept an off-site proposal, in lieu of on-site development. He said that the Planning Board could approve off-site units if this decision was in the best interest of the Town and that therefore it was important to demonstrate that this proposal was not in the best interests of the Town.

The WHP reviewed a draft of a letter to be sent to the Planning Board, which Rachel had written, based on a draft letter that they are working on, to be sent to the PB. Members felt that the letter should emphasize that the affordable should be located on-site, in a better location than originally proposed by the developers. But, if the Planning Board chooses to accept the off-site proposal, they should require 2 off-site units for every 1 required on-site. In addition, the PB should carefully assess issues related to traffic and wetlands problems connected to the School Street site.

Marty moved that: The WHP oppose the most recent Covered Bridge proposal presented by Devens Hamlen and Ben Stevenson, and that is being considered by the Planning Board. The reasons, which reflect the WHP's discussion of this evening, will be outlined in a letter to be sent to the Planning Board, prior to their meeting on October 14. Kathy seconded the motion. Approved unanimously.

Pat moved to accept the minutes of June 3; Armine seconded. Accepted by the 5 members in attendance: Rachel, Chris, Pat, Armine and Betty.

Kathy offered a correction to the minutes of Aug. 21. Marty moved that they be accepted, as corrected; Mary seconded. Unanimously approved.

Armine provided a brief update on the Housing Trust Committee's first meeting. Mark Lanza, Town Counsel, reviewed the various documents. This conversation will be continued at the next meeting, Oct. 8.

Chris had just come from the first River's Edge meeting. An RFP went out for legal representation for this project. Nine proposals were received and will be reviewed by committee members. Their next meeting is Oct. 14. It is unlikely that a proposal will be ready by Town Meeting.

Mary noted that the Habitat project is moving slowly. All 4 families have been selected; each family is connecting with 2 volunteers who are helping them move toward the transition to homeownership. They will also be attending a workshop held by an outside consultant on budgeting, maintenance, etc. Mary expressed continued frustration at the slow pace of construction. It seems that volunteers are accommodated much too slowly; people who want to work, should be able to do that. The houses likely will not be completed by January 2016.

Mary also commented about a poster done by a Massachusetts child living in assisted housing, that will appear in NAHRO's national calendar, about what her home means to her.

Next meeting set for November 18 at 7:45; Kathy moved to adjourn at 9:20; seconded by Marty

**Wayland Free Public Library
Board of Library Trustees
Minutes of Meeting October 15, 2014
Raytheon Room, Wayland Free Public Library**

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RECEIVED
NOV 19 2014
Board of Selectmen
Town of Wayland

Present: Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Sally Cartwright, Anne Heller, Nan Jahnke, Lynne Lipcon, Thaddeus Thompson **Absent:** None

Call to Order: 8:15 a.m.

Visitors and Public Comment

There were no visitors and no public comment.

Minutes of Previous Meeting

The minutes of the meeting of September 15, 2014 were approved unanimously.

Financial and Statistical Reports

Three months into the fiscal year, expenses are on track. The Contractual Services line is spent down 84 percent due to expected upfront contract costs. The September Circulation Report was not available due to staff illness.

Long-Range Planning Initiatives, Finance Committee and Others

Mrs. Gennis reported that the Finance Committee continues its effort to foster inter-departmental information sharing on long-range planning issues, and that a second round of presentations is scheduled for this week. Mrs. Heller has already presented on the Library's recently completed Long-Range Plan, our current work on our Library Building Program, and our upcoming work on the 2015 Community Survey, a document that could help support any future application for construction funds from the Commonwealth. Mrs. Gennis continues to have conversations with several community partners with whom the Library might share planning interests: the School Committee, the Council on Aging, the Planning Board, and the Parks and Recreation Department.

Mrs. Gennis advised Trustees that a second planning group, called the Long Range Working Group for Town-Owned Parcels, is also working on longer-range planning issues, apparently in accordance with the Town's 2005 Master Plan. Individual trustees will attend its meetings whenever possible to follow developments.

Annual Report

Trustees reviewed the draft Annual Report prepared by Mrs. Knight and Mrs. Jahnke and made some changes. On a motion by Mrs. Gennis, seconded by Mrs. Cartwright, the Trustees voted unanimously to accept the Annual Report as edited in the meeting.

FY2016 Budget and Interim Funding for Website Development and Community Survey

Mrs. Knight presented the Finance Committee's guidelines for the FY2016 budget, noting that a level-service budget has been requested. After long discussion, and after noting that the Library has exercised exemplary budgetary restraint over the past five years, Trustees agreed it was time to restore the Library hours that were cut in FY2011 and to add a part-time staff position to help the Library keep up with digital services and community outreach.

Mrs. Knight presented evidence that most surrounding towns offer more evening hours and Sunday hours at their libraries than we do, and that patrons frequently ask for restoration of the evening hours lost in FY2011.

Mrs. Heller and Mrs. Gennis made the case for the part-time staff position, citing the need for expertise on staff for website management, social media networking, and other digital services to reach out to patrons and promote Library programs; the Library also needs help with traditional communications and public outreach, tasks that are currently overburdening the Director. A close examination of the Library's current staffing structure followed. Trustees also reviewed the current communications pilot program, under which a communications consultant, Emily Kristofek, has been hired to work 9 hours a week, and determined that the consultant's work has been mission-critical, productive, recurring in nature, and worthy of long-term support from the Town.

In the meantime, on a motion by Mrs. Gennis, seconded by Mrs. Lipcon, Trustees unanimously voted to set aside money from the Draper Fund, a recent bequest from a longtime Library supporter, to pay outside consultants for website development (maximum, \$20,000) and the 2015 Community Survey (maximum \$20,000).

As the agenda for this meeting was already quite full, Trustees agreed to postpone further discussion of the FY2016 budget to a special Trustees' meeting to be held on Monday, October 27, at 6:30 p.m. in the Director's Office, in the Library. Other items might appear on that agenda as well.

Library Building Program

Tom Jewell, another outside consultant, has nearly completed his area-by-area description of Library space needs required for the update of the Library's Building Program. Mr. Jewell hopes to have a first draft of the Program completed by the end of November and will likely join the Trustees at their November or December meeting to present it. A current, approved Library Building Program is required from towns making an application to the Commonwealth for a Massachusetts Public Library Construction Program (MPLCP) grant. Wayland might wish to apply for such a grant, which would pay approximately 45 percent of construction costs for a new or expanded Library facility.

Library Planning Committee

The MPLCP also requires applicants to present well-considered community input into any proposed library construction plan; to help gather that input, Trustees are now forming a town-wide Library Planning Committee. Trustees discussed a second draft of the charge for that committee, made a few changes, and asked Mrs. Knight and Mrs. Jahnke to finalize it. Trustees then considered how to solicit members for the committee, which the MPLCP suggests might include elected officials, respected community leaders, Library patrons, one or two Trustees, and other interested parties. Trustees drew up a list of people to consider and also made plans for a public call for candidates through local media outlets.

Adjournment

The hour being late, the meeting was adjourned at 10:56 a.m., with remaining agenda items postponed to the special meeting on October 27, 2014.

Documents for This Meeting

1. Agenda of Meeting 10/15/14
2. Minutes of Meeting 09/15/2014
3. Financial Report 10/14/14
4. Memo, Brian Keveny, Finance Director, to All Department Heads, Boards, and Commissions, "FY 2016 Budget Guidelines"

5. Budgeting document, "Salary [and] Budget Possibilities FY16"
6. Draft, "Call to Form a Library Planning Committee"
7. Table, "Library Planning Committee—Potential Members"
8. Draft, "Board of Library Trustees Annual Report for FY2014" with attachment, "Summary of Library Statistics, Fiscal Years 2013 and 2014"

Next Meetings

- Monday, October 27, at 6:30 p.m., Director's Office, Wayland Free Public Library
- Monday, November 17, 6:30 p.m., Town Building, Second Floor Conference Room
- Wednesday, December 17, 8 a.m., Raytheon Room, Wayland Free Public Library

Respectfully submitted by Nan Jahnke, Trustee, Board Secretary

**Wayland Free Public Library
Board of Library Trustees
Minutes of Meeting October 27, 2014
Director's Office, Wayland Free Public Library**

RECEIVED

NOV 19 2014

Board of Selectmen
Town of Wayland

*Be's
Fincom -?
Chair?
8.5*

Present: Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Sally Cartwright, Anne Heller, Nan Jahnke, Lynne Lipcon, Thaddeus Thompson **Absent:** None

Call to Order: 6:45 p.m.

Visitors and Public Comment

There were no visitors and no public comment.

Planning Initiatives

Mrs. Heller and Mrs. Lipcon have attended meetings of a working group created to review the Town's long-range planning and the disposition of Town-owned land. The group is currently concerned with procedural matters that will lay the groundwork for a later review of parcels that might be of interest for Library construction.

FY2016 Budget Planning

Mrs. Knight presented five budget scenarios for FY2016, including two level-service scenarios (#1 and #2), one scenario restoring four evening hours lost to budget cuts in FY2011 (#3), one adding a part-time Digital Services and Communications Specialist position (#4), and a final scenario reflecting customary level-service increases, plus the evening hours, plus the coordinator position (#5).

Discussion centered on public demand for evening hours, the hours of surrounding public libraries, the need for expertise in digital services and public outreach on staff, as well as on the Trustees' budgetary restraint and forbearance in recent years. On a motion by Mrs. Lipcon, seconded by Mrs. Cartwright, the Trustees voted unanimously to present the fifth budget scenario to the Finance Committee. The Trustees directed Mrs. Knight to prepare the final budget and budget narrative in accordance with the Trustees' discussion, with the help of Mrs. Gennis and Mrs. Jahnke.

Digital Services and Communications Specialist Position

Trustees discussed the draft job description for the proposed Digital Services and Communications Specialist position, a document that will be needed when the Library presents the position for review by the Personnel Board on November 24. Trustees agreed that the new hire would report to Mrs. Knight but be available to the Board of Library Trustees for special projects as needed. Trustees asked Mrs. Knight, Mrs. Gennis, and Mrs. Heller to finalize the draft.

Library Planning Committee

Trustees continued their discussion of how best to advertise the formation of its Library Planning Committee, a town-wide working committee composed of 10-20 residents that will be convened in January. The work of the committee, which is anticipated to take about 18 months' time, is to review the Library's space needs and to make recommendations to the Board of Trustees about whether to apply to the Massachusetts Public Library Construction Program for funding to renovate our current building on Concord Road or build a new library on a different site.

Mrs. Gennis announced plans to place calls for candidates in local media outlets, and the Trustees will continue to contact people from different demographic groups. Mrs. Knight will send the final version of the charge after she and Mrs. Jahnke make final edits to the timeline. Mrs. Knight has asked Douglas Goddard, Chair of the Permanent Municipal Building Committee, whether it would be appropriate for one of its members to participate in the Planning Committee's work, and if so, how and at what time. Mr. Goddard will take it up with his committee.

Discussion of our consultant Tom Jewell's continuing work on the Library's Building Program was postponed to another meeting for lack of time, as was discussion of the Community Survey to be conducted in 2015. Both of those documents would help an application to the Commonwealth for library construction funds.

Rotunda Windows

After receiving several widely ranging estimates for work on the Rotunda windows, the Trustees decided not to pursue funding from the Community Preservation Committee during the upcoming grant cycle. Instead, the Trustees will leave it to the incoming Public Buildings Director, Ben Keefe, to sort out the scope of work and determine a reasonable estimate for repairs.

Library Communications

The Library's communications consultant continues to produce good work, most recently in benchmarking our Library's communications against those in surrounding towns, creating newspaper stories, and updating the website.

The Meeting Was Adjourned at 9:01 p.m.

Documents for This Meeting

1. Agenda of Meeting 10/27/14
2. Draft materials for budget filing to the Finance Committee, including
 - a. Cover Letter from Aida Gennis, Chair, Board of Library Trustees to Tom Greenaway, Chair, Finance Committee, provisionally dated October 30, 2014
 - b. Table, "Possible FY2016 Budget Scenarios," undated
 - c. Draft Budget Narrative, undated
3. Draft, "Job Description, Digital Services/Community Outreach Coordinator," undated

Next Meetings

- Monday, November 17, 6:30 p.m., Town Building, Second Floor Conference Room
- Wednesday, December 17, 8 a.m., Raytheon Room, Wayland Free Public Library

Respectfully submitted by Nan Jahnke, Trustee, Board Secretary

RECEIVED

NOV 25 2014

Board of Selectmen
Town of Wayland

Personnel Board Meeting
Wayland Town Building - Selectmen's Office
Meeting Minutes
September 15, 2014 7:00 pm

Members Present: J. Green (JG); M. Peabody (MP) P. Schneider (PS), D. Cohen (DC), M. Jones (MJ)

JG called the meeting to order at 7:00 pm

Public Comment

None

Review of November 18, 2013 Meeting Minutes

The draft minutes were amended as follows:

... NM **reported that she** wrote ...

PS moved to approve the draft minutes. MP seconded the motion. Three members having voted in the affirmative, the motion passed. DC and MJ abstained.

Review of January 6, 2014 Meeting Minutes

The draft minutes were amended as follows:

... trying to ~~modifying~~ the existing ...

... Services ~~HS~~ **High School** Community ...

MP moved to approve the draft minutes as amended. PS seconded the motion. Three members having voted in the affirmative, the motion passed. DC and MJ abstained.

Review of August 6, 2014 Meeting Minutes

The draft minutes were amended as follows:

... minutes ~~in question~~ **to be reviewed at the meeting and also state** ...

... He ~~noted the~~ **alleged that an** OML violation ~~that~~ occurred, but was apparently not reported **to the** AG. ~~THarris~~ **states that** the BOS ...

...permissible, **while working for the Town.** She ...

... in ~~excessive~~ of \$1M ...

... contract ~~extensions~~ **renewals.** The ...

... to be ~~eonsisted~~ **consistent** with ...

24

PS moved to approve the draft minutes. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

Annual Report

JS reviewed a draft of the Annual Report for FY 14. The report was requested for submission no later than 9/30. Members discussed and edited the draft.

MP moved to approve the Annual Report as discussed and edited. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Starting Wage Rate – Jessica Brodie, Recreation Director

JS requested a starting wage rate for Jessica Brodie, the new Recreation Director at Step 5 of Grade N8 in the amount of \$69,876. PS noted that he was on the interview committee and supported the request. DC inquired as to the compensation of the previous director. JS stated she was paid at top step. Members inquired if the salary reimbursement from the recent job share would affect the budget. JS stated she discussed this point with the Finance Director and it would not have an impact as the full wage rate has been budgeted.

PS moved to approve the starting wage rate for Jessica Brodie, the new Recreation Director at Step 5 of Grade N8 in the amount of \$69,876. DC seconded the motion. Five members having voted in the affirmative, the motion passed.

Discuss Response to Harris Open Meeting Law (OML) Complaint

Members reviewed the draft response to George Harris' OML complaint. The draft was prepared by MJ and JS. JS noted that the board had 14 business days to respond. The deadline is Wednesday, 9/17. DC suggested several changes to the response. The Board discussed the proposed edits. Upon completing the edits to the response, MJ offered to review the final document with JS prior to mailing.

MJ moved to approve the response to George Harris' OML complaint dated 8/28/14 as discussed and edited. DC seconded the motion. Five members having voted in the affirmative, the motion passed.

Discussion on Board Goals and Objectives

JS inquired if members had any specific goals and objectives for the coming year. He suggested a thorough policy review as it has been some time since the last one. JG Added performance reviews and employment contracts as other topics. A review of the DPW organizational structure was also mentioned. JG asked that the topic would be added to the next agenda for further discussion.

Executive Session

MP made a motion to move into Executive Session under MGL Ch30A, Sec 21(2) to discuss strategy for negotiations with non-union personnel, the new DPW Director, and under MGL Ch30A, Sec 21(3) to discuss contract negotiations with the following Town unions: Police, Fire, AFSCME, Teamsters and Library as an open discussion might have a detrimental effect on the town's negotiating position, and under MGL 30A, Sec 22 to review and potentially approve the executive session minutes of 2/10/14, 2/24/14, 3/31/14, 5/5/14, 6/2/14 and 8/11/14, as a discussion in an open meeting may have a detrimental effect on the Board's position. PS seconded the motion

JG took a roll call vote:

Member Jones	Aye
Member Cohen	Aye
Member Schneider	Aye
Vice Chair Peabody	Aye
Chair Green	Aye

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 90 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:55.

The Board returned to Open Session at approximately 9:15.

ATA/HR Director Report

Clerical Union – JS reported that the clerical union had taken a membership vote on the question of leaving their affiliation with SEIU and becoming an AFSCME local. The question passed by a substantial margin. He distributed a copy of the results as provided by the union president.

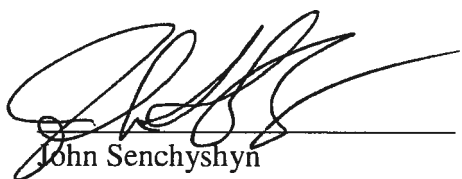
Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any:

FMLA Leave – JS reviewed the question of the appropriate start date for a Community Health Nurse who had a non-job related accident during the summer vacation break. Research provided by DC and JG support the employee’s contention that the leave should begin on the return to work date for the new school year.

Next Meeting:

The Board scheduled its next regular meeting for 10/20/14 at 7:15 pm.

DC moved to adjourn the meeting. MJ seconded the motion. Five members having voted in the affirmative, the motion passed. The Board adjourned at 9:35 pm.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

September 15, 2014

Document:

Draft 2014 Annual Report

Draft Minutes 2013-11-18

Draft Minutes 2014-01-06

Draft Minutes 2014-08-06

Draft Response to 08-28-14 OML Complaint

FMLA Research

SEIU Union Vote

Personnel Board Meeting
Wayland Town Building - Selectmen's Office
Meeting Minutes
October 20, 2014 7:15 pm

RECEIVED

NOV 25 2014

Board of Selectmen
Town of Wayland

Members Present: J. Green (JG); M. Peabody (MP) P. Schneider (PS), D. Cohen (DC), M. Jones (MJ)

Also present: J. Senchyshyn (JS)

JG called the meeting to order at 7:15 pm

Public Comment

None

Discussion with George Harris Open Meeting Law (OML) Complaint of 8/28/14

George Harris thanked the Board for the agenda time. He wished to address transparency with respect to collective bargaining and the release of minutes. He noted some boards are not releasing minutes. For example, the School Committee had not released executive session minutes back to 1995. Harris noted that neither the OML nor the AG's Office provided good direction on releasing executive session minutes. He inquired if the Personnel Board was considering establishing any type of guidelines. JG stated that the Board would be discussing executive session minutes later in the meeting, but it was likely that many of the minutes would become case-by-case situations with respect to release. Further discussion ensued. The general consensus of the Board was that developing a policy pertaining to the release of minutes would be difficult to implement as bargaining positions can carry forward to successor negotiations. Harris thanked the Board for their time and their efforts in addressing the executive session minutes.

FY 16 Budget Discussion and Potential Vote on FY 16 Personnel Board Budget

JS spoke briefly to the FY 16 budget guidelines. He presented a draft budget which identified historic spending. Based upon recent utilization, JS recommended reducing the Adjustment Fund from \$6,750 to \$5,000.

MJ moved to approve the draft budget as presented for a total FY 16 request of \$15,000. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

Starting Wage Rate – Public Buildings Director

JS requested a starting wage rate for Ben Keefe, the new Public Buildings Director at Step 9 of Grade N11. JS noted that it was unusual to start a new employee at Step 9, but this had been a very difficult position to fill. JS noted that another candidate with strong municipal experience had declined the position due to the salary and overall benefits package. JS discussed the background to the recruitment. He stated that Keefe is planning to begin work on 11/3/14.

PS moved to approve the starting wage rate for Ben Keefe, Public Buildings Director at Step 9 of Grade N11. DC seconded the motion. Five members having voted in the affirmative, the motion passed.

Review of September 15, 2014 Meeting Minutes

The draft minutes were amended as follows:

... Board discussed the proposed ~~the~~ edits ...

... had a **non-job related** ~~home~~ accident ...

PS moved to approve the draft minutes. MJ seconded the motion. Five members having voted in the affirmative, the motion passed. DC and MJ abstained.

Director's Comments

JS noted that there was an email in the packet pertaining to a newly legislative domestic violence law. He stated that a Town policy should be developed to comply with the law. Both DC and JG stated that they may have draft policies available on this topic.

Executive Session

JG made a motion to move into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2) to Discuss Contract Negotiations and Employment Agreements for the DPW Director, Police Chief, Asst. Town Administrator and Town Administrator; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Collective Bargaining Negotiations with Library SEIU, Police, Fire, Teamsters, AFSCME, Teachers, WESA, Custodian and Food Service Unions; Discuss SEIU, Teamster and AFSCME Grievances; Discuss an SEIU Wage Settlement; Discuss MOAs with SEIU, Teamsters; AFSCME, Police and Fire; Review and Potential Vote to Approve Executive Session Minutes of 8/6/14 and 8/11/14, and Review and Potentially Vote to Release the Following Executive Session Minutes:

1/26/09	1/23/12	5/20/13
3/9/09	2/27/12	6/24/13
4/27/09	3/19/12	8/5/13
5/18/09	5/7/12	11/1/13 (1)
6/8/09	5/29/12	11/1/13 (2)
6/22/09	7/9/12	12/16/13
9/21/09	7/13/12	1/15/14
1/10/11	8/13/12	1/27/14
2/28/11	9/10/12	2/10/14
3/21/11	10/15/12	2/24/14
8/1/11	1/14/13	3/31/14
9/19/11	2/11/13	5/5/14
10/17/11	3/18/13	6/2/14
11/21/11	4/19/13	8/6/14
12/12/11	4/22/13	8/11/14
9/15/14		

JG took a roll call vote:

Member Jones	Aye
Member Cohen	Aye
Member Schneider	Aye
Vice Chair Peabody	Aye
Chair Green	Aye

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 2 hours and 15 minutes for the stated purpose. The Board would be returning to Open Session.

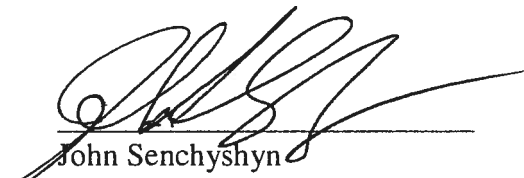
The Board Entered Executive Session at approximately 7:55.

The Board returned to Open Session at approximately 10:15.

Next Meeting:

JS stated that he would be on vacation beginning 11/3 and returning on 11/17. The most likely date for the next meeting would be 11/24/14. At that meeting the Board should expect to review Department requests for staffing changes for the FY 16 budget. The Board scheduled its next regular meeting for 11/24/14 at 7:00 pm.

DC moved to adjourn the meeting. MJ seconded the motion. Five members having voted in the affirmative, the motion passed. The Board adjourned at 10:20 pm.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

October 20, 2014

Document:

Ben Keefe Resume

Budget Guidelines

Draft Personnel Board Budget FY 16

Draft Minutes 2014-09-15

WAYLAND BOARD OF PUBLIC WORKS

Wayland Town Building

October 22, 2014

7:00 PM

MEETING MINUTES

M. Lowery (Chair), C. Brown, B. Goldsmith (left at 7:30), J. Mishara, M. Wegerbauer, S. Kadlik (Director)

Meeting opened at 7:00 PM

(Lowery announced that the meeting is being videotaped and broadcast live)

Lowery opened the meeting with a review of the agenda.

Review the FY2016 Operating Budget

Lowery discussed a recent Finance Committee meeting attended by him and Kadlik where the DPW budget was reviewed.

Kadlik discussed the current status and long-term planning of Water Division Capital Projects.

Kadlik discussed the status and long-term planning of road resurfacing projects.

The Board discussed the level of capital funding necessary to keep up with infrastructure maintenance.

Goldsmith discussed the status of the DPW operating budget with the Board and distributed a list of questions for their review.

Goldsmith expressed his concern that the Water Division's undesignated fund balance does not get depleted further.

Sarkis Sarkisian, Town Planner, addressed the Board about the status of the installation of a sidewalk on part of Old Sudbury Road, and asked if it could be presented as a capital item by either the Planning Board or the Board of Public Works.

Lowery expressed his desire for the Planning Board to place the item in their budget.

Sarkisian noted that the Planning Board does not currently have a capital budget.

Joint Meeting with Planning Board for Public Tree Hearing for Scenic Roads

Members of the Planning Board appeared before the Board of Public Works at 7:30 PM to open the joint meeting for the public tree hearing for scenic roads.

Mike Lindeman, Parks Division Superintendent, and Joe Doucette, DPW Senior Foreman, appeared before the Board to discuss the trees in question and present photos via computer.

Tree 1471 – 219 West Plain Street

Doucette and Lindeman described the tree and the results of the inspection that was conducted.

It was the recommendation of Lindeman to remove the tree and grind the stump, as its root system has created an unsafe condition on the sidewalk.

Colleen Sheehan, Planning Board Chair, noted that it is the opinion of the Planning Board that the tree has an even, full canopy.

Sheehan noted that their assessment did not focus on the sidewalk, and asked if it could be repaired without killing the tree.

Lindeman noted that it could be repaired, but it would have an adverse effect on the tree.

Lowery noted that if the only issue the tree poses is the damage to the sidewalk, he would oppose its removal.

Mishara asked if there is any other public safety threat posed by the tree.

Lindeman replied that there is not.

Lowery made a motion asking the members of the Board of Public Works if the tree should be removed.

Brown in favor. Mishara and Lowery opposed to the removal of the tree.

Planning Board Vote – opposed 4-0 to the removal of the tree.

Lowery noted that if the homeowner objects, the next step is to appeal it to the Board of Selectmen.

Lowery asked if there were any other objections to trees on the list.

Sheehan discussed the trees slated for removal on Training Field, and expressed her concern that replanting programs be explored for areas in town similar to the Training Field heater piece.

Tree 1009 – 69 Glezen Lane

Sarkisian noted that this is the third time the tree has been addressed. He suggested that the location is ideal for replanting, as the tree's location does not impeded utilities.

Tree 1049 – 156 Pelham Island Road

Lowery discussed the condition of the tree, noting that only one side of it looks bad.

Lindeman noted the tree shows a significant amount of decay, hindering the tree's ability to remain standing.

Lowery noted that there is another tree in poor condition in the immediate vicinity of Tree 1049.

Kadlik noted that the tree questioned by Lowery is on private property.

Lowery asked the Board of Public Works if there were any comments on any other trees on scenic roads.

The members of the Board replied that they had no further comments.

Lowery asked the Planning Board if there were any comments on any other trees on scenic roads.

The members of the Board replied that they had no further comments.

Brown made a motion to remove all the remaining trees on scenic list, excepting Tree 1471.

Wegerbauer 2nd, all in favor.

Sheehan made a motion that, with the exception of Tree 1471, the Planning Board votes that all other trees on the scenic list be removed.

Planning Board all in favor.

Lindeman suggested that a letter be drafted to home owners on streets scheduled for replanting asking if they would like a tree planted on their property free of charge.

Lindeman expressed his concern with planting trees in the area between the street and sidewalk, citing the damage the root system may cause to the sidewalk, the obstruction of signs, and the hazard to motorists.

Sheehan requested that input from the Planning Board be sought when considering where trees would be replanted along scenic roads.

Lowery asked Lindeman what funds are available in the Parks Division's tree budget.

Lindeman replied that there is \$50,000 under Contractual Services for tree removal and \$10,000 under Tree Replacement.

Sheehan noted that the Planning Board will compile a list of locations for potential tree plantings.

Lowery suggested that the Planning Board highlight on a map the portions of the scenic roads where they feel planting would be warranted.

Topics not Reasonably Anticipated by the Chair 48 Hours Prior to Posting

The Board discussed the status of the proposed sidewalk installation on part of Route 27.

Sarkisian noted that project is nearly fully permitted, and that \$75,000 in funding was provided by a private developer towards its construction.

Sarkisian noted that the estimates to construct the sidewalk have come in higher than anticipated, and as such seeks funding of an additional \$75,000 to allow for the completion of the project.

Lowery noted that in his opinion, funding should be sought through a town meeting article co-presented by the Board of Public Works and the Planning Board.

Sheehan suggested that the Board of Public Works present the article with support from the Planning Board.

Mishara added that in his opinion, he feels this would not be a controversial issue and does not have a problem including this as an article.

Lowery noted that it is the sense of the Board that this should be presented as an article at Town Meeting, created by the Board of Public Works and co-sponsored by the Planning Board.

Public Tree Hearing for Shade Trees

Tree 1463 and Tree 1464 – 30 Stonebridge Road

Fran Kistner, of 30 Stonebridge, appeared before the Board to discuss her concerns over Trees 1463 and 1464. She noted that the trees block sightlines, creating a danger when exiting her driveway.

Kistner distributed photos for the Board's review.

Doucette noted that he and Lindeman inspected the trees, and they felt the trees did not significantly impede the view.

Brown noted that the road is narrow, and the trees may pose an issue when backing out of the driveway.

Lowery noted the limitations of the tree removal budget and expressed his desire to focus on the removal of the worst trees.

Wegerbauer noted that in the past, home owners were granted permission to remove trees at their expense.

Lindeman added that he recommends that dead and dangerous trees be taken down at the Town's expense, while a healthy tree that is being reviewed could be voted to be removed at the home owner's expense.

Mishara asked Kistner if she would be willing to absorb the cost of the removal.

Kistner replied that she would prefer to not pay for the removal.

Mishara noted he would vote to approve the removal at the HO's expense.

Mishara made a motion to approve the removal of Trees 1463 and 1464 at the home owner's expense.

Lowery 2nd.

Wegerbauer noted that he was unsure if the Board should approve the removal of the trees unless the homeowner committed to paying for their removal.

Brown asked if there is any precedence to taking down a healthy tree at town cost due to sightline issues.

Lindeman replied there is no precedent for the removal at the Town's expense.

Wegerbauer suggested that the motion be amended to note that the current home owners can take down Trees 1463 and 1464 at their own expense with the approval of the tree warden.

All in favor.

Tree 1473 – 9 Timber Lane

Jeffrey Bergeron of 9 Timber Lane appeared before the Board to discuss his concerns for safety hazards posed by Tree 1473.

Lindeman noted the tree has lost several large branches and is endangering.

Brown made motion to take down Tree 1473.

Mishara 2nd, all in favor.

Tree 1465 – 63 Stonebridge Road

Molly Foresman, of 63 Stonebridge Road, appeared before the Board to discuss the status of Tree 1465. She noted that large dead branches regularly fall on the sidewalk and is concerned they may strike a pedestrian.

Lindeman noted the tree is healthy, but does have deadwood that needs to be pruned out.

Doucette noted that the tree's root system is doing severe damage to the sidewalk.

Wegerbauer asked if there are funds in the budget to prune the deadwood out.

Lindeman confirms that funds are available.

Brown noted that he is concerned with the amount of damage to the sidewalk and expressed his concern for pedestrian safety.

Lowery noted that the records show this tree as a maple, when it is in fact a pine.

Brown made a motion to remove Tree 1465.

Mishara 2nd.

Mishara and Brown in favor, Wegerbauer and Lowery opposed – tie vote (motion failed)

Wegerbauer requested that the deadwood be cleared from the tree by the DPW.

Lindeman noted that the deadwood will be cleared out.

Foresman asked if her offer to pay for the tree's removal would affect the Board's vote.

Wegerbauer and Lowery noted that it would not influence their decision.

Foresman noted an adjacent tree she is also concerned about.

Lowery replied that the Board can only comment on trees they have been designated and reviewed.

Lindeman noted that he will inspect the adjacent tree in question.

Tree 1474 – 10 Charles Street

Lindeman noted that the tree is healthy, but the home owner requested it be removed to provide more sunlight on his property.

Raymond Bertrand, of 6 Charles Street, appeared before the Board to object to the removal of Tree 1474, and noted that the tree is healthy.

Brown made a motion the Tree 1474 not be taken down.

Wegerbauer 2nd, all in favor.

Bertrand requested that if possible, he be notified via email at ray@prescotts.net if the Board's decision on Tree 1474 is appealed to the Board of Selectmen.

Tree 1439 – 12 Graybirch Lane

Lindeman and Doucette noted that the recommendation to remove the tree is due to its close proximity to utility lines, and any pruning by NSTAR would likely cause irreparable damage to the tree.

Lowery noted the tree looks healthy and, except for its proximity to utility lines, sees no reason to take the tree down at the Town’s expense.

Lowery made a motion that Tree 1439 not be taken down.

Mishara 2nd, all in favor.

Tree 1468 – 14 Cottage Road

Doucette noted that a limb had fallen and taken down wires to an adjacent home, and the resident has expressed concern that it may happen again.

Lowery noted that although the tree is located in close proximity to utility wires, the tree looks healthy.

Brown made a motion that Tree 1468 not be taken down.

Mishara 2nd, all in favor.

Tree 1496 – 9 Harrison Street

Wegerbauer made a motion that Tree 1496 not be taken down.

Lindeman noted that the tree is in a state of decline, but is not in immediate need of removal.

Brown 2nd. Mishara, Brown, and Wegerbauer in favor; Lowery opposed.

Tree 1483 – 1 Old Sudbury Road

Lindeman noted that the tree has been pruned multiple times, and large branches have fallen on the home owner’s house several times.

Lowery made a motion to remove Tree 1483, as well as all remaining trees the Board has not previously voted to keep.

Wegerbauer 2nd, all in favor.

Lowery declared that the Public Hearing for Shade Trees is adjourned at 9:00 PM.

Public Comment

Fran Kistner, of 30 Stonebridge, asked where the liability lies concerning trees that were not taken down.

Board Members' Reports, Concerns, and Updates

Lowery described the Board's response to a letter from Peter Gossels regarding the status of Oxbow Meadows, and noted that the DPW needs to mow the field by the end of the year.

The Board discussed how the article seeking funding for the Route 27 sidewalk construction will be drafted and presented.

Lowery noted that the Board will prepare a draft article for review and final vote by the Board of Public Works and the Planning Board prior to submission to the Board of Selectmen.

The Board discussed with Kadlik the status of the temporary changes to the School Street / East Plain Street / Route 30 intersection and potential adjustments that may occur.

Lowery discussed the status of the Library drainage project.

Kadlik noted the project has been placed under his purview and described the current status of the project.

The Board discussed scheduling upcoming Board of Public Works Meetings.

The Board determined that the next meeting will occur on Thursday 11/13/2014, followed by a traffic calming hearing on Wednesday, 11/19/2014.

Review and Approve Minutes

Wegerbauer noted a typographical correction to page 7.

Lowery noted typographical corrections on page 6.

Brown provided an addition to the discussion of speed bumps on page 3.
Brown – P.3 Brown noted addition of speed bumps.

Mishara made motion to accept the minutes of the 10/15/2014 Board of Public Works Meeting as amended.

Wegerbauer 2nd, all in favor.

Mishara made a motion to adjourn.

Brown 2nd, all in favor.

Meeting adjourned at 9:17 PM.

WAYLAND BOARD OF PUBLIC WORKS

Wayland Town Building

November 13, 2014

7:30 PM

MEETING MINUTES

M. Lowery (Chair), C. Brown, B. Goldsmith, J. Mishara, M. Wegerbauer, M. Lindeman (Park Division Superintendent)

Meeting opened at 7:30 PM

(Lowery announced that the meeting is being videotaped and broadcast live)

Lowery opened the meeting with a review of the agenda.

Public Comment

Marjorie Baston, of 11 Cochituate Road and member of the Historic District Commission, appeared before the Board to discuss the proposed construction of the Route 27 sidewalk.

Baston read a letter from Gretchen Schuler, Chair of the Historic District Commission, regarding the status of the Route 27 sidewalk project.

Lowery described to Baston the meeting the Board of Public Works had with the Planning Board regarding the proposed construction of a sidewalk.

Public Comment

Woody Baston, of 11 Cochituate Road, appeared before the Board to comment on the condition of the Depot dirt parking lot, and requested that the DPW grade the lot to eliminate potholes and puddling.

Lindeman indicated that the DPW should be able to address the issue.

Irrigation Application Permit Review: 25 & 27 Covered Bridge Lane

Lowery described the state regulations dictating the amount of water that can be pumped from the aquifer and discussed impending changes to the regulations.

Lowery ceded the chair to Brown.

Ben Stevens, of Trast Development, appeared before the Board to discuss the request for irrigation permits for 25 and 27 Covered Bridge Lane.

The Board reviewed the irrigation permit application and plans.

Mishara made a motion to approve the irrigation permit for 25 Covered Bridge Lane.

Brown 2nd.

Lowery asked if either of the properties are located near wetlands.

Stevens replied that they are not within 100 feet of wetlands.

Wegerbauer amended the motion to approve the irrigation permit of 25 Covered Bridge Lane subject to confirmation by the DPW of the size of the area to be irrigated.

Wegerbauer, Goldsmith, Brown, Mishara in favor. Lowery opposed.

Mishara made a motion to approve the irrigation application of 27 Covered Bridge Lane, subject to the confirmation by the DPW of the size of the area to be irrigated.

Wegerbauer 2nd.

Wegerbauer, Goldsmith, Brown, Mishara in favor. Lowery opposed.

Irrigation Application Permit Review: 20 Black Oak Road

Edward Brian, of Design Irrigation, appeared before the Board to discuss the application for irrigation for 20 Black Oak Road.

The Board reviewed the irrigation permit application and plans.

Goldsmith asked if the property is near wetlands.

Brian replied that it is not.

Mishara made a motion to approve the irrigation permit of 20 Black Oak Road.

Wegerbauer 2nd.

Wegerbauer, Goldsmith, Brown, Mishara in favor. Lowery opposed.

Brown requested that Lindeman ask Water Superintendent Mike Hatch how much water the Town is currently drawing from the aquifer per day.

Lowery noted that the evaluation of the newly adopted state regulations and consequences for our water system should be added to a future agenda.

Request for Water Abatement: 1 Loker Street

Padmanabhan Viswanathan, of 1 Loker Street, appeared before the Board to discuss his request for abatement.

Brown discussed the water usage history of 1 Loker with Viswanathan.

The Board noted that it did not appear any source of water loss was ever identified.

Lowery explained that abatements are generally granted when high water usage is the result of an identifiable issue that has been fixed.

Viswanathan described to the Board a leak that had been repaired in a sink within the past year.

Viswanathan asked the Board if he could get a second opinion regarding the location of a potential leak.

Brown indicated that a Board decision could be delayed until a second opinion could be obtained by Viswanathan.

Discussion of Water Bill: 16 Saddlebrook Lane, Natick

Barry and Joy Wolfson, of 16 Saddlebrook Lane, appeared before the Board to discuss their past-due water bill.

Joy Wolfson indicated to the Board that they have submitted payment of \$3000 towards the water bill and intend to pay another \$5000 towards their water bill on Monday 11/17.

Goldsmith noted that a water bill in 2012 had an unusually high amount of usage, and the homeowner may wish to request an abatement if it was the result of a water leak.

Lowery noted that the Board expects that the \$5000 payment will be made as planned, and the homeowners will file a request for abatement if necessary.

Discussion with Energy Initiative Advisory Committee Regarding the Installation of Solar Panels on the Roof of the New DPW Facility

Ann Harris, John Harper, and Bill Huss, of the Energy Advisory Committee and Mike Zimmer, Harold Meyer, and Jim Walker from Ameresco appeared before the board to discuss the potential installation of solar panels on the roof of the new DPW Facility.

Ameresco provided an electronic presentation for review and discussion with the Board.

Lowery asked about the nature of the 20-year lease on the panels, and discussed with the EIC maintenance costs and end-of-lease options.

Walker described a solar installation that was done on the roof of the Newburyport DPW Building and compared its installation to that proposed in Wayland.

Mishara discussed conditions established by the Permanent Municipal Buildings Committee (PMBC) regarding the installation of solar panels on the DPW roof.

Lowery suggested that the Board vote to endorse the continued exploration of the installation of solar panels on the roof of the new DPW Facility.

Lowery made a motion to support continuing the process with Ameresco to install solar panels on the roof of the DPW garage, provided it meets the requirements set forth by the PMBC.

Mishara 2nd, all in favor.

Discussion of articles to be brought to Town Meeting by the BoPW

Lowery noted that the only article that has been discussed to date is the Route 27 sidewalk.

It was noted that the sense of the Board is that Lowery should ask Town Planner Sarkis Sarkisian to draft the article for review by the Board of Public Works.

Lowery discussed a request to install 2-3 permanent speed bumps on Glezen East to replace the temporary ones currently used.

Goldsmith suggested that a CIP be created to fund the installation of permanent speed bumps on Glezen East.

Lowery made a motion that a \$25,000 capital item be created for the installation of permanent speed bumps on Glezen East, and another \$25,000 capital item be created to fund other traffic calming measures.

Goldsmith 2nd, all in favor.

Discussion of Potential Capital Requests for the \$2.5M Bond Issue

Lowery noted that the Finance Committee has suggested that a CIP be created for every potential water main project.

The Board discussed the importance of updating the Tata & Howard Capital Efficiency Plan.

Goldsmith noted that he feels that \$2M worth of water main repairs should be identified and discussed with the Town Administrator and the Board of Selectmen.

The Board noted that they will ask the DPW Director Stephen Kadlik to get a bid from Tata & Howard to update the Capital Efficiency Report.

Wegerbauer noted that the Board should ask Kadlik to identify the \$2.5M worth of water projects he would like to see the Board advocate for.

Board Members' Reports, Concerns, and Updates

Lowery asked that the office notify the residents of Millbrook and Pequot of the upcoming traffic calming hearing.

Mishara asked that the office notify Chief Irving of the upcoming traffic calming hearing.

Lowery noted that he was asked about the infiltration of lead from the rod & gun club infiltrating the Meadowview Wells.

Lowery noted that he has discussed this issue, and suggested that the relevant information from the EPA be provided to the rod and gun club, and that one round of lead testing be done at the Meadowview Wells.

Lowery discussed the drainage of the High School artificial turf field, and asked who does the maintenance.

Lindeman replied that the maintenance has never been clearly defined, but he assumes it falls on the school department.

Goldsmith noted that if there is concern about contamination, then it should be confirmed that the drainage system is working as designed and leads to its intended discharge area.

Mishara made a motion to request that a cost evaluation be sought from Bryan Monahan to determine if the drainage system at the High School artificial turf field is functioning properly.

Lowery 2nd, all in favor.

Lowery commented on the status of the irrigation system of 134 Boston Post Road, and requested that it be addressed at an upcoming Board meeting.

Lowery discussed the status of the Community Pool water account.

Brown suggested that the Board request Kadlik have a conversation with the representatives of the Community Pool, seek to arrange a payment plan, and report back to the Board.

The Board discussed the status of the School Street / East Plain Street / Commonwealth Road Intersection.

Joe Doucette, DPW Senior Foreman, noted that the Board of Selectmen will be discussing making the reconfiguration semi-permanent at their upcoming meeting.

Lowery asked Lindeman about the status of the Library Drainage Project.

Lindeman replied that the last development was that an attempt to do a video inspection of the drainage system had been attempted, but was unsuccessful.

Lowery expressed his desire for Kadlik to summarize the status of the project, what its goals are, and what will be done.

Goldsmith noted that, in his opinion, the current configuration being worked on would likely not meet approval from the Conservation Commission.

Wegerbauer suggested that the status of the library drainage project be placed on a future agenda.

Brown discussed with the Board a water shutoff notice that was distributed informing residents of an impending water service interruption.

Lowery noted that when the water service is interrupted, the DPW should provide 48 hour notice, and occur after 9:00am.

Goldsmith discussed new regulations regarding how much water can be drawn from the aquifer, and feels that Kadlik should be requested to draft a synopsis of how the Town should be address issues of compliance.

Wegerbauer asked Lindeman if the Planning Board has provided locations for suggested tree plantings.

Lindeman replied that it has not yet been provided.

Review and Approve Minutes

Mishara suggested an amendment be made to page 8.

Lowery suggested several non-substantive amendments.

Mishara made motion to approve the minutes of the 10/22/2014 Board meeting as amended.

Wegerbauer 2nd, all in favor.

Mishara made a motion to adjourn.

Wegerbauer 2nd, all in favor.

Meeting adjourned at 9:48 PM.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114

NDM
① BOS
② LL File
③ Police Chief
④ Town Clerk

Steven Grossman
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

NOTICE OF HEARING

VIA FIRST CLASS MAIL

November 13, 2014

DUDLEY CHATEAU OF COCHITUATE INC. DBA DUDLEY CHATEAU INC.
20 CREST RD.
WAYLAND, MA 01778
LICENSE#: 134000005

You are hereby notified that a hearing will be held by the Alcoholic Beverages Control Commission on

Thursday, January 15, 2015 at 11:00 AM *Continued from 10/16/2014

at 239 Causeway Street, 1st floor, Boston, MA to determine whether you have violated certain provisions of Massachusetts General Laws, (M.G.L) or Code of Massachusetts Regulations (CMR) as follows:

M.G.L. Ch.138, § 64- Failure to Comply With the Laws of the Commonwealth, to wit: M.G.L. Ch.151A, §14 and §15.

Hearings are held pursuant to M.G.L. Ch.138, C.30A and 801 CMR §1.02 and §1.03. You may appear on your own behalf or with your attorney. Hearings are tape-recorded. Pursuant to M.G.L. C.30A, §11 six (6) written transcripts will be furnished if requested in writing with tender of payment. You may arrange for your own stenographer. Reports, if any, concerning the violations charged may be examined and copied at the Commission's office.

If you have any questions regarding this violation contact the Department of Unemployment Assistance, at 617-626-6819. If you have any questions regarding the hearing schedule contact Patricia Hathaway at 617-727-3040 x738 or phathaway@tre.state.ma.us.

NOTE: It is important that licensees and those interested in this matter attend the hearing to present evidence and testimony. The Commission, in some cases, has the authority to suspend, modify, revoke or cancel licenses.

Kim S. Gainsboro
Chairman

cc: File
Local Licensing Board
Brad Doyle, Investigator
Meaghan Caccavelli, DUA via email

RECEIVED

NOV 19 2014

Board of Selectmen
Town of Wayland

26