



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 15, 2014
Wayland Town Building
Selectmen's Meeting Room

Revised Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. The meeting likely will be broadcast and videotaped for later broadcast by WayCAM.

- | | | |
|----------|------|--|
| 7:00 pm | 1.) | Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 7:02 pm | 2.) | Public Comment |
| 7:10 pm | 3.) | Potential Vote to Accept Conservation Restriction Donated by John and Mary Beard to SVT (Sudbury Valley Trustees) and the Town of Wayland - Vote to be Contingent Upon Conservation Commission Vote to Accept Conservation Restriction |
| 7:20 pm | 4.) | Potential Vote to Approve Conservation Commission's Acceptance of Sage Hill's Open Space Parcel of Land - Vote to be Contingent Upon Conservation Commission Vote to Accept Land |
| 7:30 pm | 5.) | Potential Vote to Approve Change of Manager Application for China Rose LLC, 15 East Plain Street, and Potential Vote to Renew Liquor License and Common Victuallers License for 2015 |
| 7:50 pm | 6.) | Review and Potential Vote on Request of the Permanent Municipal Building Committee to Amend its Charge |
| 8:00 pm | 7.) | Receive Council on Aging/Community Center Advisory Committee's Preliminary Report |
| 8:30 pm | 8.) | Joint Meeting on FY14 Audit with Audit Committee |
| 9:00 pm | 9.) | FY16 Budget Review: New Personnel, Health Insurance |
| 9:30 pm | 10.) | Review and Approve Consent Calendar (See Separate Sheet) |
| 9:45 pm | 11.) | Review Correspondence (See Separate Index Sheet) |
| 9:55 pm | 12.) | Report of the Town Administrator |
| 10:05 pm | 13.) | Selectmen's Reports and Concerns |
| 10:10 pm | 14.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 10:15 pm | 15.) | Adjourn |

To: Board of Selectmen

From: Brian J. Monahan, Conservation Administrator

Date: December 11, 2014

Re: Beard Conservation Restriction – 22 Hazelbrook Lane

BOARD ACTION REQUESTED:

VOTE TO ACCEPT CONSERVATION RESTRICTION BEING DONATED BY THE BEARDS TO SVT AND THE TOWN OF WAYLAND CONTINGENT UPON CONSERVATION COMMISSION VOTING TO ACCEPT THE CONSERVATION RESTRICTION.

BACKGROUND

John and Molly Beard residents of the Town of Wayland seek to donate a Conservation Restriction to the Sudbury Valley Trustees and the Town of Wayland/Conservation Commission. The restricted area is approximately 10.62 acres. The land is across Hazel Brook from the recently purchased Lincoln Road restriction and abuts SVT property. The land had been identified as meriting protection in the 1995 Open Space Plan and when it has been discussed by the Commission they desire to continue protection of the land. There is a path on the land and public access is going to be permitted. The Beards would like to complete this donation in 2014. The Restriction has been reviewed by the Department of Conservation Services and Town Counsel has had some input in the process. A copy of the existing lot configuration of 22 Hazelbrook Road from the Town's GIS as well as the proposed lot configuration is attached.

FISCAL IMPACT

The CR may change the value of the land and taxes collected for the land. However, the value of the land if either a Conservation Restriction or acquisition of the land were pursued would be considerable and having the restriction donated protected a sensitive and important piece of open space is invaluable. The managing agent for this land is specified in the CR as being SVT, not the town.

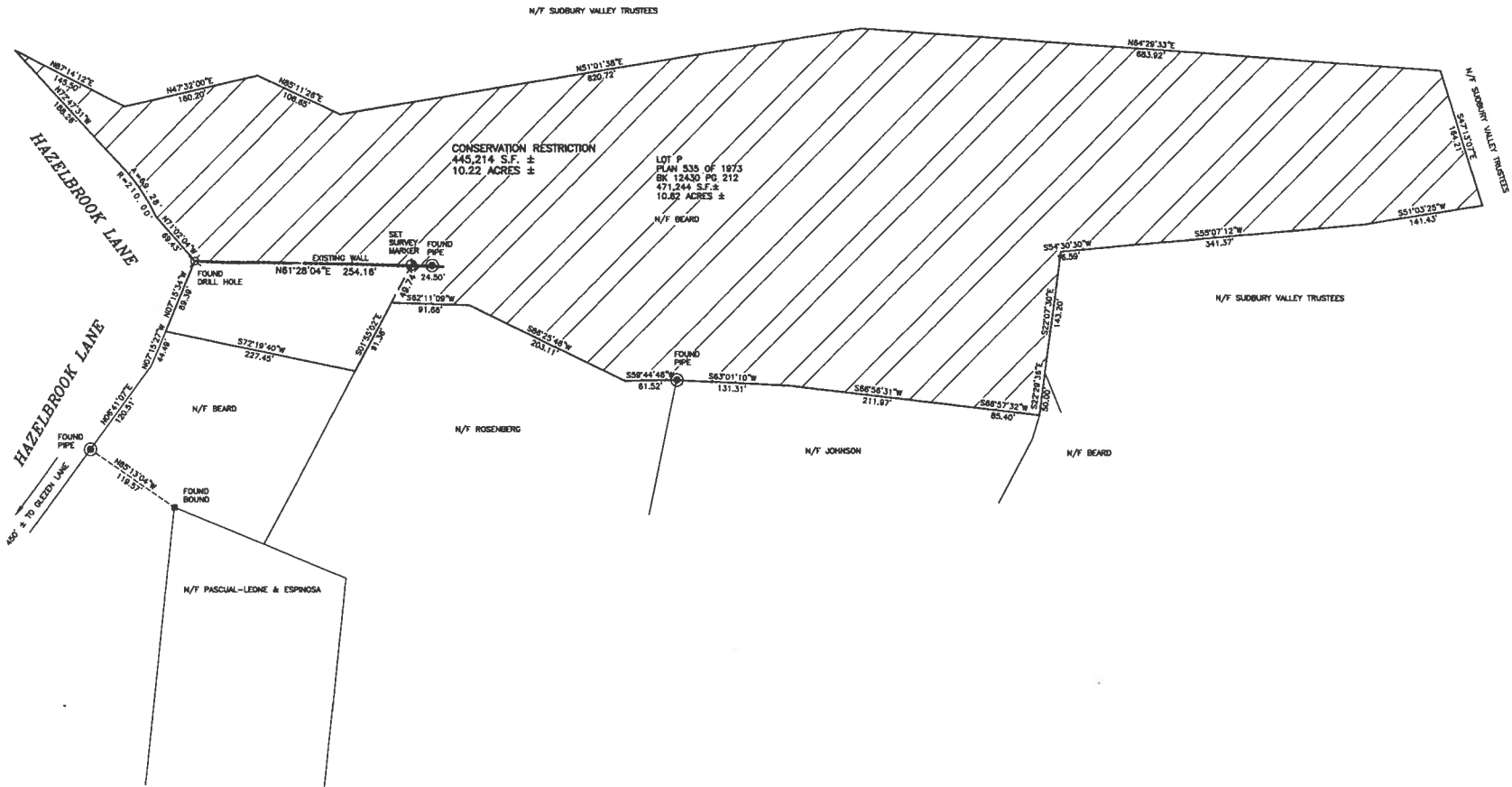
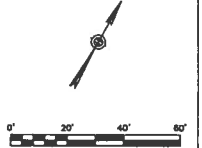
REGISTRY USE ONLY

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE _____ PROFESSIONAL LAND SURVEYOR _____

REGISTERED B.M.
EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS
49 LEXINGTON STREET
WEST NEWTON, MA 02460
(617) 552-8780
(617) 552-1878 FAX
esb@everettbrooks.com



DEED REFERENCE: BK 12181 PG 286
PLAN REFERENCE: PLAN 535 OF 1973
OWNER OF RECORD:
JOHN E. & MARY S. BEARD

**PLAN OF LAND IN
WAYLAND, MA**
22 HAZELBROOK LANE
CONSERVATION RESTRICTION

SCALE: 1 IN. = 60 FT.
DATE: DECEMBER 5, 2014
DRAWN: ES
CHECK: DS
REVISIONS:

PROJECT NO. 24533

Grantors: John E. Beard and Mary S. Beard

Grantees: Sudbury Valley Trustees, Inc.; and

**Town of Wayland, acting by and
through its Conservation Commission**

Property Address: 22 Hazelbrook Lane, Wayland, Massachusetts

**For title see: Deed recorded with the
Middlesex South Registry of Deeds in
Book 12181, Page 296**

CONSERVATION RESTRICTION

I. GRANT.

We, **John E. Beard and Mary S. Beard** (“Grantors”), husband and wife, residing at 194 Glezen Lane, Wayland, Massachusetts, being the sole owners as tenants by the entirety of the parcel of land described below, for ourselves and our successors and assigns, and acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the General Laws of Massachusetts, hereby grant, as a gift, with quitclaim covenants, to **Sudbury Valley Trustees, Inc.**, a Massachusetts non-profit corporation with a mailing address of 18 Wolbach Road, Sudbury, Massachusetts 01776 (“SVT”), and the **Town of Wayland, Massachusetts**, a Massachusetts municipal corporation, acting by and through its Conservation Commission, with a mailing address of 41 Cochituate Road, Wayland, Massachusetts 01778 (the “Town”), by authority of Chapter 40, Section 8C, and the respective permitted successors and assigns of SVT and the Town, in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on a 10.3 acre portion of the land located on Hazelbrook Lane in the Town of Wayland, Massachusetts shown as the 10.82 acre “Lot P” shown on a plan of land entitled “Plan of Land In Wayland, Mass.” dated April 9, 1973,

prepared by Everett M. Brooks Co. and recorded with the Middlesex South Registry of Deeds, attached as Exhibit A hereto (the "Premises").

For Grantors' title see Deed recorded with said Registry of Deeds in Book 12181, Page 296.

SVT and the Town are sometimes together referred to in this deed as the Grantees, and singly as a Grantee.

II. CHARACTER OF THE PREMISES AND PURPOSES OF THIS GRANT:

This Conservation Restriction is as defined in and authorized by **Sections 31-33 of Chapter 184** of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in their current condition in **perpetuity and for conservation purposes**, predominately in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values. These values include the following:

- A. The Premises provide significant scenic, aesthetic, and scientific value in its present state as a natural area and open space which has not been subjected to development incompatible with said uses; and
- B. The Premises contain wooded uplands and wetlands, providing quality wildlife habitat, watershed protection, flood prevention and pollution mitigation; and
- C. The Premises provide protection for ground and surface waters, having nearly 1.14 acres of wetlands that border the perennial stream, Hazel Brook, and its associated ponds; and
- D. The Premises abut or are proximate to over 500 acres of other permanently protected natural and agricultural areas in the towns of Wayland, Lincoln, and Weston, making the Premises part of a large network of protected land; and
- E. The Premises contain Prime Forest Land ; and
- F. The Premises are identified in the Town of Wayland's 1995 Open Space and Recreation Plan as a top priority; and
- G. The Premises are to be available to the general public for a variety of educational and passive recreational activities.

III. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein and/or in subsection B. hereof, the Grantors will not perform or permit the following acts and uses which are prohibited on, above, and below the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, well, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, wind turbine, solar energy panel, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise make topographical changes to the area;
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
6. Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties and for wheelchairs and other motorized vehicles used to transport persons with disabilities;
7. The disruption, removal, or destruction of the stone walls on the Premises;
8. Subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted) and no portion of the Premises may be used towards building or development requirements on this or any other parcel.
9. The use of the Premises for commercial recreation, business, residential or industrial use of the Premises.
10. The use of the Premises for recreational activities that involve the installation of playing fields, tennis courts, basketball courts, swimming pools, golf courses, campgrounds, playgrounds, hardscaping or similar uses that temporarily or permanently alter the soil or topography;
11. Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation interests.

B. Reserved Rights and Exceptions

The Grantors reserve the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction:

1. Recreational Activities. Fishing, boating, hiking, horseback riding, snow shoeing, cross-country skiing, biking, and use of the Premises for other passive, outdoor recreational activities, in all instances in a manner that does not materially alter the landscape or does not degrade environmental quality.
2. Vegetation Management. In accordance with generally accepted forest management practices, removing of trees and/or brush, and selective pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including clearings and trails, as shown on Exhibit B and in the Baseline Documentation Report.
3. Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.
4. Composting. The stockpiling and composting and occasional burning of trees and brush limbs and similar biodegradable materials originating on the Premises provided that such stockpiling and composting is in locations where the presence of such activities will not have a deleterious impact on the Purposes of this Restriction;
5. Wildlife Habitat Improvement. With the prior written Approval of Grantees, as outlined in Section IV below, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species;
6. Trails. The marking, clearing and maintenance of footpaths and trails not wider than ten (10) feet;
7. Signs. The erection, maintenance and replacement of signs with respect to hunting, trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantors' or Grantees' interest in the Premises, and the protected conservation values;
8. Stone walls. Construction, maintenance or repair of, or addition to, stone walls consistent in material, size, construction method and style with existing walls. Grantors reserve the right to widen or to relocate the existing break in the existing stone wall so long as the new or existing break does not exceed twenty (20) feet in width, unless a greater disturbance is approved by Grantees

following Notice and Approval as described in Section IV, as needed for maintenance and management activities as permitted in Section III.B herein.

9. Subject to Notice and Approval by Grantees under Section IV, the conducting of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantees and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official);
10. Permits. The exercise of any right reserved by Grantors under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantees or the Commonwealth take any position whether such permit should be issued.

C. Permitted Acts and Uses:

All acts and uses not explicitly prohibited by Section III Paragraph A are permitted, provided they do not materially impair the Purposes or Conservation Values of the Premises.

IV. ACCESS

A. Access Rights of the Grantees:

The Grantors hereby grant to the Grantees, or their respective duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantors also grant to the Grantees, after notice of a violation and failure of the Grantors to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

B. Access Rights of the Public:

The Grantors hereby grant a right of public access to the trails shown on Exhibit B for walking, running, hiking, cross country skiing, snowshoeing, horseback riding and nature observation. The Grantors shall have the right to limit and/or prohibit such public access following sixty (60) days Notice to the Grantees as outlined in Article V, if in the reasonable determination of the Grantors, a pattern of abuse of such right of access develops or exists, such as, but not limited to, discarding by trail users of containers or packaging or wrappers for food or drink or snacks or allowance by dog walkers of

excessive animal droppings. The Grantees shall have the right following receipt of the Notice from the Grantors to take any reasonable steps, including installing signage, to curb or eliminate such abuses and to reinstate the access as described above upon Notice to the Grantors stating the remedial steps Grantees are taking and provided that Grantors reasonably agree on the sufficiency of such remedial steps. SVT, as managing agent, will have shared responsibility for preventing abuse of the public's access privilege and in that connection will have the right at the request of the Grantors or on its own initiative to limit or prohibit access to classes of users which are unable or unwilling to use the trails with appropriate respect for their use by others and for preservation of the conservation values of the Premises.

C. Notice and Approval

Whenever notice to or approval by Grantees is required under the provisions of paragraphs A or B above, or in Section III, Grantors shall notify Grantees in writing not less than 60 days prior to the date Grantors intend to undertake the activity in question, except in the case of a bone fide emergency when undertaking such activity is required to prevent damage to the Premises or to adjoining land and/or structures owned by the Grantors or others. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantees to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantees' approval is required, Grantees shall grant or withhold approval in writing within 60 days of receipt of Grantors' request. Grantees' approval shall not be unreasonably withheld and/or conditioned, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Grantees to respond in writing within 60 days shall be deemed to constitute approval by Grantees of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein and the activity will not materially impair the Purposes or Conservation Values of the Premises.

V. LEGAL REMEDIES OF THE GRANTEES

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantees shall have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to

the Grantees. The Grantees shall have the right to take appropriate action to prevent, abate, or remedy violations of this Conservation Restriction.

B. Reimbursement of Costs of Enforcement

The Grantors, and their successors and assigns covenant and agree to reimburse the Grantees for all reasonable costs and expenses (including engineering and counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy or abate any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by the Grantors or determined by a court of competent jurisdiction to have occurred.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Grantees. Any election by the Grantees as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the existing condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantees or their agents.

E. Acts Beyond the Grantors' Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantors for any injury to or change in the Premises resulting from causes beyond the Grantors' control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken in good faith by the Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.

VI. SAFEGUARDING HISTORIC AND ARCHAEOLOGICAL RESOURCES

New construction, demolition, or rehabilitation activity in support of permitted uses, and any other activity in support of permitted uses that proposes disturbance to the surface or subsurface of the ground, shall require prior consultation with the Massachusetts Historical Commission (or appropriate successor official) to prepare a protocol and procedures to identify, evaluate, and adopt feasible alternatives to avoid, minimize, or mitigate any adverse effects to historic and archaeological assets.

Grantor and Grantee shall make every reasonable effort to prohibit any person from conducting archaeological field investigation including metal detecting, digging, or artifact collecting without approval of the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official), and shall promptly report any such prohibited activity to the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official). Grantor and Grantee shall include the prohibition against digging, artifact collecting, or metal detecting in any list of rules for visitors to the Premises.

VII. MANAGING AGENT; DISPUTE RESOLUTION

For purposes of this Conservation Restriction, the Managing Agent under this Conservation Restriction shall be Sudbury Valley Trustees, Inc., (its successors and permitted assigns as established herein) a Massachusetts non-profit corporation with a mailing address of 18 Wolbach Road, Sudbury, Massachusetts 01776 (the "Managing Agent"). The Managing Agent is responsible for monitoring the Conservation Restriction in accordance with the Massachusetts Conservation Restriction Stewardship Manual, Massachusetts Audubon Society 2006, including but not limited to, preparing and maintaining reports, and preparing documentation. Wherever reference is made to actions and rights and responsibilities of the Grantees herein including but not limited to the Notice and Approval provisions of Paragraph IV and the Legal Remedies of the Grantees in Paragraph V, such reference shall, as the context permits, be exercisable by the Managing Agent after approval by the Town, acting by and through its Conservation Commission. It is intended hereby that provisions of Paragraph IX relating to Assignability also apply fully to the Managing Agent as well as to the Grantors and Grantees. It is specifically intended that reference to the Managing Agent herein, include the delegation of management as is contemplated under provisions of Massachusetts General Laws Chapter 184, Section 32, which may include the Town.

The Grantees shall act in concert on all matters related to enforcement action concerning violations of the terms of the Conservation Restriction and shall consult with one another to determine a unified course of action prior to undertaking any form of enforcement actions. Neither Grantee may pursue any enforcement action separately from the other, except as otherwise provided in this Conservation Restriction. In the event the Grantees disagree on the enforcement action to be taken, they shall employ the Dispute Resolution Process set forth below.

DISPUTE RESOLUTION

If the Grantees cannot reach an agreement on any aspect of this Conservation Restriction through good faith deliberations among themselves, they shall seek a consultation with the Director of Conservation Services of the Massachusetts Department of Conservation Services or any successor agency. If that

consultation fails to yield conclusions as to appropriate action, the Grantees shall seek a similar consultation with the national Land Trust Alliance.

If these consultations continue to fail to yield a unified course of action, if mutually agreed to by the Grantees, they may seek resolution of their dispute through any form of alternative dispute resolution, such as mediation or binding or non-binding arbitration.

In the event of differences of opinion between the Grantees over appropriate enforcement of a Conservation Restriction violation by Grantor or another third party, one Grantee may unilaterally pursue an enforcement action for a violation of the Conservation Restriction without the cooperation of the other in only one of two situations: 1) if deliberation between the Grantees, as described above, fails to yield a unified course of action; 2) or if only one of the Grantees concludes that a violation of the Conservation Restriction poses an imminent threat of irreparable harm to conservation values requiring immediate action without time for further deliberation.

Failure of the Grantees to reach a unified position prior to one Party's initiation of an enforcement action shall not constitute a violation of the Conservation Restriction and shall not be construed as bad faith or contrary to the purposes the Conservation Restriction, provided that the Grantees' deliberations to attempt to resolve their dispute were in good faith.

No violation of the terms of this section shall have any effect on the enforceability of the Conservation Restriction.

The costs of any dispute resolution process, including litigation, to resolve a dispute between the Grantees shall not be reimbursable by the Grantor (irrespective of any other provision of this Conservation Restriction) or from the Legal Defense Fund.

VIII. EXTINGUISHMENT

- A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantees, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds.

B. Grantees shall use their share of the proceeds in a manner consistent with the conservation purpose set forth herein.

C. Proceeds

The Grantors and the Grantees agree that the donation of this Conservation Restriction gives rise for purposes of this paragraph to a real property right, immediately vested in the Grantees, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the unrestricted Premises at that time, and represents all development rights associated with the Premises.

D. Grantors/Grantees Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantors and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantors and the Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantors and Grantees in shares equal to such proportionate value. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantees shall use their share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

IX. ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantors and their successors and assigns and beneficiaries of trusts holding any interest in the Premises.

B. Execution of Instruments

The Grantees are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantors, on behalf of themselves and their successors and assigns, appoint the Grantees their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantors and their successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantees, shall be perpetual, in gross and shall not be assignable by the Grantees nor may the

identification of the Managing Agent in Section VII be changed or further assigned, except in the following instances:

As a condition of any assignment, the Grantees shall require that the purpose of this Conservation Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

X. SUBSEQUENT TRANSFERS

The Grantors agree to incorporate by reference the terms of this Conservation Restriction in any deed, will, trust or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantees within 20 days of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantors shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

XI. ESTOPPEL CERTIFICATES

Upon request by the Grantors, the Grantees shall, within twenty (20) days, execute and deliver to the Grantors any document, including an estoppel certificate, which certifies the Grantors' compliance with any obligation of the Grantors contained in this Conservation Restriction.

XII. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantors agrees that they will not grant, and the Grantees agrees that they will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner to ensure that merger does not occur and that the Conservation Restriction continues to be enforceable by a non-fee owner.

XIII. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantors and Grantees may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantees under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantees will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South Registry of Deeds.

XIV. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantors and the Grantees have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Middlesex South Registry of Deeds. The Grantees shall record this instrument in timely manner in the Middlesex South Registry of Deeds.

XV. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantors: John E. Beard and Mary S. Beard
194 Glezen Lane
Wayland, MA, 01778

To Grantees: Sudbury Valley Trustees
18 Wolbach Road
Sudbury, MA, 01776

Conservation Commission

Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

XVI. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein

XVII. MISCELLANEOUS

A. Pre-existing Public Rights.

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-

existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Baseline Documentation

In order to establish the present condition of the Premises and the conservation values thereon that are protected by this Conservation Restriction, so as to enable the Grantees to monitor future uses of the Premises and to assure compliance with the terms hereof, Grantees have prepared an inventory of the relevant features and conditions of the Premises (the "Baseline Documentation Report"), and Grantors and Grantees agree that the same is an accurate representation of the condition of the Premises as of the date of the execution of this Conservation Restriction. Verified originals of the Baseline Documentation Report will be deposited with the Grantors and in the permanent records of the Grantees. If the originals of said Baseline Documentation Report are subsequently destroyed by casualty or are unavailable under other circumstance, other evidence may be offered by the parties to establish the condition of the Premises as of the date of this Conservation Restriction.

C. Subordination

Grantors represent, and Grantees rely on Grantors' representation that, to the best of Grantors' knowledge, the Premises are free from any mortgage, lien, encumbrance or other interest by any third party.

There are attached hereto or recorded simultaneously herewith and incorporated herein by reference the following Exhibits and Approvals:

- A. Conservation Restriction Plan
- B. Plan of Trails and Cleared Area

WITNESS our hands and seals this _____ day of _____, 2014.

By: _____
John E. Beard

By: _____
Mary S. Beard

COMMONWEALTH OF MASSACHUSETTS

Middlesex _____, ss:

On this _____ day of _____, 2014, before me, the undersigned Notary Public, personally appeared the above-named John E. Beard and Mary S. Beard, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identities of the signatories, to be the persons whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT:

Sudbury Valley Trustees, Inc. accepts the above Conservation Restriction this ____ day of _____, 2014, by:

SUDBURY VALLEY TRUSTEES, INC.

By: _____

Lisa Vernegaard, *Executive Director*

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 2014

On this ____ day of _____, 2014, before me, the undersigned Notary Public, personally appeared the above-named _____, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatories, or my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose.

Notary Public

My Commission Expires:

ACCEPTANCE OF GRANT

The above Conservation Restriction was accepted by the Conservation Commission of the Town of Wayland _____
this _____ day of _____, 2014.

Middlesex, ss.

On this ___ day of _____ 2014, before me, the undersigned notary public, personally appeared _____,
_____,
_____ and _____,

proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatories, or my own personal knowledge of the identity of the signatory, to be the persons whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose as members of the Conservation Commission of the Town of Wayland

Notary Public
My Commission Expires:

APPROVAL OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Wayland _____, hereby certify that at a public meeting duly held on _____, 2014, the Board of Selectmen voted to approve the foregoing grant of Conservation Restriction to the Conservation Commission of the Town of Wayland and the Sudbury Valley Trustees _____ pursuant to Massachusetts General Laws Chapter 184, Section 32 and Chapter 40, Section 8C.

Board of Selectmen of the Town of Wayland

Middlesex, ss.

On this ____ day of _____, 2014, before me, the undersigned Notary Public, personally appeared the above-named

_____, Members of the Town of Wayland Board of Selectmen, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license(s) or other state or federal governmental document(s) bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatories, or my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose, as members of the Town of Wayland Board of Selectmen.

Notary Public
My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Town of Wayland has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2014

Maeve Valley Bartlett
Secretary of Energy and Environmental
Affairs

Middlesex, ss.

On this ____ day of _____, 2014, before me, the undersigned Notary Public, personally appeared the above-named Maeve Valley Bartlett, Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily for its stated purpose.

Notary Public
My Commission Expires:

Exhibit A – Conservation Restriction Plan

EXHIBIT A

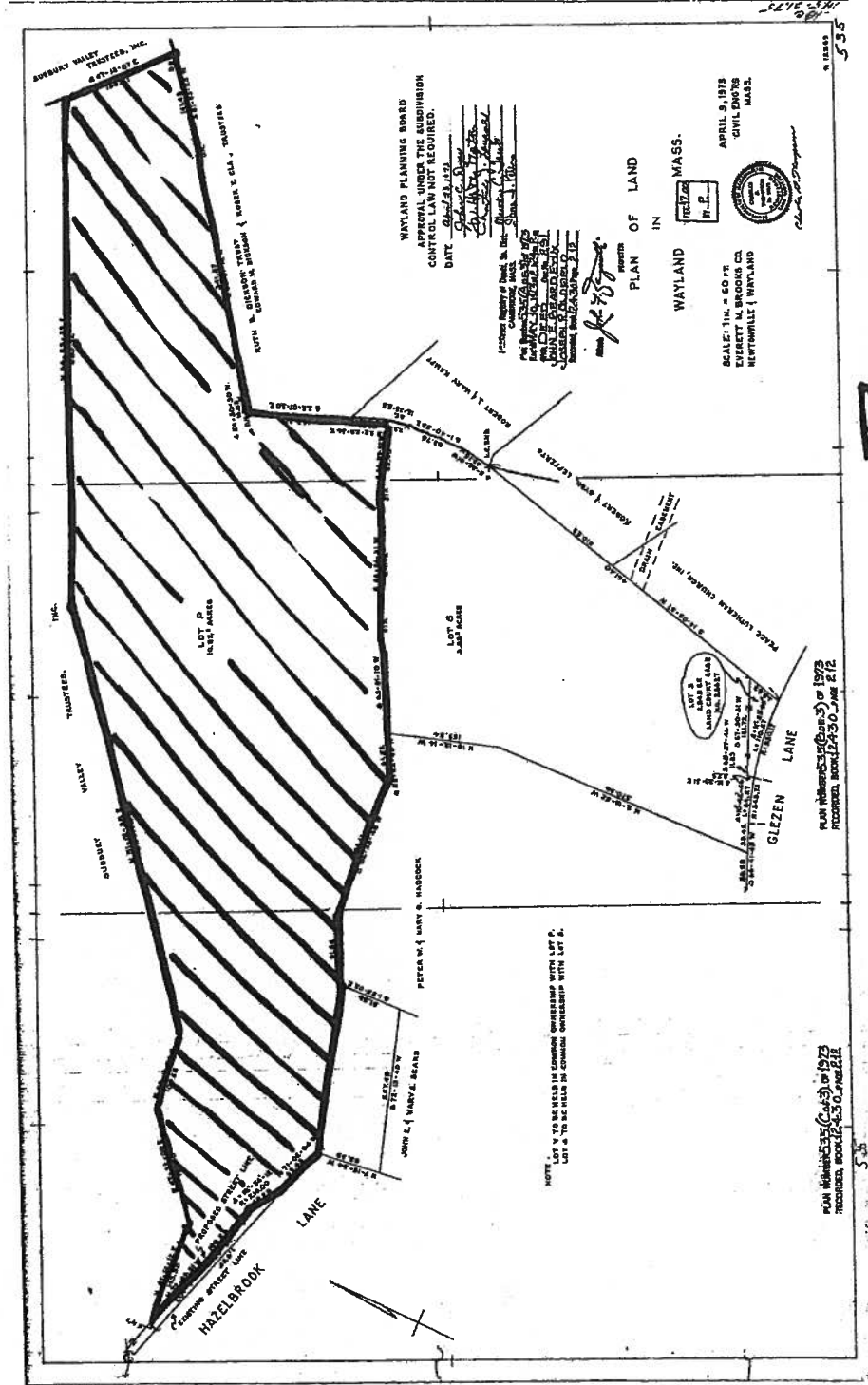
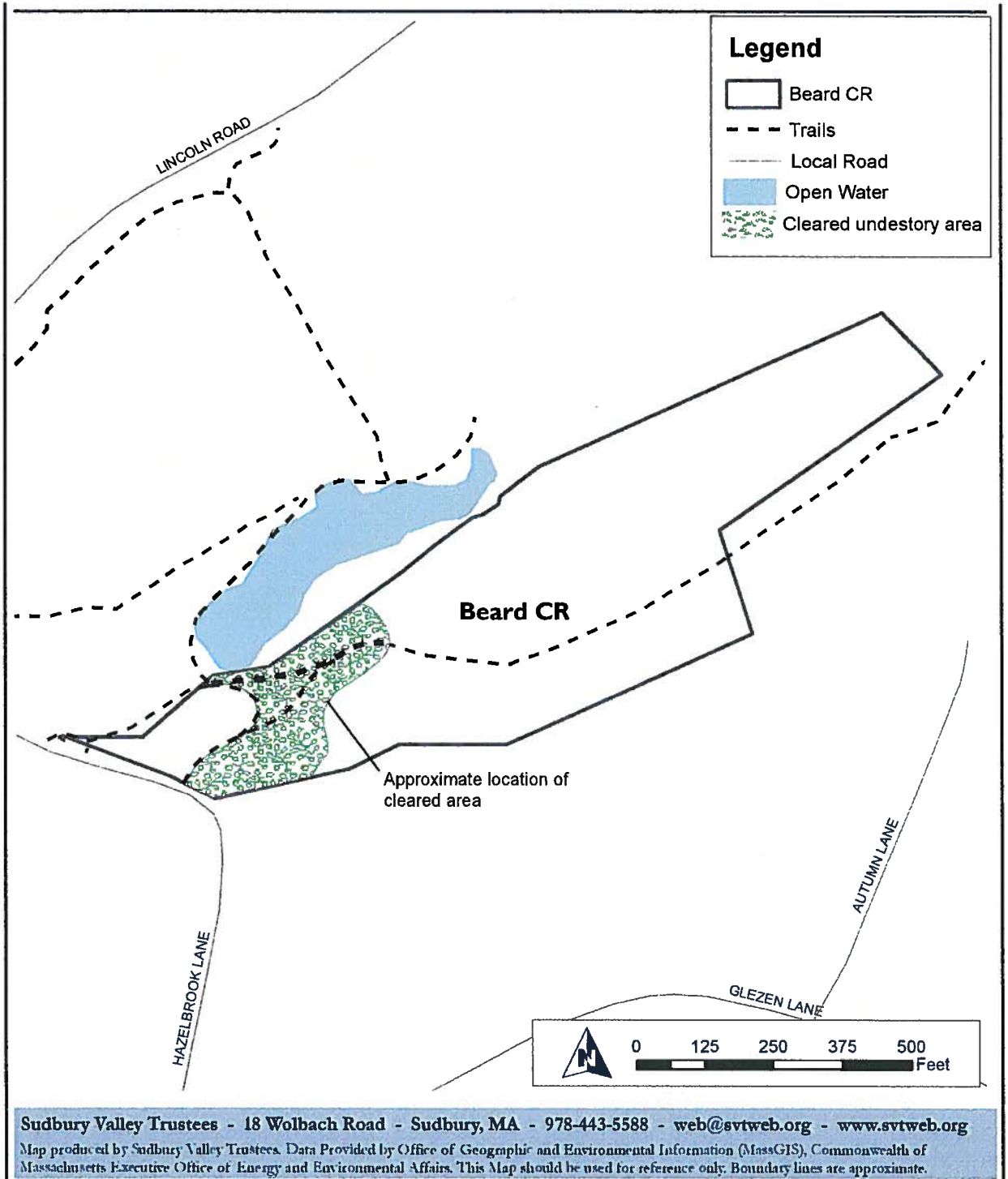


Exhibit B – Plan of Trails and Pond Access Area



To: Board of Selectmen

From: Brian J. Monahan, Conservation Administrator

Date: December 11, 2014

Re: Sage Hill Land

BOARD ACTION REQUESTED:

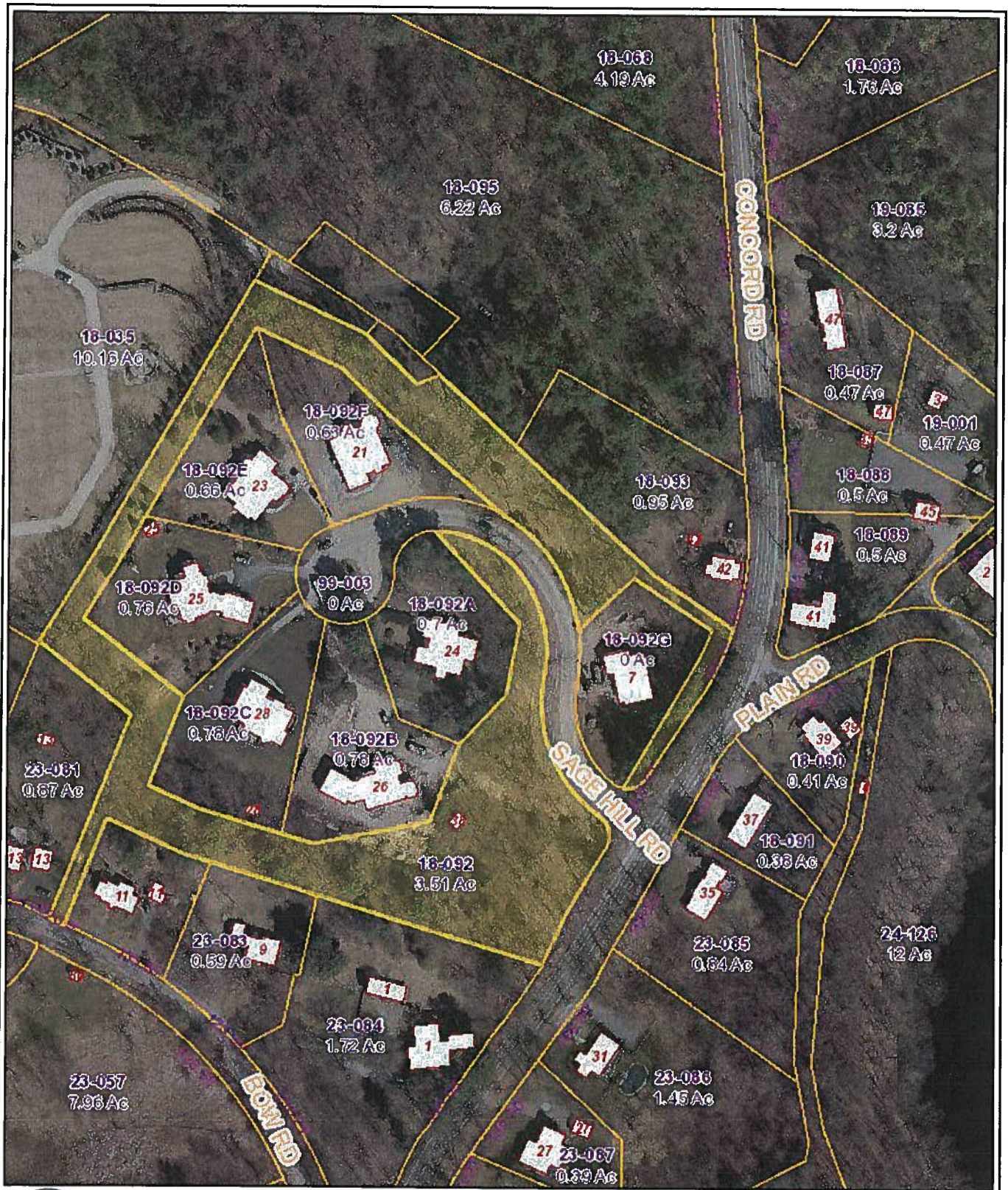
VOTE TO ACCEPT THE GIFT OF LAND AT SAGE HILL ROAD CONTAINING APPROXIMATELY 3.51 ACRES OF LAND.

BACKGROUND

Sage Hill Road is a conservation cluster that was approved by the Town a number of years ago. When a conservation cluster is proposed there a portion of the property is to be permanently protected as open space. The permanent protection of the open space approved at Sage Hill was to give the land to the Town of Wayland in the care of the Conservation Commission. The transfer of the land has been pending for some time to clarify an encumbrance of an easement. The title search revealed this encumbrance and it is being addressed with Town Counsel. Sage Hill Road was accepted at the 2013 Annual Town Meeting according to the 2013 Annual Report. There have been complaints about the drainage near Sage Hill. There is an outfall on the eastern side of Concord Road that may not be functioning. There was at least one restoration of the BMP after work was done at the site.

FISCAL IMPACT

The drainage BMP (best management practice – drainage mitigation) for Sage Hill is on the land to be accepted by the Town. There was to be a loop trail on the land. If it is constructed, then there would be some maintenance of the loop providing it is used. Sage Hill was accepted as a public way in April 2013. It is believed that maintenance of the drainage (an infiltration basin) is the town's responsibility. If properly constructed, the maintenance requirements for an infiltration basin, as long as it is functioning, are mowing the buffer, side slopes and bottom if grassed, removing trash and debris, and removing grass clippings and accumulated organic matter (from MA DEP Stormwater Handbook). If the town is diligent in preventing sediment from getting to the basin and regularly practices the required maintenance, the costs should be that of routine maintenance of either the basin and/or any foot trail. Mowing should be not more than twice a year for both.

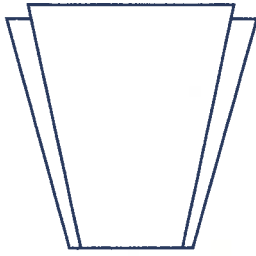


Sage Hill
 Wayland, MA
 1 Inch = 160 Feet
 December 11, 2014



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com
 CAI Technologies



*Keystone
Development
Corporation*

December 9, 2014

Mr. Joseph Nolan-Chairman
Wayland Board of Selectmen
41 Cochituate Road
Wayland, MA 01778

Re: Sage Hill Conservation Land

Dear Chairman Nolan,

My company, Keystone Development, permitted and developed Sage Hill Road, an eight lot Conservation Cluster development, in 2010 through 2012. As part of that special permit we are required to donate the conservation land to the Town of Wayland. For various reasons the deed has taken quite some time to be approved. Fortunately, town counsel recently approved the deed and I respectfully request that the Board of Selectmen sign the attached deed so this contribution can be finalized.

I am scheduled to appear before the Conservation Commission on Thursday evening and then will have the deed recorded once they sign the document.

Thank you for your timely attention to this matter. I will plan on attending the selectmen's meeting on Monday to answer any questions you may have.

Sincerely,

Michael Staiti
25 Sage Hill Road, Wayland

QUITCLAIM DEED

Sage Hill LLC, a Massachusetts limited liability company having a principal place of business at 910 Boston Post Road East, Suite 310, Marlborough, Massachusetts 01752, for no consideration, as a gift, hereby grants to the Town of Wayland, a Massachusetts municipal corporation having an address of 41 Cochituate Road, Wayland, Massachusetts 01778, for conservation purposes, with *quitclaim covenants*,

the certain parcel of land off Concord Road in Wayland, Middlesex County, Massachusetts being shown as "Open Space" on a plan of land entitled "Definitive Subdivision Plans of 'Sage Hill' in Wayland, MA", dated February 26, 2010, prepared by Thomas Land Surveyors, which plan is recorded with the Middlesex South Registry of Deeds as Plan No. 379 of 2010, to which plan reference may be had for a more particular description of said parcel of land.

Said parcel of land contains 3.51 acres of land, more or less, according to said plan.

Said parcel of land shall be used for conservation purposes and all other permissible purposes under Massachusetts General Laws Chapter 40, Section 8C and Article XCVII of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts and shall be held in the care, custody, management and control of the Conservation Commission of the Town of Wayland in accordance with said Chapter 40, Section 8C. This restriction on the use of said land shall be a perpetual restriction held by a governmental body within the meaning of M.G.L. c. 184, §26 and a gift for a public purpose within the meaning of M.G.L. c. 184, §23.

By executing this deed, Sage Hill LLC hereby (i) consents to the taking of said land by eminent domain by the Town of Wayland for the purpose of confirming and making clear its title to said land; and (ii) pursuant to M.G.L. c. 79, §§ 7A and 7C, waives its rights to an appraisal, notice and damages for said taking; and (iii) covenants and agrees to indemnify the Town for damages, reasonable attorney's fees and costs arising from claims by third parties arising from or out of said taking.

This conveyance does not represent all or substantially all of the assets of Sage Hill LLC located in the Commonwealth of Massachusetts.

Being a portion of the premises conveyed to Sage Hill LLC by Quitclaim Deed of Lingley Lane, LLP dated August 25, 2010 and recorded with the Middlesex South Registry of Deeds in Book 55279, Page 299.

Executed as a sealed instrument this 10 day of December, 2014.

Sage Hill LLC

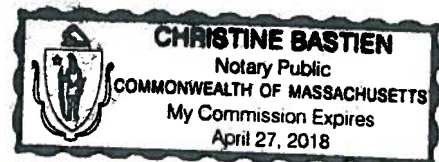
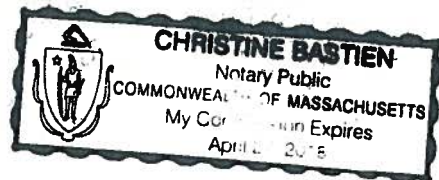
By: 
Richard L. Olstein, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 10 day of December, 2014, before me, the undersigned notary public, personally appeared Richard L. Olstein, Manager of Sage Hill LLC, proved to me through satisfactory evidence of identification which was a state issued drivers' license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

CBastien
, Notary Public
My commission expires:



ACCEPTANCE BY CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of Wayland, voted to accept the foregoing parcel of land, as a gift, pursuant to M.G.L. c. 40, §8C, this 18th day of December, 2014.

Sherre Greenbaum, Chair

Joanne B. Barnett

Roger Backman

Barbara Howell

Robert L. Goldsmith

Betty Salzberg

John Sullivan

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

December 18, 2014

On this day, before me, the undersigned notary public, personally appeared Roger Backman, Sherre Greenbaum, Joanne B. Barnett, Barbara Howell, Robert L. Goldsmith, Betty Salzberg and John Sullivan proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Conservation Commission of the Town of Wayland.

, Notary Public
My Commission Expires:

APPROVAL OF CONSERVATION COMMISSION'S
ACCEPTANCE OF GIFT OF LAND

We, the undersigned, being a majority of the Board of Selectmen of the Town of Wayland, voted to approve the Conservation Commission of the Town of Wayland's acceptance of the foregoing parcel of land, as a gift, pursuant to M.G.L. c. 40, § 8C, this 15th day of December, 2014.

Joseph F. Nolan, Chair

Cherry C. Karlson

Mary M. Antes

Edward J. Collins

Anthony V. Boschetto

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

December 15, 2014

On this day, before me, the undersigned notary public, personally appeared Joseph F. Nolan, Cherry C. Karlson, Mary M. Antes, Edward J. Collins and Anthony V. Boschetto proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Board of Selectmen of the Town of Wayland.

, Notary Public
My Commission Expires:



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

12/10/2014

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Manager Change for China Rose Restaurant

This department has conducted a background investigation on Bei Huan Deng (d.o.b. 10/18/37) as part of the application process for a change of manager at China Rose Restaurant. Nothing was found that would disqualify Mr. Deng from being a manager at the restaurant.



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$100.00

Secretary of the Commonwealth Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Amendment

(General Laws, Chapter)

Federal Employer Identification Number: [REDACTED] *must be 9 digits*

The date of filing of the original certificate of organization: 1/9/2014

1.a. Exact name of the limited liability company: CHINA ROSE, LLC

1.b. The exact name of the limited liability company as amended, is: CHINA ROSE, LLC

2a. Location of its principal office:

No. and Street: 15 EAST PLAIN STREET
 City or Town: WAYLAND State: MA Zip: 01778 Country: USA

3. As amended, the general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

FULL SERVICE RESTAURANT SPECIALIZING IN ASIAN CUISINE

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: JAISY DENG
 No. and Street: 83 BUCHANAN ROAD
 City or Town: BOSTON State: MA Zip: 02132 Country: USA

6. The name and business address of each manager, if any:

| Title | Individual Name | Address (no PO Box) |
|---------|-----------------------------|---|
| | First, Middle, Last, Suffix | Address, City or Town, State, Zip Code |
| MANAGER | BEI HUAN DENG | 15 EAST PLAIN STREET WAYLAND, MA 01778 USA |

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

| Title | Individual Name | Address (no PO Box) |
|---------------|-----------------------------|---|
| | First, Middle, Last, Suffix | Address, City or Town, State, Zip Code |
| SOC SIGNATORY | JAISY DENG | 15 EAST PLAIN STREET WAYLAND, MA 01778 USA |

| Title | Individual Name First, Middle, Last, Suffix | Address (no PO Box) Address, City or Town, State, Zip Code |
|---------------|---|--|
| REAL PROPERTY | JAISY DENG | 15 EAST PLAIN STREET WAYLAND, MA 01778 USA |

9. Additional matters:

NONE

10. State the amendments to the certificate:

CHANGE IN MANAGER

11. The amendment certificate shall be effective when filed unless a later effective date is specified:

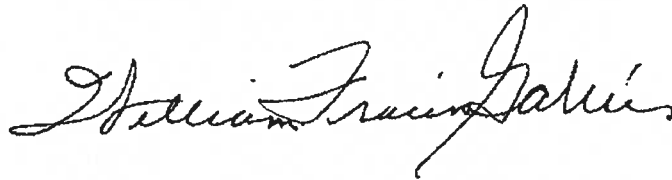
**SIGNED UNDER THE PENALTIES OF PERJURY, this 10 Day of December, 2014,
/S/ JAISY DENG , Signature of Authorized Signatory.**

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

December 10, 2014 10:58 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large initial "W" and "G".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



No. [REDACTED]

Personal description of holder as of date of naturalization:

INS Registration No. [REDACTED]

Date of birth: [REDACTED]

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Sex: MALE

BEI HUAN DENG

(Complete and true signature of holder)

Height: 5 feet 5 inches

Marital status: MARRIED

Be it known that, pursuant to an application filed with the Attorney General

Country of former nationality: CHINA, PEOPLE'S REPUBLIC OF

at: BOSTON, MASSACHUSETTS

The Attorney General having found that:

BEI HUAN DENG

then residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the

U.S. IMMIGRATION AND NATURALIZATION SERVICE

at: BOSTON, MASSACHUSETTS

on: AUGUST 27, 2002

that such person is admitted as a citizen of the United States of America.

[Signature]

Commissioner of Immigration and Naturalization

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

CJISWeb Printout Generated On: 12/10/2014 13:03:29
By User/Agency: BERGER-JAMIE/WAYLAND POLICE DEPARTMENT

MA Driver's License (R1)

Results For - Name: DENG, BEI; Date of Birth: ██████████

△STATUS: NO STATUS FOUND ON RECORD

License Image



License Information

License No.: ██████████
State: MA

Status: ██████████
SSN: ██████████

Person Information

Last: DENG
DOB: ██████████
Organ Donor: N

First: BEI
Sex: M

Middle: HUAN
Height: 5' 05"

Address Information

Mailing: ██████████
City: ██████████
Residential:
City:

State: ██████████
State:

Zip: ██████████
Zip:

Previous Names

Additional Data

Driver's Ed.: N
Mab: N
Type: M - MASS ID ONLY
Issue Date: 08/18/1999
Restrictions:

Military: N
Cdl:
Class:
Exp. Date:
End Time:

Start Time:

CJISWeb Printout Generated On: 12/10/2014 13:03:29
By User/Agency: BERGER-JAMIE/WAYLAND POLICE DEPARTMENT

CJISWeb Printout Generated On: 12/10/2014 13:04:53
By User/Agency: BERGER-JAMIE/WAYLAND POLICE DEPARTMENT

MA Criminal History

Commonwealth of Massachusetts
Criminal History Systems Board

Adult record not found in Board of Probation File on CJIS for:

Name: DENG, BEI
DOB: ██████████
Today's date: 12/10/2014
Today's time: 13:04

This indicates that there have been no adult court appearances recorded in the Massachusetts Probation Central File Automated Database for this name and date of birth.

Please check that the name referenced above matches the name and date of birth of the person whose record you requested. IT IS YOUR RESPONSIBILITY TO ENSURE THAT THE RESPONSE CORRESPONDS WITH THE REQUEST. If there is a discrepancy please contact the CORI Unit at (617)660-4640.

REQUESTED BY: BERGER-JAMIE
COMPLETED BY: BERGER-JAMIE

CJISWeb Printout Generated On: 12/10/2014 13:04:53
By User/Agency: BERGER-JAMIE/WAYLAND POLICE DEPARTMENT



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Transfer of License |
| <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Transfer of Stock |
| <input type="checkbox"/> Change of License Type | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> More than (3) \$15 | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> 6-Day to 7-Day License |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> New License | <input type="checkbox"/> Seasonal to Annual | |
| <input type="checkbox"/> Other <input type="text"/> | | | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396**



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: China Rose LLC Business Name (dba):

Address: 15 East plain street

City/Town: wayland State: MA Zip Code: 01778

ABCC License Number: Phone Number of Premise: 508-975-4953
 (If existing licensee)

2. MANAGER INFORMATION:

A. Name: BEI HUAN DENG B. Cell Phone Number: [REDACTED]

C. List the number of hours per week you will spend on the licensed premises: 40 Hours

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: 08/27/2002 C. Court of Naturalization: Boston - MA

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

retired

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature BEI HUAN DENG

Date 12/11/2014



PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee B. Business Name (dba)

C. Address D. ABCC License Number (If existing licensee)

E. City/Town State Zip Code

F. Phone Number of Premise G. EIN of License

2. PERSONAL INFORMATION:

A. Individual Name B. Home Phone Number

C. Address

D. City/Town State Zip Code

E. Social Security Number F. Date of Birth

G. Place of Employment

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes No

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
 *If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date

Title (If Corporation/LLC Representative)



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

[Empty box for ABCC License Number]

ABCC License Number

Wayland, MA

City/Town

The licensee China Rose LLC respectfully petitions the Licensing Authorities to approve the following transactions:

Change of Manager Alteration of Premises
 Pledge of License/Stock Cordial & Liqueurs
 Change of Corporate Name/DBA Change of Location
 Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Change of Manager Last-Approved Manager: Jaisy Deng

Requested New Manager: Bei Huan Deng

Pledge of License /Stock Loan Principal Amount: \$ [] Interest Rate: []

Payment Term: [] Lender: []

Change of Corporate Name/DBA Last-Approved Corporate Name/DBA: []

Requested New Corporate Name/DBA: []

Change of License Type Last-Approved License Type: []

Requested New License Type: []

Alteration of Premises: (must fill out attached financial information form)
 Description of Alteration: []

Change of Location: (must fill out attached financial information form)
 Last-Approved Location: []
 Requested New Location: []

Signature of Licensee BEI HUAN DENG
 (If a Corporation/LLC, by its authorized representative)

Date Signed 12/11/2014



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

STEVEN GROSSMAN
TREASURER AND RECEIVER GENERAL

CORI REQUEST FORM

KIM S. GAINSBORO, ESQ.
CHAIRMAN

The Alcoholic Beverages Control Commission has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information. For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: (IF EXISTING LICENSEE) LICENSEE NAME: CITY/TOWN:

APPLICANT INFORMATION

LAST NAME: FIRST NAME: MIDDLE NAME:

MAIDEN NAME OR ALIAS (IF APPLICABLE): PLACE OF BIRTH:

DATE OF BIRTH: SSN: ID THEFT INDEX PIN (IF APPLICABLE):

MOTHER'S MAIDEN NAME: DRIVER'S LICENSE #: STATE LIC. ISSUED:

GENDER: HEIGHT: WEIGHT: EYE COLOR:

CURRENT ADDRESS:

CITY/TOWN: STATE: ZIP:

FORMER ADDRESS:

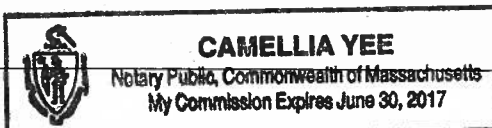
CITY/TOWN: STATE: ZIP:

PRINT AND SIGN

PRINTED NAME: APPLICANT/EMPLOYEE SIGNATURE:

NOTARY INFORMATION

On this before me, the undersigned notary public, personally appeared (name of document signer), proved to me through satisfactory evidence of identification, which were to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

 NOTARY

DIVISION USE ONLY

REQUESTED BY:

SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.

Change of Manager Checklist

This application will be returned if the following documentation is not submitted:

- Retail Transmittal Form
- \$200.00 Fee made payable to the Commonwealth of Massachusetts or the ABCC
- Petition for Change of License
- Manager's Form
- Personal Information Form
- CORI Application
- Vote of Corporate Board or LLC
- Form 43 (From Local Licensing Board)
- Proof of Citizenship (Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

To: Wayland Board of Selectmen

From: Wayland Permanent Municipal Building Committee (WPMBC)

Douglas Goddard, Chairman & Joe Lewin, Member

Re: Proposed Revised Charge for the WPMBC

Date: December 1, 2014

The Wayland Permanent Municipal Building Committee has discussed over the past year how the committee can provide the best services to the Town using the expertise, skills sets, and available time of the committee members.

We carefully reviewed the original charge established by the Board of Selectmen and then developed a proposed, revised charge for your review. We would like to discuss that charge with the Board of Selectmen.

The proposed charge tries to further define the responsibilities of the WPMBC, e.g. what projects will the WPMBC be involved in, at what point in the process will the involvement begin and what will be the level of involvement. In some cases the revised charge proposes limit to the responsibilities of the WPMBC, e.g. capital planning and the WPMBC's role in the project approval process.

Attached are copies of both the original charge and the revised charge.

We look forward to discussing this proposed charge with you.

DRAFT

Revised Charge of the Wayland Permanent Municipal Building Committee

March 7, 2014

On April 25, 2011, the Board of Selectmen voted to establish a standing committee to be known as the Permanent Municipal Building Committee (PMBC). The Committee shall be comprised of five (5) members who shall be appointed by and serve at the pleasure of the Board of Selectmen for terms of two (2) years, said appointments to be based on professional or vocational expertise with preference given to citizens possessing experience in any one of the following areas: structural or civil engineering; project management; construction law; building design and construction; or design and installation of heating, ventilation and cooling systems.

The Public Buildings Director shall serve as an ex officio member of the PMBC without right of vote.

In executing its responsibilities on municipal or school building projects assigned to it, the PMBC will be increased by two (2) members chosen based on interest and expertise related to the program and use of the public building project appointed by:

- the Board of Selectmen for a municipal building project related to a public service under the jurisdiction of the Board of Selectmen, provided that Selectmen may seek recommendations for appointments from an appointed committee of cognizance before making such appointments;
- jointly by the Board of Selectmen and an elected board of cognizance for municipal building projects; and,
- the School Committee for school building projects.

Appointments shall be made for a term ending with the completion of the project as determined by the Board of Selectmen for municipal building projects or the School Committee for school building projects.

The role of the PMBC is to oversee and direct the design and construction of selected Town building projects by providing technical, project management, and cost and schedule expertise. The PMBC may also provide advice on projects not under its direct oversight, if requested by the Board of Selectmen, the School Committee, the Public Buildings Director or the project sponsor. The PMBC may provide technical advice on the feasibility, cost and schedule of projects under consideration by the Town, if requested. The PMBC does not advise on the need for a Town construction project nor the amount of funding the Town should allocate to a project other than to provide technical information needed to make those decisions. The PMBC will not advocate for or against a project, and will not be involved in the public approval process for project funding, other than to provide technical information, related to project scope, budget, schedule, and/or the condition of current buildings and other relevant technical questions.

The following projects are required to come before the PMBC for review prior to any contracts being advertised or any related procurement of goods or services by the Town. The PMBC will determine what level of oversight it will perform on each project and inform the project sponsor and the Board of Selectmen or the School Committee in writing.

- All vertical construction projects requiring an Owner's Project Manager by DCAM (currently all projects with an estimated cost of \$1.5M or more).
- All projects requesting funding from the MSBA regardless of project costs.
- Any project that the Board of Selectmen or the School Committee assigns to the PMBC. The Board of Selectmen or School Committee will assign the project to the PMBC in writing and describe their reasons for the assignment.

The following projects are not required to come before the PMBC for review but project sponsors may request PMBC review and involvement. The PMBC will determine what level of oversight it will perform on each project and inform the project sponsor and the Board of Selectmen or the School Committee in writing. It is recommended that sponsors request review and involvement by the PMBC prior to any contracts being advertised or procured by the Town, but this is not required.

- Horizontal construction projects (such as athletic fields, roadway or infrastructure projects, solar projects, etc.).
- Vertical construction projects not subject to the mandatory criteria or assigned to the PMBC by the Board of Selectmen or School Committee.

Process for Assigning Project to PMBC

- The Town's Public Buildings Director will be responsible for identifying all projects that are required to come before the PMBC for review and a determination of the level of oversight to be performed by the PMBC. The Public Buildings Director, will inform the Board of Selectmen or the School Committee that a project must be assigned to the PMBC and will arrange for the project sponsor to meet with the PMBC for presentation of the project.
- For projects not required for review but assigned by the Board of Selectmen and the School Committee, the Public Buildings Director will schedule the project for review by the PMBC and will coordinate with the project sponsor.
- The Public Buildings Director will inform sponsors of all Town construction projects of the option and process of having non-required projects reviewed by the PMBC and will arrange for the project sponsor to meet with the PMBC for presentation of their projects, if requested.

The PMBC will **advise and make recommendations** to the Board of Selectmen or the School Committee, and to the project sponsor and the Public Buildings Director regarding the following phases and/or elements of a project:

- Feasibility Studies
- Condition of existing building(s) related to the proposed project
- Programming
- Scope
- Furniture, Fixtures and Equipment
- Plan for maintaining Town services during construction
- Award and execution of Contracts (to either Board of Selectmen or School Committee)
- Approval of payment of consultant and contractor invoices (to either Board of Selectmen or School Committee)

The PMBC will have **decision making authority** over the following phases and/or elements of projects under its oversight, but may delegate some of this authority to project sponsors or the Public Buildings Director on a project by project basis:

- Bidding and procurement process.

- Selection of all project consultants and contractors, e.g. programmer, architect, OPM, CMs, GC, etc.
- Supervision and direction of all project consultants and contractors, e.g. programmers, architects, OPMs, CMs, GCs, etc.
- Management of the approved project budget.
- Management of the project schedule.
- Design of the project consistent with the approved program and budget.
- Design Review and value engineering.
- De facto approval of expenditures and invoices consistent with the approved project budget
- Changes in scope and budget consistent with the approved project program and budget
- Exercise such other powers as are necessary with respect to the project to ensure the project meets the approved program, budget and schedule requirements.
- With the Public Buildings Director may establish general criteria for projects and may establish general design review criteria for projects.

The PMBC will not advise or make recommendations regarding the following phases and/or elements of a project or the Town's capital maintenance plan:

- Need for the project by the Town
- Impact of the project on the Town
- Level of funding allocated or approved by the Town
- Operating analysis or changes to operating budgets or Town staffing
- Financial analysis of project on the Town's finances
- Procurement of funding

Project Reporting

- The PMBC will communicate and interact with the project sponsors (board, committee and/or department) through the two members assigned to the PMBC for that project.
- The two project specific members assigned to the PMBC, along with the Public Buildings Director will have the responsibility to provide project reporting to the Board of Selectmen and/or School Committee, and to the project sponsor's department, board or committee, and to Town Meeting. The permanent members of the PMBC will provide technical support for project reporting.
- The two project specific members, along with the Public Buildings Director will have the responsibility of representing the project to approving town boards with the technical support of the permanent members of the PMBC.
- The two project specific members, along with the Public Buildings Director will have the responsibility of communicating and presenting the project to the Town at town meeting, in other public forums and to the media.
- The PMBC will report annually to the Town.

Staff support from PBD and PBD's staff

- The Public Buildings Director and/or staff of the Public Buildings Department will provide all needed administrative support, including, but not limited to meeting scheduling, preparation of agendas and preparation of meeting minutes.

Charge of the Wayland Permanent Municipal Building Committee

On April 25, 2011, the Board of Selectmen voted to establish a standing committee to be known as the Permanent Municipal Building Committee (PMBC). The Committee shall be comprised of five (5) members who shall be appointed by and serve at the pleasure of the Board of Selectmen for terms of two (2) years, said appointments to be based on professional or vocational expertise with preference given to citizens possessing experience in any one of the following areas: structural or civil engineering; project management; construction law; building design and construction; or design and installation of heating, ventilation and cooling systems.

The Public Buildings Director shall serve as an ex officio member of the PMBC without right of vote.

The PMBC shall review the capital maintenance plan prepared and recommended by the Public Buildings Director and report annually, to the Board of Selectmen and Finance Committee, on the status of Town buildings and to the School Committee and Finance Committee, on the status of school buildings.

The Board of Selectmen for municipal building projects and the School Committee for school building projects, may assign the following duties and responsibilities on municipal or school building projects assigned to it:

- work with architectural firm(s) on project design issues including structural, building systems, landscaping, and interior design;
- authorize and oversee the preparation of architectural drawings, development of building construction or renovation specifications, completion of professional services and administration of building project(s);
- approve design and construction expenditures pursuant to project construction and change orders;
- recommend to the Board of Selectmen, for its approval, contracts with architects, engineers, electronic consultant, building contractors, and others in the name of and on behalf of the Town of Wayland with respect to the design and construction of the project(s), said contracts to be executed by the Town Administrator; and,
- exercise such other powers as are necessary with respect to the construction of a municipal or school building project(s).

In executing its responsibilities on municipal or school building projects assigned to it, the PMBC will be increased by two (2) members chosen based on interest and expertise related to the program and use of the public building project appointed by:

- the Board of Selectmen for a municipal building project related to a public service under the jurisdiction of the Board of Selectmen, provided that Selectmen may seek recommendations for appointments from an appointed committee of cognizance before making such appointments;
- jointly by the Board of Selectmen and an elected board of cognizance for municipal building projects; and,
- the School Committee for school building projects.

Appointments shall be made for a term ending with the completion of the project as determined by the Board of Selectmen for municipal building projects or the School Committee for school building projects.

Cover Letter DRAFT ONLY

December 11, 2014

To: Board of Selectmen, Town of Wayland MA
From: Council-on-Aging/Community Center Advisory Committee
Subject: Our Response to Your Charge

The members of the committee recommend that the BOS submit an article to the 2015 Annual Town Meeting to request the funding required to perform the environmental testing and programming/design needed to create a plan for a combined CoA & Community Center on the site known as “the municipal pad” at the town center.

Appearing below are our responses to specific action items listed in our committee charge.

- Review space allocation for the existing structure and determine if it can be sufficiently re-configured for a COA/Community Center, and,
- Evaluate the need and feasibility of a second structure to supplement the existing structure if needed.

The committee finds that the existing 10,250 SF building on the site appears to be structurally sound and well designed to serve as a CoA/community center. The original “classroom” space design can be easily modified to create offices, meeting rooms, lounge areas, classrooms, & exercise space; and, the footprint of the kitchen is adjacent to an area that can be easily converted into a large multi-purpose dining hall/auditorium that can be subdivided into two activity rooms. This offers greater flexibility for programming different activities of different sizes throughout the day.

The Massachusetts State Council on Aging recommends that communities build 5 to 6 sq. ft. of space to serve each member of the senior population. Using this recommendation, the optimal size for a facility in Wayland is 18,260 to 21,912 sq. ft. So, it is further recommended that an addition, or closely adjacent building, of approx. 10,000 SF be built. A facility of this size will not only meet the needs of seniors well, but, through cooperative planning & scheduling between the CoA and Recreation directors, will provide interior space for recreational programming designed to serve all age groups. This additional building could be built with second floor expansion capacity built into the structure for future needs.

It is worth mentioning that the site is a superior location, offering beautiful views of the river, proximity to the services of the town center, adjacency to the new Town Green, and easy handicapped access from a flat site.

- Review existing structure and materials to determine the level of renovations required,

Exterior materials appear to be sound. The interior was not completed and interior walls, floors, ceilings, HVAC, electric, security, fire suppression will all need to be completed. Assuming that the proposed new kitchen is a full commercial kitchen, not just a warming kitchen, the estimated cost to gut and rehabilitate the building and related site work is \$300. per SF.

- Work with COA and Recreation departments to maximize programming space

Meetings/Interviews were held with the directors of both departments. They are eager to cooperate in order to use any and all new space to meet the needs of the entire community, Regarding space design, other than the needed offices, a dedicated art studio, a dance/yoga studio, and the kitchen and dining area, most of the space should be flexible, multi-purpose space that can be adapted to multiple uses. It is important that storage space be supplied with each program space so that equipment, furniture, mats, etc., can be stored easily and moved from storage to use easily. Actual programming and design should be done by professionals.

- Work with Town resources and departments to accurately identify project goals and objectives,

Committee members met/spoke with the Building Inspector, the Conservation Commission, the Director of CoA, the Director of Recreation, the Historical Commission and advocates for a community boat house.

- Evaluate the cost and financing for Phase 1 (See attached cost estimate)
- Evaluate the possibility of generating income from room/facility rental.

The public rents privately owned spaces such as churches and temples in town for special activities. The most popular rental space is the Sandy Burr Golf Club, which can seat 110 people for a meal with presentation format. The Club charges \$800.00 for five hours. This space is used for fund-raising events, wedding receptions, anniversary parties, sweet 16 parties, and other celebrations.

An interview with the director of recreation in Natick revealed that high demand for rental space in their building had become a problem for their staff because so many of their rooms are rented frequently. It appears that their rental rates should be raised. They rent activity space for events like children's birthday parties, and meeting space for outside organizations. The success of their rental program suggests a similar success may

be attained in the Wayland Community Center.

In conclusion, the committee strongly encourages the BOS to finish the vision of the Town Center concept for this area, the vision being an active municipal building that will serve all Wayland residents in perpetuity. The town has never had a town center ever since parting with Sudbury. Engaging architectural and engineering services to take this concept to the bid phase will create for the town a classic New England Town Center of its own perched on the edge of the Sudbury River.

Attachments:

1. L-1-Construction/project development cost
2. L-2-Report on Committee Meetings, Discussions, and Analyses
3. L-3-Draft of Warrant Article

12/12/14

Re: 5400.58-8-Senior Center Cost Estimate

The following is a summary of the projected construction costs required to convert the existing daycare building into a Wayland Community Center. The cost numbers include building cost projected to the construction period ending in 2015 as well as site development cost for a new parking lot for 100 cars. The gross area of the existing building is 10,250 SF.

COST SUMMARY

The following is a summary of costs that may be anticipated for the bidding, design and construction of the Community Center in Wayland. The COA Building Committee has reviewed the building and site concepts that were prepared. The following figures reflect the least cost option, that is a gut renovation of the existing building and recladding the exterior with stained cedar shingle siding. The following numbers should be considered a minimum for funding the project:

| | |
|--------------------------------|--------------|
| Building cost without O, H & P | \$2,534,040. |
| Site grading and utility costs | \$ 600,000. |
| Mark-up, Gen. Cond., O, H & P | \$ 145,960. |

| | | |
|--------------|----|-------------|
| Total | | \$3,280,000 |
| Inflation | 4% | \$3,411,200 |

The following is a cost summary of additional project development costs that may be anticipated for the bidding, design and construction of the new Community Center in Wayland.

| | |
|--|-------------|
| *Architectural Design fee @8% | \$ 256,000. |
| *HAZMAT testing /reporting | \$ 12,500. |
| System commissioning | \$ 20,000. |
| FF&E, interior design & selection | \$ 28,000. |
| Design contingency | \$ 25,600. |
| Misc. testing during construction | \$ 15,000. |
| *Printing, etc. expenses @ 10% of Design fee | \$ 25,600. |
| Furniture, fixtures, office equipment | \$ 100,000. |
| Kitchen equipment | \$ 50,000. |
| Clerk of the Works | \$ 80,000. |
| Owner's Project manager | \$ 84,000. |
| *Added provisions for ConCom Review | \$ 40,000. |

| | |
|-----------------|-------------|
| Subtotal | \$ 756,700. |
|-----------------|-------------|

Total Project Cost

\$4,167,900.

- * Indicates items or portions of items needed for spring town meeting request as follows:
- Request funding sufficient to take the project through the bid phase, i.e. \$313,500, but with anticipation of reviewing the feasibility and funding at the end of the Design Development Phase (approximately \$150,000).

Alternatives to the size of additions to the project will vary in proportion to the size of the project price at about \$320/SF for construction and related site work.

e.g., Art Room/Kiln Annex Alternate (3,375 SF X \$320/SF = \$ 1,080,000.)

A 10,000 SF recreation addition (10,000 X \$320 = \$3,200,000.)

A 20,000 SF new building and site work (20,000 X \$320 = \$6,400,000.)

A 30,000 SF new building and site work (30,000 X \$320 = \$9,600,000.)

Note that project development costs such as design fees need to be increased proportionately for each of these options.



RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665
Jessica Brodie, CPRP, Director of Recreation

November 6, 2014

COA/Community Center Advisory Committee
C/o Nan Balmer, Town Administrator
41 Cochituate Road
Wayland MA 01778

RECEIVED

NOV - 7 2014

Board of Selectmen
Town of Wayland

Dear Community Center Advisory Committee,

Our department is thrilled to be a part of the discussion about a possible new community center at the Town Center site. Having Recreation and the COA in the same Community Center would be a wonderful facility that the entire population of Wayland could enjoy. We are very supportive of this effort and would like to continue to be involved in the design planning.

I have been asked to identify our department's facility needs, and how a new community center would suite those related needs. I have discussed our needs with our internal office staff as well as our commission and identified the following needs that a community center could address:

Full Size Gym:

- For use by recreational programs, town youth leagues (basketball, soccer, baseball, etc), Town Adult Leagues, and other special events year round, for all ages and abilities
- Adjustable basketball backboards on two ends of court, and 4 total on the sides of court
- Bathroom /Locker room and water bubbler accessible from the gym, or right outside of the gym
- Stage at one end of the gym, with curtain, for special events and functions. ADA accessible, with speakers, lights, and separate room for performer
- Gym divider in center of gym
- Equipment for batting cage inside the gym, attached to the wall & ceiling
- Large Storage room accessible from the gym for sporting equipment, uniforms, etc.
- Seating area either inside the gym on bleachers, or on 2nd level up above with windows for parents to view sporting events
- Multi-purpose gathering area outside of the gym with seating and gathering space for people during program and event clustering times (child friendly area)

Classrooms & Program Rooms:

- Multiple, multi-purpose classrooms for recreational programs of all ages and abilities
- Multiple, art & tech programming rooms for programs such as – art/paint, clay/sculpture, electronics, cooking classes. Separate, small room for kiln and drying area.
- Dancing Studio with mirrors with wooden floor
- Workout room for yoga, pilates, boot camp classes
- Kids playroom – pre-k programs, mats, games, playtime
- Teen room – computers, tv's for ½ days of school and Teen nights
- Sinks in all classrooms
- Bathrooms outside of classrooms and meeting rooms
- Storage in all rooms for decorations, supplies

Kitchen:

- Kitchen designed for both functions & cooking classes
- Located near classrooms, with adjoining room for possible birthday parties, classes, etc.
- Located near gym for use during special functions if needed

Meeting Rooms:

- Multiple meeting rooms for internal department meetings, Adult & Youth sport league meetings, and program staff training/information meetings

Storage Space:

- Storage space for sporting equipment in gym
- Storage space for programming equipment/supplies outside of gym and office (from a hallway, etc)
- Storage space for special events outside of office (large staging areas)
- Storage closets in all classrooms for supplies, tables, chairs, etc.

Office Needs:

- Larger office space with enough room for 4 office staff to work at a time, in a cubical size area each
- Internal office within the main office for Director that has a meeting table space for internal dept. meetings, and meeting with vendors and programmers.
- Storage closets for office equipment, supplies, etc
- Office located near main entrance so it is easily viewed from gym & classroom hallways.

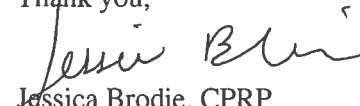
Outside Areas:

- Possible outdoor classroom space for warm-weather seasons with benches, picnic tables, etc
- Possibly outdoor staging area for boat launch into the river.
- Possible storage area for small boats & other outdoor equipment
- Playground area outside of the building for ages 2-15 – swings, playground structure, etc
- Grassy area for outdoor functions
- Plenty of parking for gym events, classroom events, and office events to happen at the same time.

We understand that the list above is ambitious, and that many factors will be evaluated when designing a possible new community center, but we feel by expressing all of our needs upfront will help paint a clear picture of what this new facility could be and what is needed from our perspective. A great example of a joint COA/Recreation Community Center is the one in Weston if anyone has the opportunity to tour their facility.

We look forward to being more involved in this process and assisting with any efforts relating to this in the near future. Please let us know how else we can help and be a part of this effort.

Thank you,


Jessica Brodie, CPRP
Recreation Director

Balmer, Nan

From: Betty Salzberg <salzberg@ccs.neu.edu>
Sent: Sunday, November 09, 2014 6:18 PM
To: Balmer, Nan; Monahan, Brian
Cc: Betty J Salzberg; sherre greenbaum
Subject: CoA/Community Center Advisory Committee

Dear Ms. Balmer,

I hope that the Conservation Commission will be consulted about the possible new municipal building and use of the old "day care" building at the town center shopping area for a community center.

There may be problems due to the proximity to the Sudbury River. Construction within 200 feet of a river is limited by state law ("River Protection Act").

We have also been concerned about the path of drainage which is supposed to go to the already existing "Basin 2" near the new homes at River Trail Place. There may be missing pipes.

I am speaking only as a private citizen, as the conservation commission has not discussed any specific plans with the new CoA/Community Center Advisory Committee. Is there a representative of the Conservation Commission on that Committee?

Betty Salzberg
member, Wayland Conservation Commission.

copy to Brian Monahan, conservation administrator and Sherre Greenbaum, conservation commission chair

Secord, Julie

From: Balmer, Nan
Sent: Wednesday, November 05, 2014 2:28 PM
To: Robert Mainer
Cc: Secord, Julie; DiNapoli, MaryAnn
Subject: Correspondence - Community Center Advisory Committee

Dear Robert,

That does sound like a wonderful vision and I am glad you shared it with me – I will forward your thoughts to the COA Director and share this note to the Board of Selectmen for their correspondence.

Thanks!

Nan

From: Robert Mainer [mailto:csardas@comcast.net]
Sent: Wednesday, November 05, 2014 2:15 PM
To: Balmer, Nan
Subject: Community Center Advisory Committee

Jean Milburn told me that the Community Center Advisory Committee is seeking thoughts from Wayland residents about the prospect of using a 10,000 sq.ft. building, adjacent to the new Town Center, as a Community Center. That's an exciting idea. It offers the possibility of designing a space for the COA that would better serve its programming than the space COA now occupies in the Town Building. However, I also wish to encourage serious exploration of how to make a new Community Center a place for inter-generation activities. I'm an old-timer who has lived in Wayland since 1960, and I feel out of touch with our town's young people. I think it would be exciting if young and old had an opportunity to watch a movie together and then discuss it. Or to listen to music together -- some that is popular today and some that was popular in the, say, 1950's, and then have a chance to talk about it. I'm sure there are other ways to bring Wayland's senior and junior citizens together for their mutual enrichment.

Robert Mainer
45 Hillside Drive
Wayland

Gmail

More

1 of 7

COMPOSE

Vistaprint - 500 Business Cards- \$9.99 - Fast Shipping! 100% Satisfaction G

Inbox (4)

Starred

Sent Mail

Drafts

More

JC

What should be inside? Inbox x

Elizabeth Curtin To answer the question posted this mc Nov 8 (2 days ago)

JC Secord <coa.ccadvisorycommittee@g Nov 9 (1 day ago) ☆
to Elizabeth

Thank you so much for sharing your ideas. I will forward your email to the committee.
Julie

Julie Secord, Director
Wayland Council On Aging
Ex-Officio member of the COA/Community Center Advisory Committee

On Sat, Nov 8, 2014 at 9:08 AM, Elizabeth Curtin <escurtin@comcast.net> wrote:

To answer the question posted this morning in the WaylandNews about what should be inside the new community center, my family would love to see something here that can be used for all age groups in town. A couple bowling lanes and/or a game room, with pool tables, ping-pong, Skee Ball, Shuffleboard, air hockey tables, card/poker tables. Keep it open until 9:00 or 10:00 at night, so that our seniors can take advantage of the fun during the earlier hours, and the Middle School/High School-aged children in our town can enjoy it after school or in the evenings. Currently, the kids of this age group have very few places to go in town, other than hanging out at Bertucci's or Liberty's, or Cochituate ball field in the warmer months.

Thank you for your consideration,

Elizabeth Curtin
Snake Brook Road

No recent chats
Start a new one

DRAFT WARRANT ARTICLE

To: BOS

Filed: 5400.58-Community Center –02-Warrant Article draft

Date: 12/2/2014

Article 1: COA-Community Center Project: Programming, Site Planning and Design of alterations to the existing building at the municipal pad in the Wayland Town Center (Board of Selectmen)

Original Recommendation: By a vote of 5-0 on (Date), the Finance Committee recommends FAVORABLE ACTION with regards to the subject of Article 1.

MOTION: (Requires 2/4 vote)

Moved by ??, seconded by ??, that the Town vote to appropriate the sum of \$250,000 to design a Community Center, said sum to be expended under the direction of the Board of Selectmen for the purpose of altering the existing building on the designated Municipal Pad at the Wayland Town Center for reuse as offices for the Council on Aging and related multi-purpose function rooms for use by the Council on Aging and the Recreation Department to serve residents of all ages, and that to meet this appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow \$250,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$250,000 in principal amount and that the Town Administrator with the approval by the voters of the Town of Wayland is authorized to take any action necessary to carry out this program.

William A. Sterling



Town of Wayland Massachusetts

Council on Aging / Community Center Advisory Committee

| | | |
|------------------------|--------------------------|----------------------------|
| Frank Krasin, Co-Chair | Steven Correia | Ken Isaacson |
| Ben Keefe, ex officio | Carol Martin | Jean Milburn |
| Andrew Reck | Julie Secord, ex officio | William Sterling, Co-Chair |

DRAFT COPY

Council on Aging/Community Center Advisory Committee (CoA/CCAC) Capital Improvement Report December 15, 2014

The CoA-CCAC recommends that the Board of Selectmen (BOS) proceed with an article in the town warrant to request funding to design a community center suitable for the town center municipal pad and to obtain all required environmental reviews of the site. A community center that is 18,000 SF to 22,000 SF with a combination of both dedicated senior space and shared activity rooms for recreation by folks of all ages seems appropriate. This center should be designed to improve the indoor venues for services offered by both the CoA and the Recreation Dept.

The BOS faces three basic options:

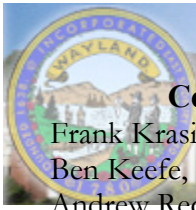
- a. Renovate the existing building (10,250 SF) and add related parking (100 spaces).
- b. Same as “option a” plus added space for expanded programs (up to about 20,000 SF due to site capacity limitations).
- c. Demolish the existing building and build a new one (up to about 30,000 SF due to site capacity limitations) outside the river setback line and related parking (100 spaces minimum).

It is anticipated that the design and a proposal to build the community center could be brought to a future town meeting no later than Spring 2016.

The Long-Range Planning Working Group has considered the following criteria for prioritizing capital projects. Seeing the benefit of such clearly defined categories for discussion, the CoA-CCAC has adopted these criteria as a framework for presenting our arguments supporting the Community Center project.

I. Consistency with community goals and plans

- a. The proposed CoA-Community Center completes the Planning Board’s original vision of placing an active municipal facility at the new town center, an action intended to elevate the development from a “shopping center” to a place that citizens congregate for many life activities.
- b. Adding a Recreation Department arts center at this location allows for the removal of the present art center at Fire Station #2, freeing up that space for other planned town use; and helping meet the needs of the community for adequate space to run new programs such as painting, drawing, pottery, etc.
- c. Adding trails that connect the municipal pad site to a proposed new boat house on the river and to existing trails to the north completes the concept of creating an “emerald bracelet” in Wayland’s river front. It also connects to the Rail Trail, a bicycle path that is planned to come to the town center along the nearby abandoned railroad right of way.



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d. Wayland has never had a true Town Center in the traditional sense of most other New England towns. Adding a central indoor and outdoor gathering place for the community at large that is close to other amenities, a town green is a desirable goal that this proposed project could achieve.

II. Public Health/Safety

- a. The CoA offers a variety of public health services, including: A collaboration with BayPath Elder Services and Wayland Council On Aging enables home Delivered Meals to be provided to nutritionally jeopardized elders as well as a social connection for Wayland recipients on a daily basis. Other public health and safety initiatives through the Wayland COA include: ongoing education programs for emergency preparedness, private nutrition counseling, demonstration workshops, fitness programs (aerobics, tai chi, better balance, zumba, etc). COA also coordinates with Board of Health for administration of flu shots, shingles vaccine, blood pressure clinics; programs addressing prevalent scams and fraud prevention; provision and distribution of "File of Life" packets for the community; collaboration with Fire Department for installation of smoke detectors, carbon monoxide alarms and house numbers as needed for Wayland seniors. The CoA also coordinates with Springwell Protective Services in cases of elder abuse.
- b. The Recreation Department could offer fitness programs that are aimed at reducing childhood obesity and other health and fitness issues, and could allow for other important programs and events such as teen events, child events, and much more; all of which is important for the mental health of community members, by enabling residents to connect and engage with each other in a community center setting.
- c. Community boating, trails and boardwalks may make programs possible that educate the general public on environmental and boating safety.

III. Mandates/ Legal Requirements/ Recommendations

- a. There is a federal mandate that every community offer services to aid the senior population. In response to that mandate, the MA Council on Aging recommends that every community in the Commonwealth provide a facility that ranges between 5 SF to 6 SF per senior resident. With Wayland's senior population (over 60) at 3,652, the recommended senior center size is therefore 18,260 SF to 21,912 SF. The current CoA facility is 2,500 SF, but makes use of about 7,500 SF of various other spaces in the town building as well as rental space at the Trinitarian church in order to offer the variety of activities required for the 3,652 senior residents in Wayland. Seniors are now over 25% of the town's total population. With the continued rise in aging "Baby Boomer" generation, that figure is expected to approach 30% of Wayland's population in the next ten years. This suggests it is prudent for the town to anticipate expanded senior programs and increased senior participation for the next decade.
- b. Although there are no legal mandates for the town to provide recreational facilities and services, there are comparisons with other towns of similar demographics that suggest Wayland Recreation Department offers a lower quality and quantity of facilities and services than offered elsewhere. (See Gale Report, 2010 **Version**). For example, the undersized gym in the town building (6,875 SF) is overbooked. (See the attached letter from the Recreation Department regarding inadequate gym facilities.) In addition a pent-up demand for programs



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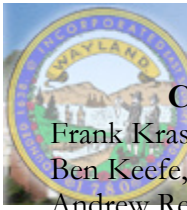
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and related spaces that promote the arts and other community gatherings is evident from the letters that have come from the community. The present arts center at Fire Station #2 is comprised of two classrooms and a kiln (1,319 SF). Moving the arts center to the town center municipal site as part of the new community center offers the opportunity to expand the arts facility to include new recreation department programs in the visual and performing arts. Therefore, a community center that is in the range of 18,000 to 22,000 SF with a combination of both dedicated senior space and shared recreation department activity rooms for folks of all ages seems appropriate. Staggered hours of programming for citizens of all ages will make the facility useful up to 12 hours a day, seven days a week.

- c. The river front trails are required to be connected with new trails constructed by 20 Wayland in the original development agreement with the town.

IV. Maintains/Improves standard of service (See attached list of community requests.)

- a. At its current location, the CoA staff has struggled to maintain its standard of service as the senior population grew 47% in the last nine years. Not only are residents aging in place without moving away, but new retiree residents are moving into Mainstone and other retirement oriented condominiums. Demographic projections are for the senior population to continue to grow and approach 30% of the town in the next 10 years. The national senior population will grow until 2030 when the last of the Baby Boomers turn 65. The Council on Aging is inundated daily with calls from the families of older adults aged from 60 to their late 80's who are unable to maintain their independence, financially or medically. Even in a well-to-do suburb like Wayland there are many older adults who rely on fuel assistance, food stamps and free cell phones while trying to live alone with chronic medical conditions. Of particular concern about the present CoA offices is the lack of private office space for confidential client meetings about dementia, health care, and financial matters. The proposed new design addresses that concern by providing additional closed meeting space for staff to use when discussing confidential matters.
- b. The Recreation Department Director has submitted a long list of requests for interior space and equipment for programming. Presently, much of the Town's recreation programming is directed to private for-profit vendors in Wayland and adjacent towns when no suitable facility is available. (See attached letter from Recreation Department dated Nov. 6, 2014.)
- c. Improved access to the river for passive recreation, educational opportunities and historical/archeological display and demonstration would be highly desirable along the river front, providing greater access to the Great Meadows Wildlife Sanctuary. Trails, boardwalks and a boathouse for storage of canoes and kayaks would greatly improve Wayland's standard of service to the community.
- d. Wayland no longer has a VFW building or any dedicated veterans' space. The current VA office is a shared space within the current CoA. Adding a VA office in the new community



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center will fill the need for serving our veterans in a place that has a warm and inviting social atmosphere.

V. Extent of Benefit

- a. With the proposed community center, the CoA would be able to offer a variety of public health services, expanded health and fitness programs, art classes and continuing education to the senior population.
- b. With cooperative scheduling, the recreation department will be able to use the new space to offer programming to persons of all ages. With potential expansion to the existing building the Recreation Department would be able to offer larger classes in painting and pottery to residents of all ages in after school, evening and week-end programs. Adding a full-size gym or large recreation space would offer great benefits and options for growth.
- c. Outdoor trails and river access would be expanded and open to all citizens of all ages.

VI. Related to Other Projects

- a. Moving the CoA to the town center site frees up space in the present town building for other uses.
- b. The Recreation Department could expand its offerings to the community to include performance art classes, dance, musical programs, movies and teen dances.
- c. The Historical Commission's inadequate storage and display space for valuable pre-Columbian artifacts and Colonial era materials could be remedied by incorporating their program needs into the new community center. Archeological artifacts that are discovered in the proposed development area may delay the project and increase the cost of construction if special demands are imposed by such discoveries. The Historical Society is also interested in displaying their collections at this facility.

VII. Public Perception of Need

- a. The current CoA space is known to be an undersized facility with only one activity space in a public hallway under its control. As a result CoA programs are often cancelled or relocated to inferior space due to last minute scheduling pressures from other departments. There is limited access to the existing gym - only one program per week, even though the demand exists to use it every day for larger classes, expanded health and fitness programs.
- b. There may be a greater actual need for recreation improvements than the general public perception of its needs. The Recreation Department serves the athletic programs well, but due to a lack of physical spaces to offer programs in the arts, it is dependent on the availability of school facilities for after school and summer programs. Some public perception among parents of young children is that there is an un-met demand for programs in the arts for children during after school hours and for adults.
- c. Though there has been an effort to improve river front access, walking trails and the bike trail for Wayland residents, the general population needs to be better informed about the latent potential of having so much river frontage and access to wildlife preserves. As one resident commented, "Unlike most other towns in America, Wayland has so much open space it is like living in the middle of a public park."



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- d. Based on the thirty (30) plus letters received, there appears to be a strong need for small group meeting rooms, activity spaces and gathering spots for adults as well as children.

VIII. Efficiency of Services

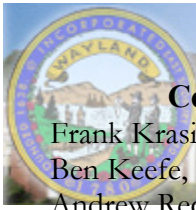
- a. By gaining dedicated activity rooms and more efficient offices, the CoA will be able to schedule activities and services without risk of being relocated or canceled.
- b. The Recreation Department would also gain more dedicated room for expanded programs under their direct control.
- c. The Historical Commission would gain storage space, office space and display space to better offer educational programs about archeology, the native American culture of pre-colonial and post-colonial Wayland.
- d. Combining some of the facilities used by the CoA and the Recreation Department recognizes that the age distribution of town residents changes with each decade. Although the senior segment of the population is growing now, it will contract in future decades. Some of the space used by CoA in “combined flexible space” during the next decade could be reallocated to programming for other age groups in the future

IX. Supports Economic Development

- a. The CoA activities will draw seniors into the town center and Route 20 amenities during the daytime hours with its consequent spillover of shopping activity in the commercial area.
- b. The Recreation Department activities after school and in the evenings will provide the same kind of stimulus to shops during those respective hours.
- c. The riverfront and bike trail activities will stimulate the economy by bringing more people into the area as well.

X. Environmental Quality

- a. After the developer appealed the decision of the Wayland ConCom, the state DEP issued a superseding order of conditions that excluded the proposed development at the municipal pad from their approved site plan. Therefore the municipal parcel at the Town Center development needs to be permitted by Wayland ConCom. The environmental impact of renovating and finishing the existing building for the CoA offices and activity rooms and providing related parking on the site will be driven by typical sewer and storm drainage needs normally generated by any occupied building. Although the existing building may not be prevented from being occupied, altering the land around it for parking, service loading area, patios and walkways will require the Conservation Commission (ConCom) to review because much alteration will be within the 200’ river front setback. Before choosing this site for occupancy, the town will be obligated to prepare for the ConCom an alternative site



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analysis that examines all other town property that is available for such a use and proves that the municipal pad is the only viable option.

- b. Adding a building for the arts and /or other recreational spaces will include some construction within the 200' river front setback if the addition is to be connected to the existing building. The area of the addition should not be more than 10% of the development area that is in the setback. The Conservation Commission's (ConCom) most conservative interpretation of the setback regulations is that the formerly paved areas that are now overgrown with plants not be considered "redevelopment" areas. This will limit our expansion ability. Adding the boat house, decks, boardwalks and trails will be within the 200' riverfront setback, but will be controlled by ConCom, Environmental Protection and US Fish and Wildlife recommendations. These concepts need to be part of the comprehensive river front development.
- c. General ConCom issues need to be analyzed with a comprehensive environmental engineering study that addresses several scenarios, starting with alterations to the existing building and related parking and walkways alone. Consider a second option of keeping the existing building and include a connected addition to the existing building. A third option of keeping the existing building may include a disconnected building that is outside the 200' setback. Finally, an important option is to examine the possibility of demolishing the existing building and constructing a new building and related site work that is outside the 200' setback as much as possible.
- d. Prior studies (2012) for the site as a library/senior center suggest that all of the options above will require some incursion into the 200' river front setback, if only for driveways, parking and walkways. The area of such incursions will in every case be greater than the 5,000 SF allowed as of right. For the town to build only outside the setback area, the size of the municipal building will be so small that it will be insignificant. This need for more development within the 200' setback was addressed in 2012 by including the entire town center development in the calculation of the 10% river frontage rule. Jim DeVellis, the consulting engineer on the Library/CoA study, calculated that area to be approximately 300,000 SF. By this assumption, the maximum allowed footprint of construction within the 200' setback would be 30,000 SF. In 2012, ConCom's chairman responded that it was a reasonable approach, but that the owner of the town center would need to agree not to do any further development of the river frontage of their property. Therefore, a comprehensive plan of all river front development needs to be devised with the cooperation of the developer as all one piece of property, and presented to the ConCom for review and approval. Going forward, the 2012 assumptions must be confirmed, and a new study needs to be part of the design services approved at the next Town Meeting. Combining all of the Town Center river frontage as part of the community center development is the only viable option for developing the municipal pad in a size that is suitable for a community center building and parking. To accomplish this it is necessary that the municipal pad be leased and not purchased.

XI. Feasibility



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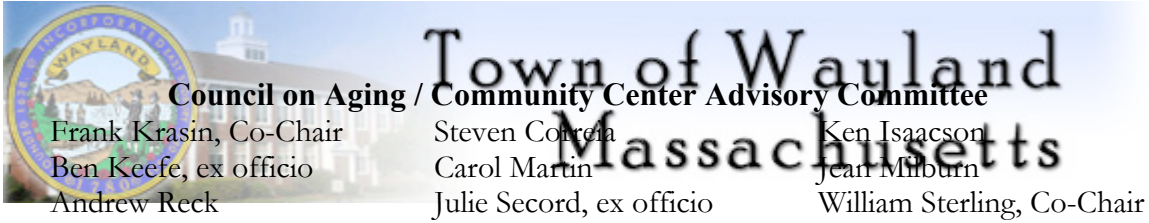
- a. Because the existing building is already in place and has been examined by the town building inspector with a favorable opinion, we believe the project to adapt that existing building for reuse is ready for permitting and review process. However, the ConCom will still review parking lot paving, site drainage and sewer system design.
- b. If the Town builds an addition, there will be more substantial Conservation Commission review in order to proceed. The ConCom may require any additional buildings be constructed outside the 200 Ft. setback line, thus forcing the added building not to be physically connected to the existing one. Alternatively, the BOS may opt to demolish the existing building and build all new community center outside the 200' setback, but at a greater cost.
- c. If the boat house addition, new trails and elevated boardwalks are to proceed within the 200 Ft. riverfront setback area, the design must be reviewed and approved by the Conservation Commission, U.S. Fish & Wildlife Service and the Environmental Protection Agency. While this may take some time, there appears to be support for the concept upon initial inquiries.

XII. Opportunity Cost

- a. If the alterations to the existing building are deferred to another time, the town may lose the opportunity to exercise its agreement with the owner to assist the town by building a parking lot and contributing toward the construction of a municipal building in the town center. The timing for completing the original vision is now.
- b. If the arts center for the Recreation Department is deferred to another time, it will impact the possibility to vacate the present space at Station 2, thereby delaying alternative uses for that building.
- c. If no new prominent display space is made available for the Historical Commission, the collection will continue to be poorly maintained and hidden away from public education and enjoyment.

XIII. Operational Budget Impact

- a. The CoA staffing already needs another half person due to increased activity at the present site. However, moving to the existing building at the municipal pad and expanding CoA operations may be accommodated with volunteer staff and no additional new hires other than part time custodial staff for maintenance. Heating and cooling, lighting and power and maintenance is predicted to be approximately \$140,000/yr for a 10,000 SF building in 2016 and escalating annually after that by 2.5%. There is great potential for offsetting annual operating costs with income generated by renting space out to private sector, for meetings and party functions. A more exhaustive report of this potential may be initiated in subsequent studies of other community centers that are in operation.
- b. The Recreation Department arts classrooms will be a lateral move to a different building, requiring no new staff. Adding the multipurpose gym/auditorium in the event the town



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offices move out of their present building, would increase the amount of building maintenance for custodial services. Operational costs will increase in proportion to the square footage of an addition.

- c. Adding the boathouse will require no new staffing burden to the town. The building will be unheated and will have no plumbing and only minor electrical service for safety lighting and minimal convenience power outlets. The project as proposed will be funded, built and supported privately.

Attachments:

III(b): R-1-Letter from the Recreation Department regarding inadequate gym facilities, dated Dec. 10, 2014.

IV(b): R-2-Letter from Recreation Department dated Nov. 6, 2014.



RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665
Jessica Brodie, CPRP, Director of Recreation

December 10, 2014

COA/Community Center Advisory Committee
C/o Frank Krasin, Recreation Liason
41 Cochituate Road
Wayland MA 01778

Dear Frank & Community Center Advisory Committee,

After submitting our original list of needs for a new community center, I was asked to go back and identify the needs we have for a new gym, how we compare to other towns in terms of office/programming space, and provide edit recommendations to the draft report.

Below is a summary of these three topics:

Need for a new Gym:

Our department runs a variety of programs and events for all ages that utilize the current Town Building gym. We offer programs such as:

- Futsal soccer for youth ages 3-8 yrs
- Archery ages 10+
- Yoga
- Bootcamp fitness classes
- Hoop Dance & Fitness
- Drop in sports

We are often limited in the programs we can offer residents because of the high demand from youth sport leagues and other groups to rent out the gym. During the late fall, winter, and early Spring months the gym is booked from ~8:00am – 10:00pm each day for things such as youth basketball, youth baseball, WCPA classes & events, COA activities, etc.

Because of the lack of gym space in the town:

- We are forced to turn away some youth groups in town
- We cannot offer new programs to residents
- There is no room for existing program growth
- COA and other town organizations have no flexibility to use the space for other town functions
- There are no spaces for official tournament type events

By building a new gym, it would provide necessary space for the following things:

- Expansion of Recreation, COA, & other town department programs, activities & events
- Greater flexibility and available space for Wayland youth sports, youth groups, and other town organizations such as WCPA
- Revenue generating options such as hosting sporting tournaments, additional rental income, etc.
- The ability to serve a wider range of residents from infants, teens, to seniors with available space

Comparison to other towns:

Compared to other towns of similar size and scale, the Wayland Recreation Department has very limited space and resources for the amount of programs we offer and demand we have.

- Our office is VERY small, with no formal meeting space
- We have very little access to storage that is accessible, convenient, and adequate for our program and event needs
- There is no gathering space for families, children, and adults of all ages to come together on a casual basis
- There are very little adequate programming rooms for classes that we currently offer and could offer; therefore the majority of programs are held off site at a variety of locations, making it less convenient for families to have multiple children in a variety of activities when they are scattered around town instead of in one community center.
- Groups that do rent the space available in the Town Building now, do not have flexibility in when they can offer their programs/events/functions.
- The number of programs and events the Recreation department is able to offer is very limited because of the lack of space we have access to to run programs. This limits our service to the community, and the amount of revenue we could ever generate to offset other costs within our department.

During my time as the Asst. Director in Dover, MA I worked heavily on a Community Center project for that town as well. During those 4 years of investigating options I learned a great deal about the need for community centers, the ideal layout and flow of buildings, as well as what the surrounding communities currently have for space, what they wish they had, what they wish was different about their buildings, and what they would recommend to other communities building a facility. All of this is outlined in the attached document from 2008. I hope this information is helpful in our efforts here in Wayland.

Draft Report Edits:

I have read through the draft report that the committee has organized, and have the following comments/edits that I would like to include:

- In general, the arguments outlined in this document for Recreation needing community center space are very weak and do not clearly identify our great need for additional space.
- Prior to this document going public, I would love the opportunity to clarify our needs in more detail to be sure these are outlined more specifically within this document.
- Some key points I would like to edit in the document include:
 - o Item I, B – Adding a recreation art center is more about freeing up space at the current fire stations, it is about meeting the needs of the community and having adequate space to run new programs such as painting, drawing, pottery, etc.
 - o Item II, B – Not only could a community center provide our department with the ability to offer fitness classes to help reduce childhood obesity , health & fitness, but this facility could allow for other important programs and events such as teen events, child events, and much more that is just as important for mental health of community members. The ability for residents to connect and engage with each other in a community center setting has far more benefits than just fitness.
 - o Item II, B – It will be important to consider the layout of a new community center if COA & Recreation will inhabit the same building. What sounds good on paper often doesn't reflect the reality of living the use of that space. Example – many seniors with walkers will not want to share the same areas with young children that may be running around or loud. The two populations can certainly work together to schedule and combine certain programs, but in general, COA & Recreation should each have their own “wings” of a building with little shared space because of logistical reasons noted above.

- Item IV, B – The letter I submitted with our needs is based off of our current department restrictions, needs expressed by programming staff and other town organizations such as WCPA, and my past knowledge and experience working to build and design a community center.
- Item V, B – The extent of benefit of a community center that incorporates Recreation the way I am suggesting goes beyond just an added arts center. By adding a full size gym, programming rooms, functional offices and meeting space, dance/fitness studio, matted toddler room, etc...the benefits and options for growth are endless. I hope these considerations will not be discounted when decisions and designs are considered.
- Item VII, B – There is a tremendous amount of need to serve other interests in town from the Recreation department aside from just sport related programs and events. Without duplicating efforts, the Recreation department could help offer new programs, events, functions to all residents. It would also be able to help facilitate the use of space for many other town organizations – WCPA, boy/girl scouts, youth groups, church groups, etc. Please see the attached document from WCPA expressing their support and needs.
- XIII, B – With the addition of more programs & events, the need for additional staff would be imminent. The Recreation commission would recommend all full time, department salaries come out of an Operating Budget for the department and all programming revenues and expenses be kept in the Revolving Account. The amount of additional staff our department would need will depend on the facility designed/approved/built and what the programming options would be.

Thank you for hearing our department's thoughts and concerns. We are excited about the possibility of a town community center and feel it is a great idea that would benefit every resident in town. If you need any additional information or would like to discuss any of this further please let me know.

Please remember to view the following attachments:

- Outline of surrounding community centers
- WCPA comments

Thank you,

Jessica Brodie, CPRP
Recreation Director



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Jessica Brodie, CPRP, Director of Recreation

November 6, 2014

COA/Community Center Advisory Committee
C/o Nan Balmer, Town Administrator
41 Cochituate Road
Wayland MA 01778

Dear Community Center Advisory Committee,

Our department is thrilled to be a part of the discussion about a possible new community center at the Town Center site. Having Recreation and the COA in the same Community Center would be a wonderful facility that the entire population of Wayland could enjoy. We are very supportive of this effort and would like to continue to be involved in the design planning.

I have been asked to identify our department's facility needs, and how a new community center would suite those related needs. I have discussed our needs with our internal office staff as well as our commission and identified the following needs that a community center could address:

Full Size Gym:

- For use by recreational programs, town youth leagues (basketball, soccer, baseball, etc), Town Adult Leagues, and other special events year round, for all ages and abilities
- Adjustable basketball backboards on two ends of court, and 4 total on the sides of court
- Bathroom /Locker room and water bubbler accessible from the gym, or right outside of the gym
- Stage at one end of the gym, with curtain, for special events and functions. ADA accessible, with speakers, lights, and separate room for performer
- Gym divider in center of gym
- Equipment for batting cage inside the gym, attached to the wall & ceiling
- Large Storage room accessible from the gym for sporting equipment, uniforms, etc.
- Seating area either inside the gym on bleachers, or on 2nd level up above with windows for parents to view sporting events
- Multi-purpose gathering area outside of the gym with seating and gathering space for people during program and event clustering times (child friendly area)

Classrooms & Program Rooms:

- Multiple, multi-purpose classrooms for recreational programs of all ages and abilities
- Multiple, art & tech programming rooms for programs such as – art/paint, clay/sculpture, electronics, cooking classes. Separate, small room for kiln and drying area.
- Dancing Studio with mirrors with wooden floor
- Workout room for yoga, pilates, boot camp classes
- Kids playroom – pre-k programs, mats, games, playtime
- Teen room – computers, tv's for ½ days of school and Teen nights
- Sinks in all classrooms
- Bathrooms outside of classrooms and meeting rooms
- Storage in all rooms for decorations, supplies

Kitchen:

- Kitchen designed for both functions & cooking classes
- Located near classrooms, with adjoining room for possible birthday parties, classes, etc.
- Located near gym for use during special functions if needed

Meeting Rooms:

- Multiple meeting rooms for internal department meetings, Adult & Youth sport league meetings, and program staff training/information meetings

Storage Space:

- Storage space for sporting equipment in gym
- Storage space for programming equipment/supplies outside of gym and office (from a hallway, etc)
- Storage space for special events outside of office (large staging areas)
- Storage closets in all classrooms for supplies, tables, chairs, etc.

Office Needs:

- Larger office space with enough room for 4 office staff to work at a time, in a cubical size area each
- Internal office within the main office for Director that has a meeting table space for internal dept. meetings, and meeting with vendors and programmers.
- Storage closets for office equipment, supplies, etc
- Office located near main entrance so it is easily viewed from gym & classroom hallways.

Outside Areas:

- Possible outdoor classroom space for warm-weather seasons with benches, picnic tables, etc
- Possibly outdoor staging area for boat launch into the river.
- Possible storage area for small boats & other outdoor equipment
- Playground area outside of the building for ages 2-15 – swings, playground structure, etc
- Grassy area for outdoor functions
- Plenty of parking for gym events, classroom events, and office events to happen at the same time.

We understand that the list above is ambitious, and that many factors will be evaluated when designing a possible new community center, but we feel by expressing all of our needs upfront will help paint a clear picture of what this new facility could be and what is needed from our perspective. A great example of a joint COA/Recreation Community Center is the one in Weston if anyone has the opportunity to tour their facility.

We look forward to being more involved in this process and assisting with any efforts relating to this in the near future. Please let us know how else we can help and be a part of this effort.

Thank you,

Jessica Brodie, CPRP
Recreation Director



RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665
Jessica Brodie, CPRP, Director of Recreation

November 14, 2014

COA/Community Center Advisory Committee
C/o Nan Balmer, Town Administrator
41 Cochituate Road
Wayland MA 01778

Dear Community Center Advisory Committee,

Our department submitted an original list of needs that a new community center would help us address. After submitting our original list, we were asked to go back and prioritize all the requests so the committee can better understand what the absolute needs are from wish list items.

Below is a summary of the prioritized items we originally requested:

High Priority (absolute must):

Full Size Gym:

- For use by recreational programs, town youth leagues (basketball, soccer, baseball, etc), Town Adult Leagues, and other special events year round, for all ages and abilities
- Adjustable basketball backboards on two ends of court, and 4 total on the sides of court
- Bathroom /Locker room and water bubbler accessible from the gym, or right outside of the gym
- Equipment for batting cage inside the gym, attached to the wall & ceiling
- Large Storage room accessible from the gym for sporting equipment, uniforms, etc.

Classrooms & Program Rooms:

- Multiple, multi-purpose classrooms for recreational programs of all ages and abilities
- Multiple, art & tech programming rooms for programs such as – art/paint, clay/sculpture, electronics, cooking classes. Separate, small room for kiln and drying area.
- Dancing Studio/Fitness room with mirrors with wooden floor
- Sinks in all classrooms
- Bathrooms outside of classrooms and meeting rooms
- Storage in all rooms for decorations, supplies

Meeting Rooms:

- Multiple meeting rooms for internal department meetings, Adult & Youth sport league meetings, and program staff training/information meetings

Storage Space:

- Storage space for sporting equipment in gym
- Storage space for programming equipment/supplies outside of gym and office (from a hallway, etc)
- Storage space for special events outside of office (large staging areas)
- Storage closets in all classrooms for supplies, tables, chairs, etc.

Office Needs:

- Larger office space with enough room for 4 office staff to work at a time, in a cubical size area each
- Internal office within the main office for Director that has a meeting table space for internal dept. meetings, and meeting with vendors and programmers.
- Storage closets for office equipment, supplies, etc
- Office located near main entrance so it is easily viewed from gym & classroom hallways.
- Plenty of parking for gym events, classroom events, and office events to happen at the same time.

Priority (Very Ideal to have):**Additional Gym options:**

- Stage at one end of the gym, with curtain, for special events and functions. ADA accessible, with speakers, lights, and separate room for performer
- Gym divider in center of gym
- Seating area either inside the gym on bleachers, or on 2nd level up above with windows for parents to view sporting events
- Multi-purpose gathering area outside of the gym with seating and gathering space for people during program and event clustering times (child friendly area)

Additional Classrooms & Program Room options:

- Workout room for yoga, pilates, boot camp classes
- Kids playroom – pre-k programs, mats, games, playtime
- Teen room – computers, tv's for ½ days of school and Teen nights

Kitchen:

- Kitchen designed for both functions & cooking classes
- Located near classrooms, with adjoining room for possible birthday parties, classes, etc.
- Located near gym for use during special functions if needed

Outside Areas:

- Possible outdoor classroom space for warm-weather seasons with benches, picnic tables, etc
- Possible outdoor boat house & staging area for boat launch into the river.
- Possible storage area for small boats & other outdoor equipment
- Playground area outside of the building for ages 2-15 – swings, playground structure, etc
- Grassy area for outdoor functions

I hope this re-prioritized list helps in understanding our department's future needs to deliver quality programs to Wayland residents. Please let us know if you would like to discuss any of the items listed above in more detail.

Thank you,

Jessica Brodie, CPRP
Recreation Director



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

December 15, 2014

Melanson Heath & Company, PC
10 New England Business Center Drive
Suite 107
Andover, MA 01810

RE: Town of Wayland, MA Management Letter for the Year Ended June 30, 2014

The following comments reflect the responses by the Town of Wayland Senior Management Team concerning the above-referenced Management Letter from the Town's auditors for the year ending on June 30, 2014. The Town Administration and the School Department consider all the comments listed by the auditors to be helpful to the overall accountability of our financial management and have provided a proactive approach to implementing reasonable and practical business practices to address the matters raised by the audit.

1. **Formalize a Fund Balance Policy**

Audit Recommendation:

We recommend that the Town formalize a fund balance policy to provide guidance over the following areas:

- Required/desired level of General Fund unassigned fund balance.
- Required/desired level of Enterprise Funds unassigned fund balances.
- Specify prioritization of fund balance amounts when multiple sources are used for one project, grant or activity (i.e., general fund monies are appropriated to partially fund a capital project, or a grant match).
- Specify the body or official authorized to make assignments of fund balance and define time constraints on each assignment.
- Distinguish between encumbrances (commitments related to contracts not yet performed and orders not yet filled) and other assignments (previously called designations).
- Define any approval process for modifying existing assignments.

Management Response:

The Town Administrator, working cooperatively with all affected staff, Boards and Commissions, intends to bring forth a formal policy recommendation to the Board of Selectmen to address the issues raised by the auditors concerning the Town's fund balance. This formal policy will provide the town with reasonable and practical guidelines, assuring tighter controls on existing and anticipated fund balances related to bond receipts, grant revenues, town meeting appropriations for Capital projects, free cash, encumbrances and other unrestricted and/or unassigned funds. The Administration will consult with the affected statutory approval authorities regarding fund balance oversight and identify their specific authority to make assignments of these funds and develop time frames for expenditures and account closures for each designation under this policy. It is anticipated that responsible entities involved in this policy initiative will include the Finance Committee, the Board of Public Works, School Department and the Board of Selectmen.

2. Improve Automation in Tax Collector's Office

Audit Recommendation:

The Tax Collector and Finance Department currently use different computer software programs for recording receipt and receivable activity. As a result, manual summaries must be compiled from computer-generated reports in order to communicate transactions between offices. This results in an increased potential for errors and an inefficient use of staff time. Further, because of the limited number of employees, the segregation of duties in the Tax Collector's Office could be enhanced.

We recommend the Town consider automation improvements in the Treasurer/ Collector Office. Specifically, the software should contain some of the following features:

- Integration with the Town Accountant's records.
- Automated cash register and receipt validator.
- Automated daily cash-out function.
- Optical scanning of tax bills for posting receipts to customer accounts.

These features should result in improved efficiency, eliminating the need for many manual and time-consuming procedures as well as provide additional mitigating controls given the limited number of employees in the office

Management Response:

The Town uses both Munis and VADAR Financial Management Systems. The Town recognizes the need for a more automated process and is researching improved integration of the two systems. Discussions with both software vendors and with municipalities that use both systems are planned.

3. Ensure Proper Allocation of Expenditures

Audit Recommendation:

Several revolving funds continue to carry a year-end fund balance that represents a reserve of as much as six to twelve months of expenditures for that program. The higher than typical fund balance position may result from an incomplete matching of program costs against the program generated revenues. We recognize that in fiscal year 2014 and 2015 appropriations from several revolving accounts were made to fund past OPEB cost; however, many revolving fund balances continued to increase.

We recommend that the Town review the revolving funds to ensure that the applicable costs (expenditures) are charged to the fund, and not to the general fund appropriation, and/or prepare cash flow projections for all funds with significant surpluses and review/adjust program fees accordingly.

Management Response:

The School Department operates forty-two revolving accounts. Five revolving accounts were identified as having balances that seemed to represent a reserve. An explanation of each follows:

- **Pegasus, The Children's Way and Full-Day Kindergarten**
The balances reflect pre-payments for the following fiscal year.
- **The Food Service Program**
The balance reflects pre-payments for the following fiscal year plus unassessed fringe benefit charges.
- **Before and After School Enrichment Program (BASE)**
The balance is being addressed by:

- creation of new School Committee policy,
- review of all direct allocations,
- calculation of a new per-pupil indirect cost allocation for operational and technological services,
- review of fees,
- review of, and improvement to, program led by new BASE director.

Additionally, the balances of the Ambulance fund and the Recreation revolving fund will be monitored. The **Ambulance** fund is maintaining a balance for the anticipated purchase of a new fire truck in fiscal 2017 or 2018. The Recreation Commission is reviewing the **Recreation** revolving fund and formulating a five-year revenue and expenditure projection to resolve the current fund balance.

4. Improve Compensation Absences Accounting

Audit Recommendation:

The year-end accounting of compensated absences (earned but unused sick and vacation time) for employees appeared inaccurate as the listing contained prior employees, ineligible employees, and changes to accrued hours that do not match the detail reports. As a result, the Town estimated the liability at 103% of the prior year balance.

We recommend that the accounting for employee compensated absences be automated and more rigorously reviewed at year-end.

Management Response:

The Town and School Department recognize the need to properly report accrued compensated absence liability. The Munis generated Employee Flexible Liability Report (when properly calibrated) will provide a useful tool for monitoring earned, but unused, vacation and sick leave accruals for employees. The Town and School Department will monitor accrued balances semi-annually to ensure that the liability is properly reported.

5. Improve Compliance with the Town's Cash Management Practices and Investment Policy

Audit Recommendation:

For several years, the Town has not been in compliance with its Cash Management Practices that prohibits the investment of more than 10 percent of cash in any single financial institution that is not fully collateralized. We also noted that the Town's Cash Management Practices and the Investment Policy have different thresholds.

We recommend that the Town regularly review bank deposits and investment balances for compliance with Town's policies also recommend that the Town revise the policies to be consistent and clear.

Management Response:

The Town operated five bank accounts that were not collateralized. Reports have since been modified to better monitor the 10 percent requirement. Two accounts are now closed, two are substantially below the 10 percent limit and the remaining account is now collateralized.

The Town recognizes that the Cash Management Practices and the Investment Policy have different thresholds and plans to address this inconsistency.

Thank you for your comprehensive and informative presentations to the Audit Committee, Board of Selectmen and citizens. We appreciate your comments and recommendations to assist us in reaching our goal of continuously improving financial reporting and municipal operations.

Respectfully submitted,

FOR THE BOARD OF SELECTMEN

Nan Balmer
Town Administrator

CC: Thomas Greenaway, Chairman, and Members of the Finance Committee
Chris Cullen, Chairman, and Members of the Audit Committee



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

DATE: December 15, 2014
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: FY 16 Staffing Requests

As part of the FY 16 budget process and consistent with the FY 16 Finance Committee budget guidelines, the Personnel Board held its review of FY 16 departmental staffing requests on November 24, 2014. The Board met with the respective Department Heads and, where applicable, representatives from the oversight boards. In all, 4 positions were requested for FY 16. They were:

| | |
|------------------|--|
| Council on Aging | Part-time Project Coordinator |
| Conservation | Full-time Land Manager |
| Library | Part-time Digital Services and Communications Specialist |
| Town Clerk | Part-time Department Assistant |

The 3 part-time positions were all requested to work less than 20 hours per week and would not be benefits eligible. The Personnel Board recommended the Council on Aging position move forward. The Board did not recommend in favor of the remaining positions. A copy of the Board's memo to the Finance Committee is attached.

Following the staffing request review and the recommendations of the Personnel Board to the Finance Committee, Conservation amended its request to a part-time, non-benefits eligible Land Manager position. The Personnel Board has not reviewed the revised request.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Personnel Board
Deborah Cohen
Jessica Green
Miranda Jones
Maryanne Peabody
Philip Schneider

John Senchyshyn
Asst. Town Administrator/HR Director
508-358-3623
jsenchyshyn@wayland.ma.us

Date: December 9, 2014
To: Finance Committee
Nan Balmer, Town Administrator
From: Personnel Board
Re: FY 15 Staffing Requests

At its November 24, 2014 meeting, the Personnel Board reviewed departments' staffing requests for the FY 16 budget. While there is a reasonable basis to each request, the question at hand is really directed towards the level of service the Town opts to support. Following are the Personnel Board's observations and recommendations:

Council on Aging – The COA submitted a request for an 18 hour/week part-time Project Coordinator. The COA noted the increasing senior population in Wayland. The demand for senior services continues to grow. In order to meet the growing demand, the COA indicated that the new part-time position is essential.

Funding permitting, the Personnel Board recommends adding a new part-time Project Coordinator in FY 16.

Conservation – Conservation presented a request for a full-time Land Manager. Conservation reportedly oversees in excess of 1,000 acres of land without adequate support to manage and care for the land.

The Personnel Board agrees that while conservation land grows, there is no updated plan in place to care for and oversee the land. However, before a full-time benefits eligible position is added to the budget, the Board wants to ensure that all other alternatives have been reviewed, considered and eliminated as options. The Personnel Board does not recommend adding a new full-time Land Manager in FY 16.

Library– The Library is requesting a part-time, 17 hour/week Digital Services and Communications Specialist. The work targeted is directed towards non-traditional librarian work. Many of the duties are currently being performed by the Library Director.

The Personnel Board questions if all other options to perform the work, such as volunteers or interns, have been exhausted. The Board does not recommend adding a new part-time Digital Services and Communications Specialist to the FY 16 budget.

Town Clerk - The Town Clerk would like to add an 18 hour/week part-time Department Assistant. In addition to adding coverage to the counter, the request appears to have its origins in the fact that the Town Clerk is newly elected and the Asst. Town Clerk has been in the department for a relatively short period of time.

The Personnel Board has several items of concern regarding the new position. Department turnover is not a sufficient reason to add positions to the budget. While understanding the challenges presented for a newly elected official, perhaps the department would be better served with temporary help until the experience level of the Town Clerk has increased.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

DATE: December 15, 2014
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: Health Insurance Projections

On Monday I plan to review the preliminary plans for FY 16 health insurance costs. We are working diligently on refining projections with a goal of reducing year-end turn back. There are 2 new spreadsheet formats for this year.

1. The first is refinement of actual monthly expenditures as reflected on the West Suburban Health Group (WSHG) monthly invoice. Considerable background work has gone into revamping our invoice. We are now able to provide more definitive breakdowns on enrollments and costs. This new spreadsheet is quite expansive, so I provided you with a copy of the October data as an example. This template will be carried forward for each individual month.
2. The second is a month-by-month projection for health insurance and other line items identified within the Health and Life Insurance section of the Unclassified Budget.

The projections are based upon a 10% increase in health insurance rates for FY 16 for non-Medicare plans and a 7% increase for Medicare plans for CY 16. These amounts are representative of preliminary discussions with the WSHG and the health insurance carriers. It is unlikely that approved FY 16 rates will be available before late February 2015.

FY15 Monthly Health Insurance Cost Reconciliation

| October 2014 | | | | | | |
|--|-----|-------|-----------|---------------|--------------|---------------|
| Enrollments | | Rates | | Town Mo. Cost | | |
| Ind | Fam | Ind | Fam | Ind | Fam | |
| <u>ACTIVE EMPLOYEES</u> | | | | | | |
| BCBS NWB RSP - Town | 4 | 2 | \$ 547.60 | \$ 1,269.76 | \$ 2,190.40 | \$ 2,539.52 |
| BCBS NWB RSP - School | 27 | 22 | \$ 547.60 | \$ 1,269.76 | \$ 14,785.20 | \$ 27,934.72 |
| BCBS NWB RSP - COBRA | | | | | | |
| Fallon Direct RSP - Town | 1 | 1 | \$ 379.62 | \$ 881.92 | \$ 379.62 | \$ 881.92 |
| Fallon Direct RSP - School | 10 | 6 | \$ 379.62 | \$ 881.92 | \$ 3,796.20 | \$ 5,291.52 |
| Fallon Direct RSP - COBRA | | | | | | |
| Fallon Select RSP - Town | 12 | 8 | \$ 407.00 | \$ 949.12 | \$ 4,884.00 | \$ 7,592.96 |
| Fallon Select RSP - School | 13 | 16 | \$ 407.00 | \$ 949.12 | \$ 5,291.00 | \$ 15,185.92 |
| Fallon Select RSP - COBRA | 1 | | | | | |
| Harvard Pilgrim RSP - Town | 19 | 40 | \$ 477.30 | \$ 1,076.48 | \$ 9,068.70 | \$ 43,059.20 |
| Harvard Pilgrim RSP - School | 52 | 116 | \$ 477.30 | \$ 1,076.48 | \$ 24,819.60 | \$ 124,871.68 |
| Harvard Pilgrim RSP - COBRA | 2 | | | | | |
| Harvard Pilgrim PPO - Town | | 1 | \$ 945.00 | \$ 2,098.44 | \$ - | \$ 2,098.44 |
| Harvard Pilgrim PPO - School | | | \$ 945.00 | \$ 2,098.44 | \$ - | \$ - |
| Harvard Pilgrim PPO - COBRA | | | | | | |
| Tufts RSP - Town | 12 | 9 | \$ 543.16 | \$ 1,230.08 | \$ 6,517.92 | \$ 11,070.72 |
| Tufts RSP - School | 27 | 32 | \$ 543.16 | \$ 1,230.08 | \$ 14,665.32 | \$ 39,362.56 |
| Tufts RSP - COBRA | | | | | | |
| | | | Avg | Avg | | |
| TOTAL ACTIVE EMPLOYEES | 180 | 253 | \$ 479.99 | \$ 1,106.28 | \$ 86,397.96 | \$ 279,889.16 |
| PROJECTED INCREASE (10% - 7/1/15) | 186 | 252 | \$ 527.99 | \$ 1,216.91 | \$ 98,205.68 | \$ 306,661.17 |
| Subtotal: | | | | | | \$ 404,866.85 |

| | | October 2014 | | | | | |
|--|--|--------------|-----|-----------|-------------|---------------|--------------|
| | | Enrollments | | Rates | | Town Mo. Cost | |
| | | Ind | Fam | Ind | Fam | Ind | Fam |
| RETIREES | | | | | | | |
| BCBS NWB RSP - Town | | 3 | | \$ 547.60 | \$ 1,269.76 | \$ - | \$ 3,809.28 |
| BCBS NWB RSP - School | | 7 | 2 | \$ 547.60 | \$ 1,269.76 | \$ 3,833.20 | \$ 2,539.52 |
| Fallon Direct RSP - Town | | | | \$ 379.62 | \$ 881.92 | \$ - | \$ - |
| Fallon Direct RSP - School | | | | \$ 379.62 | \$ 881.92 | \$ - | \$ - |
| Fallon Select RSP - Town | | 1 | 1 | \$ 407.00 | \$ 949.12 | \$ 407.00 | \$ 949.12 |
| Fallon Select RSP - School | | 1 | 2 | \$ 407.00 | \$ 949.12 | \$ 407.00 | \$ 1,898.24 |
| Harvard Pilgrim RSP - Town | | 8 | 11 | \$ 477.30 | \$ 1,076.48 | \$ 3,818.40 | \$ 11,841.28 |
| Harvard Pilgrim RSP - School | | 27 | 5 | \$ 477.30 | \$ 1,076.48 | \$ 12,887.10 | \$ 5,382.40 |
| Harvard Pilgrim PPO - Town | | 1 | | \$ 945.00 | \$ 2,098.44 | \$ 945.00 | \$ - |
| Harvard Pilgrim PPO - School | | 1 | | \$ 945.00 | \$ 2,098.44 | \$ 945.00 | \$ - |
| Tufts RSP - Town | | 2 | 2 | \$ 543.16 | \$ 1,230.08 | \$ 1,086.32 | \$ 2,460.16 |
| Tufts RSP - School | | 12 | 6 | \$ 543.16 | \$ 1,230.08 | \$ 6,517.92 | \$ 7,380.48 |
| Tufts POS - Town | | | | \$ 945.00 | \$ 2,098.44 | \$ - | \$ - |
| Tufts POS - School | | 1 | | \$ 945.00 | \$ 2,098.44 | \$ 945.00 | \$ - |
| | | | | Avg | Avg | | |
| Subtotal Non-Medicare | | 61 | 32 | \$ 521.18 | \$ 1,133.14 | \$ 31,791.94 | \$ 36,260.48 |
| PROJECTED INCREASE (10% - 7/1/15) | | 61 | 32 | \$ 573.30 | \$ 1,246.45 | \$ 34,971.13 | \$ 39,886.53 |
| Subtotal: | | | 93 | | | | \$ 74,857.66 |
| BCBS Managed Blue - Town | | 8 | | \$ 133.59 | | \$ 1,068.72 | |
| BCBS Managed Blue - School | | 28 | | \$ 133.59 | | \$ 3,740.52 | |
| BCBS Medex - Town | | 36 | | \$ 155.82 | | \$ 5,609.52 | |
| BCBS Medex - School | | 49 | | \$ 155.82 | | \$ 7,635.18 | |
| Fallon Sr - Town | | | | \$ 166.80 | | \$ - | |
| Fallon Sr - School | | 2 | | \$ 166.80 | | \$ 333.60 | |
| HP Medicare Enhance - Town | | 25 | | \$ 164.17 | | \$ 4,104.25 | |
| HP Medicare Enhance - School | | 68 | | \$ 164.17 | | \$ 11,163.56 | |
| Tufts Medicare Plus - Town | | 18 | | \$ 160.00 | | \$ 2,880.00 | |
| Tufts Medicare Plus - School | | 52 | | \$ 160.00 | | \$ 8,320.00 | |
| Tufts Medicare Preferred - Town | | 9 | | \$ 151.20 | | \$ 1,360.80 | |
| Tufts Medicare Preferred - School | | 54 | | \$ 151.20 | | \$ 8,164.80 | |
| | | | | Avg | | | |
| Subtotal Medicare | | 349 | | \$ 155.82 | | \$ 54,380.95 | |
| PROJECTED INCREASE (7% - 1/1/16) | | 350 | | \$ 158.03 | | \$ 55,311.33 | |
| TOTAL RETIREES | | 442 | | | | \$ 122,433.37 | |

TOTAL HEALTH INSURANCE
Monthly Billing Adjustments

| | | | | | | |
|-------------------------------|-------------|-----|-------|-----|---------------|---------------|
| | | | | | | |
| | 875 | | | | \$ 488,720.49 | |
| | | | | | \$ 9,865.98 | |
| | | | | | \$ 498,586.47 | |
| October 2014 | | | | | | |
| | Enrollments | | Rates | | Town Mo. Cost | |
| | Ind | Fam | Ind | Fam | Ind | Fam |
| | | | | | | |
| Active Employees | 186 | 252 | | | \$ 98,205.68 | \$ 306,661.17 |
| Non-Medicare | 61 | 32 | | | \$ 34,971.13 | \$ 39,886.53 |
| Medicare | 350 | | | | \$ 55,311.33 | |
| | | | | | | |
| TOTAL FY 16 PROJECTION | 881 | | | | \$ 535,035.84 | |
| | | | | | | |

| | October 2014 | | | | |
|---------------------------------------|----------------------|--|--|--|--|
| EXAMPLES OF DATA NOW AVAILABLE | Town Mo. Cost | | | | |
| TOTAL \$ | \$ 498,586.47 | | | | |
| TOWN EMPLOYEES - Active | \$ 90,283.40 | | | | |
| SCHOOL EMPLOYEES - Active | \$ 276,003.72 | | | | |
| TOTAL % OF \$ | 73% | | | | |
| TOWN EMPLOYEES - Active | 18% | | | | |
| SCHOOL EMPLOYEES - Active | 55% | | | | |
| TOTAL \$ | \$ 498,586.47 | | | | |
| TOWN RETIREES - Non-Medicare | \$ 25,316.56 | | | | |
| SCHOOL RETIREES - Non-Medicare | \$ 42,735.86 | | | | |
| TOTAL % OF \$ | 14% | | | | |
| TOWN RETIREES - Non-Medicare | 5% | | | | |
| SCHOOL RETIREES - Non-Medicare | 9% | | | | |
| TOTAL \$ | \$ 498,586.47 | | | | |
| TOWN RETIREES - Medicare Plans | \$ 15,023.29 | | | | |
| SCHOOL RETIREES - Medicare Plans | \$ 39,357.66 | | | | |
| TOTAL % OF \$ | 11% | | | | |
| TOWN RETIREES - Medicare Plans | 3% | | | | |
| SCHOOL RETIREES - Medicare Plans | 8% | | | | |

UNCLASSIFIED BUDGET - INSURANCE 32B

FY16 INSURANCE 32B - PROJECTIONS

| | July Projections | August Projections | Sept Projections | Oct Projections | Nov Projections | Dec Projections | Jan Projections | Feb Projections | Mar Projections | Apr Projections | May Projections | June Projections | Projected Total | Fiscal Budget | Projected Surplus / (Def) |
|-------------------------------|---------------------|-----------------------|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---------------------|------------------|--------------------------------|
| Active | 405,645.24 | 405,234.66 | 405,938.85 | 404,866.85 | 403,419.37 | 403,527.28 | 403,527.28 | 403,527.28 | 403,527.28 | 403,527.28 | 403,527.28 | 403,527.28 | 4,849,795.92 | | |
| Non-Medicare Retiree | 74,921.17 | 74,737.77 | 74,737.77 | 74,857.66 | 74,672.32 | 74,857.66 | 74,857.66 | 74,857.66 | 74,857.66 | 74,857.66 | 74,857.66 | 74,857.66 | 897,930.33 | | |
| Medicare Retiree | 55,311.33 | 55,311.33 | 55,311.33 | 55,311.33 | 55,311.33 | 55,311.33 | 59,183.12 | 59,183.12 | 59,183.12 | 59,183.12 | 59,183.12 | 59,183.12 | 686,966.72 | | |
| Total Health Insurance | 535,877.74 | 535,283.77 | 535,987.95 | 535,035.84 | 533,403.02 | 533,696.27 | 537,568.06 | 537,568.06 | 537,568.06 | 537,568.06 | 537,568.06 | 537,568.06 | 6,434,692.96 | | |
| HIW | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 12,500.00 | 150,000.00 | | |
| Life Insurance | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 1,333.33 | 16,000.00 | | |
| Other Expenses | 2,500.00 | 2,500.00 | 2,500.00 | 2,500.00 | 9,500.00 | 10,500.00 | 2,500.00 | 2,500.00 | 2,500.00 | 2,500.00 | 2,500.00 | 2,500.00 | 45,000.00 | | |
| | 682,443.57 | 681,666.20 | 682,370.39 | 681,538.17 | 686,720.00 | 688,198.60 | 687,942.18 | 687,942.18 | 687,942.18 | 687,942.18 | 687,942.18 | 687,942.18 | 6,645,692.96 | 6,646,000 | |

| |
|---------|
| 306,290 |
| 4.8% |

FY15 INSURANCE 32B - ACTUALS AND PROJECTIONS

| | July Actuals | August Actuals | Sept Actuals | Oct Actuals | Nov Actuals | Dec Actuals | Jan Projections | Feb Projections | Mar Projections | Apr Projections | May Projections | June Projections | Actual & Projected Total | Fiscal Budget | Projected Surplus / (Def) |
|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|-----------------------------|---------------------|--------------------------------|
| Health Insurance | 491,071.71 | 486,217.52 | 475,835.33 | 498,586.53 | 488,751.62 | 487,601.78 | 487,601.78 | 487,601.78 | 487,601.78 | 487,601.78 | 487,601.78 | 487,601.78 | 5,853,675.17 | 6,117,710.00 | 264,034.83 |
| HIW | 3,704.85 | 2,450.79 | 11,880.18 | 13,030.20 | 12,903.52 | 12,600.00 | 12,600.00 | 12,600.00 | 12,600.00 | 12,600.00 | 12,600.00 | 29,000.00 | 148,569.54 | 150,000.00 | 1,430.46 |
| Life Insurance | 1,277.56 | 1,180.65 | 1,009.80 | 1,245.67 | 1,250.78 | 1,245.67 | 1,245.67 | 1,245.67 | 1,245.67 | 1,245.67 | 1,245.67 | 1,245.67 | 14,684.15 | 17,000.00 | 2,315.85 |
| Other Expenses | 2,455.00 | -6,224.28 | 6,245.00 | 2,711.41 | 2,450.97 | 2,450.97 | 13,000.00 | 2,450.97 | 2,450.97 | 2,450.97 | 2,450.97 | 2,450.97 | 35,343.92 | 55,000.00 | 19,656.08 |
| HRA | 0.00 | 1,892.00 | 1,876.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,768.00 | | |
| | 498,509.12 | 483,624.68 | 496,846.31 | 515,573.81 | 505,356.89 | 503,898.42 | 514,447.45 | 503,898.42 | 503,898.42 | 503,898.42 | 503,898.42 | 520,298.42 | 6,056,040.78 | 6,339,710.00 | 283,669.22 4.5% |

FY14 INSURANCE 32B - ACTUALS

| | July Actuals | August Actuals | Sept Actuals | Oct Actuals | Nov Actuals | Dec Actuals | Jan Actuals | Feb Actuals | Mar Actuals | Apr Actuals | May Actuals | June Actuals | Actual & Projected Total | Fiscal Budget | Projected Surplus / (Def) |
|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------------------|---------------------|--------------------------------|
| Health Insurance | 466,803.89 | 455,266.69 | 463,746.19 | 475,002.41 | 469,773.99 | 462,647.13 | 457,350.65 | 453,679.22 | 451,294.07 | 449,875.14 | 449,345.23 | 452,148.35 | 5,506,932.96 | 5,961,498.00 | 454,565.04 |
| HIW | 5,036.04 | 4,266.74 | 14,149.04 | 17,820.27 | 14,839.80 | 12,663.52 | 12,363.52 | 13,030.20 | 12,696.86 | 12,196.85 | 18,845.28 | 27,897.08 | 165,805.20 | 125,000.00 | (40,805.20) |
| Life Insurance | 1,278.82 | 1,285.19 | 1,259.71 | 1,320.90 | 1,315.79 | 1,282.66 | 1,305.60 | 1,292.85 | 1,289.02 | 1,278.83 | 1,264.80 | 1,290.30 | 15,464.47 | 16,000.00 | 535.53 |
| Other Expenses | 2,497.00 | 2,497.00 | -12,365.77 | 3,215.73 | 6,936.20 | -512.48 | 575.97 | 4,165.61 | 594.31 | 2,880.00 | 5,839.95 | 1,100.05 | 17,423.57 | 53,361.00 | 35,937.43 |
| HRA | -389.05 | 0.00 | 85,336.00 | 0.00 | 43,656.00 | 1,848.00 | 0.00 | 43,712.00 | 1,864.00 | 1,860.00 | 20,000.00 | 2,453.89 | 200,340.84 | 322,000.00 | 121,659.16 |
| | 475,226.70 | 463,315.62 | 552,125.17 | 497,359.31 | 536,521.78 | 477,928.83 | 471,595.74 | 515,879.88 | 467,738.26 | 468,090.82 | 495,295.26 | 484,889.67 | 5,905,967.04 | 6,477,859.00 | 571,891.96 8.8% |

Designates paid expenses

TOWN ADMINISTRATOR'S REPORT

FOR THE WEEKS ENDING DECEMBER 12, 2014

NOTES TO CONSENT CALENDAR

Because of the large number of items on 12/15 agenda, I included some items of business that might be approved with minimal discussion on the Consent Agenda. If requested by a Selectman, items on the Consent Agenda will be discussed before the Board's vote.

- LICENSES:

- AUTO DEALER CLASS I (Primarily New) AND CLASS II (Used) LICENSES:

At the December 8th meeting the Board considered a recommendation to approve these Licenses with two conditions.

1) That all cars for sale are visibly marked for sale for, and that

2) These businesses seek approval of the zoning board, if required by the Building Commissioner.

Approval of the licenses was deferred pending clarification:

REVISED RECOMMENDATION: As stated on the Consent Agenda, I recommend the Board approve all Class I and Class II licenses with a condition on Class II Licenses only that autos for sale be clearly marked for sale.

I reviewed with Town Counsel and the Building Commissioner the recommended condition to require zoning and recommend the zoning condition not be imposed as a license condition by the Board.

REASON FOR DROPPING ZONING CONDITION: As you know, the Building Commissioner has separate authority, independent of the Board of Selectmen, with regard to zoning enforcement. It is therefore not necessary for the Board to impose a condition regarding zoning on the licenses. Instead, under the Building Commissioner's independent authority, the Building Commissioner will send the attached draft letter to Class II Used Car Licensees letting these businesses know zoning for their properties is under review. The Building Commissioner also requests that, since these businesses have long operated under uncertain zoning, the Board support his recommendation to the Zoning Board to waive the application fee for these businesses. (See attached letter)

REASON THAT THE CONDITION TO MARK CARS FOR SALE WOULD BE IMPOSED ON CLASS II LICENSES AND NOT CLASS I: The Building Commissioner is unable to effectively investigate complaints that the number of used cars for sale exceeds the number allowed on the license. This problem affects Class II Used Autos and not Class I New Autos.

- Requests for Special Counsel:
 - The Planning Board requests the Board appoint Kopelman and Paige as Special Counsel to draft by-law amendments. (See explanation from the Town Planner attached to the Consent Agenda)
 - The OPEB Committee requests the Board's support to undertake an RFQ process to find Special Counsel to prepare OPEB Trust documents. Appointment would follow when a qualified attorney is found. (See explanation from John Senchyshyn attached to the Consent Agenda)

OTHER MATTERS

1. CHINA ROSE

China Rose served its suspension and submitted a Change in Manager form to the Licensing Agent. The new Manager will attend the 12/15 meeting and, according to Jeff, will be TIPS certified before the meeting. Attached are the requirements under Board policy for Managers of establishments serving alcoholic beverages in Wayland. If approved by the Selectmen, the Change in Manager and Annual License Renewal will be considered for approval by the ABCC. Jeff agreed to wait until a future meeting for the Board to act on his application for an Entertainment License.

2. REQUEST FOR BOARD TO SPONSOR APPLICATION AND ARTICLE FOR CPA FUNDS FOR BIKE TRAIL CONSTRUCTION

Larry Kiernan asked whether the Board is willing to be the applicant for CPA funding to build the bike trail from the Weston Town line to the Depot. Because CPA applications are due next week and the Board expressed support of the project, I advised Mr. Kiernan it is OK to submit the application now with discussion by the Board if required later. (See attached CPA application)

3. WARRANT ARTICLE HEARING / MODERATOR'S FORUM

Moderator Dennis Berry is scheduled to meet with the Board on Monday January 5th to discuss his ideas for a Moderator's Forum to be held possibly on Wednesday April 1st to allow the public to comment on warrant articles. As an alternative the Board of Selectmen could define its Warrant Hearing as such a forum.

4. ATM SCHEDULE

Last week, the Board received for review a draft schedule of tasks to proceed to Town Meeting. Unless the Board has additional edits, I will make this document final and available for public use as a guide.

5. GLEZEN LANE

Chief Irving and I are meeting with the neighbors on Monday December 15th.

6. ELECTRONIC PACKETS

Attached is a memo outlining how electronic packets will work. Unless the Board wants to discuss this item, we will roll out the implementation as soon as tablets are purchased. I have experience

in two towns with electronic packets --- The initial meetings using electronic packets can be an adjustment for the Board and staff. Please tell me or Mary Ann any concerns as we implement this project.

UPCOMING MEETINGS

At this time no meetings are scheduled for the weeks of December 22nd and December 29th. You will be contacted immediately if for any reason the Board needs to meet.

The following are some agenda items you may see at the next meeting:

Monday January 5th

Petitioner's Workshop, Discussion with Moderator about a proposed Moderator's Forum
Energy: Consider projects to substitute for ESCO Investments in Town Building

Monday January 12th -- FY 16 Budget

DRAFT: Letter - BLDG COM
CLASS II licensees



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Jay T. Abelli
Building Commissioner

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

December 10, 2014

Re: CLASS II LICENSES *

(Class II License Holder Name & Address)

Please be advised that all Class II Licenses are being reviewed in order to insure compliance with the Town of Wayland Zoning By-Laws. After reviewing the zoning file relative to your place of business, it appears that Zoning Board of Appeals approval for the sale of automobiles was never granted prior to the issuance of your Class II License by the Board of Selectmen.

If you can provide documentation that indicates that the Zoning Board of Appeals has issued the required approval for the sale of automobiles at your property location, please submit a copy of the approved Zoning Board of Appeals decision to the Building Department. If you **can not** provide documentation of the Zoning Board of Appeals approval for the sale of automobiles, you may be required to apply for zoning relief prior to the issuance of your 2016 Class II License. The zoning application fee is \$225.00 and the advertising fee is \$40.00.

[NOTE DISCUSSION WILL BE

Sincerely

REQUESTED ON POSSIBLE APPLICATION
FEE WAIVER]

Jay Abelli
Building Commissioner / Zoning Enforcement Officer
Town of Wayland

* NOTE ON DRAFT:

CLASS I LICENSES ARE
ON PROPERLY ZONED LOCATIONS.

CHINA ROSE -
REQUIREMENTS

PROVISION AND CONSUMPTION OF
ALCOHOLIC BEVERAGES

OF LL

MANAGERS

These rules supplement the General Laws of the Commonwealth of Massachusetts and the Code and other Rules and Regulations of the Town of Wayland, Massachusetts.

I. COMMERCIAL ESTABLISHMENTS

The Board of Selectmen has the authority to grant licenses to owners of establishments that sell alcoholic beverages for consumption on or off the premises of the establishment (see Wayland Code §72-4 regarding authority to deny, revoke, or suspend license for failure to pay taxes).

- A. The Police Chief and the officers within his/her command shall be the liquor agent for the Board of Selectmen.
- B. Licensees shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. Violations of any laws, rules, or regulations may result in suspension or revocation of the license after a hearing conducted by the licensing authority.
- C. Holders of off-premises liquor licenses (package stores selling all alcoholic beverages or convenience or grocery stores selling beer & wine) may be open on Sundays, subject to the following conditions:
 - a. No sales shall be made prior to 12:00 noon;
 - b. No sales shall be made after 9:00 p.m.;
 - c. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
 - d. No sales by such licensees may be permitted on any of the following days:
 - o Memorial Day (usually last Monday in May);
 - o Thanksgiving Day;
 - o Christmas Day;
 - o Monday following Christmas Day if Christmas Day falls on a Sunday.

REQUIREMENTS OF MANAGERS

- D. It shall be the responsibility of each licensee of an establishment granted a license to sell alcoholic beverages on premises to assure that, prior to his/her initial shift, each manager or assistant manager of the licensee meets with the Police Chief or his/her designee to discuss expectations and responsibilities of managing such establishments. A list of all managers or assistant managers shall be posted in public view in the establishment.

A designated manager or assistant manager will be on-site at all times the establishment is open. The on-site manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the town's rules and regulations for the provision

and consumption of alcoholic beverages. The on-site manager shall be certified in intervention procedures by servers of alcohol in accordance with Section F of these rules. The on-site manager will also be responsible for maintaining the building occupancy limits, as listed on the liquor license, and will be the point of contact for police, fire, or building officials that may inspect the premise at any time. The designated manager shall have full authority to make decisions concerning the operation of the establishment.

- E. Applications for extension of hours on New Year's Eve until 2:00 a.m. must be made in writing to the Town Administrator. No alcoholic beverages shall be served after 1:30 a.m. All patrons shall be off the premises by 2:00 a.m.
- F. All commercial establishments shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.
 - 1. Listed below are programs currently available which meet the requirements of this regulation:
 - a. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association,
 - b. Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), offered by Health Communication,
 - c. Alcohol Intervention Methods (A.I.M.) offered by Campbell/Trent, or
 - d. Any Insurance Industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.
 - 2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
 - a. Employee Name
 - b. Employee Date of Birth
 - c. Employee Social Security Number
 - d. Position
 - e. Type of Training (Name of Trainer and/or Company)
 - f. Date Valid
 - g. Date of Expiration (no more than three (3) years)
 - h. Date of Hire
 - 3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.

4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring or show proof of training certification at a course approved by the Board of Selectmen within the past three (3) years.
5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

II. NON-COMMERCIAL LICENSES

The Board of Selectmen is authorized to grant permission to serve beer, wine, champagne, and sherry under Section A. below and to issue a temporary license under Section B. below under the following conditions. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

A. Town Property

1. No alcoholic beverage of any kind may be sold or purchased in Town buildings or on Town property.
2. Non-profit and public service organizations that are eligible to use Town buildings or property may provide beer, wine, champagne, and sherry under the following conditions:
 - a. Permission is requested in writing at least two weeks before the event and the Board of Selectmen issues a license.
 - b. Beverages are served without charge.
 - c. Consumption is by the glass on the premises.
 - d. The request is supported and approved by the Town board responsible for oversight of the property.

B. Property Open to the Public But Not Governed by the Board of Selectmen

1. Non-profit and public service organizations may be granted a temporary license to sell beer, wine, champagne, and sherry under the following conditions:
 - a. Permission is requested in writing at least two (2) weeks before the event and the Board of Selectmen issues a license.
 - b. A fee of \$25.00 for each 24 hour period not to exceed 72 consecutive hours is paid in advance.

III. COMMERCIAL ESTABLISHMENTS WITHOUT LICENSE TO SELL ALCOHOLIC BEVERAGES

1. Patrons of an establishment granted a common victualler's license for the sale of food to be consumed on the premises which have not been granted a license for the sale of alcoholic beverages may not consume alcoholic beverages on the premises (prohibits practice commonly referred to as "BYOB").
2. The Board of Selectmen will reconsider this policy at such time all available licenses for the sale of alcoholic beverages in restaurants are granted.

History:

Section I, Commercial (adopted 12/11/88, revised 1996).

Section II, Non-Commercial (adopted 12/1/88, revised 1996).

Section III, Establishments without license to sell alcoholic beverages (added 7/8/10).

Section I., C., Sunday sales and holiday restrictions (added 1/26/04, revised 2/9/04).

Section I., D., Duties and responsibilities of managers of on-premise establishments (added 7/8/10); list of managers publicly posted (added 10/13/10).

Section I., E., Extending hours (adopted 12/3/90, revised 1996).

Section I., F., Training of employees to serve alcoholic beverages (adopted 6/5/06).

Revised and restated on October 13, 2010



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778
www.wayland.ma.us

WAYLAND COMMUNITY PRESERVATION COMMITTEE

The Town of Wayland adopted the newly enacted Community Preservation Act (CPA) at Annual Town Meeting in April 2002. Accordingly the Community Preservation Committee (CPC) was established as an on-going committee of the town. Its primary task is to administer the CPA fund by seeking and evaluating proposals, and making recommendations to Town Meeting for the expenditure of CPA funds. The monies are collected yearly as a 1.5% surcharge on the tax bill of each property owner. The CPC welcomes requests for funding and presents the following information to assist applicants in seeking those funds.

Mission Statement

(adopted by CPC April 2002)

The Mission of the Wayland Community Preservation Committee is to create, maintain and implement a Community Preservation Plan to preserve, expand, and enhance open space, historic resources, community housing, and specified recreational uses. The Plan serves as the basis for the Committee's recommendations to Town Meeting for the disposition of Community Preservation Funds.

Eligible Uses

(as per Community Preservation Act as amended July 2012)

The Wayland CPC can only consider proposals that are eligible for CPA funding according to the requirements described in the CPA legislation, specifically for:

- acquisition, creation, and preservation of open space.
- acquisition, preservation, rehabilitation, and restoration of historic resources.
- acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use.
- acquisition, creation, preservation, and support of community housing
- rehabilitation or restoration of open space and community housing that is acquired or created using monies from the fund.

Application for Funding

(as per CPC September 2014)

Use of CPA funds is determined by Wayland's Town Meeting. The request for funds must be made at Town Meeting by the CPC following consideration of eligible applications. Please provide as much information as possible so that the CPC is able to make an informed decision on funding requests.

It is highly recommended that applicants meet with the CPC to discuss a potential proposal. The CPC generally meets once a month. Please submit information at least one week prior to a CPC meeting at which the application will be considered.



WAYLAND COMMUNITY PRESERVATION ACT PROJECT APPLICATION COVER SHEET

I: Project Information

Project Title: Building the Rail Trail in Wayland

Project Summary: This application for CPC funds is to convert a 3 mile long abandoned rail line into a much needed, safe, recreational path for pedestrians and bicyclist. This is a partnership with the state, local citizens and businesses. The state has already contributed considerable resources to: create the 99 year lease, delineate the trail, secure a MEPA waiver, conduct a phase one environmental study and provide guidelines and standards. Total project cost anticipated to be \$625,000. The Town Center Developer will gift \$250,000 and we are requesting \$375,000 for the design and building of path.

Map and Parcel #: 99-001 Estimated completion date: December 2015

CPA Program Area (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Open Space | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Community Housing | <input checked="" type="checkbox"/> Recreation |

II: Applicant/Developer Information

Contact Person and or/primary applicant: Larry Kiernan on behalf of B.O.S.

Property Owner (if applicable): Commonwealth of Massachusetts - MBTA

Organization (if applicable): Town of Wayland

Mailing Address: 41 Cochituate Road

Daytime phone #: 508 380 2094

Other phone #:

E-mail address & Website: larrykiernan04@gmail.com

III: Budget Summary

Total budget for project: \$625,000

CPA funding request: \$375,000

CPA request as percentage of total budget: 60%

Applicant Signature: _____

Date Submitted: _____ **December 12, 2015** _____
Please attach a narrative addressing the following issues and questions.
Attached PDF call WAYLANDRAILTRAIL2015CPC

PROJECT DESCRIPTION

1. Scope or concept of project: (State the scope of work including the specific information about extent of work. Provide photographs of existing conditions and proposed plans, if applicable.)
2. Projected action plan and timeline: List steps needed to complete the project and an estimated timeline. This plan and schedule will be critical once funding is allocated, to assist the CPC in preparing annual Project Status Reports that are reported annually to Town Meeting until project completion.

FINANCES

3. Anticipated project cost: Provide a budget, with line itemization.
4. Other funding sources, including private/public/in-kind:
5. CPA funding request amount:
6. Budget justification: Provide an explanation for why each type of expense is needed.

PURPOSE OF PROJECT

7. Relevance to community: Indicate how the project is relevant to the current and/or future needs of Wayland. Does it serve multiple needs?
8. Explain how the project will meet goals and objectives of the category under which you are applying (Community Housing, Historic Preservation, Open Space, Recreation).
9. Supporting documents: Provide supporting letters, references, studies, maps, and statistics.

Please keep in mind that there are legal limitations on the uses of CPA funds. If you have any questions about your project's eligibility, please contact the CPC for guidance. Thank you.

Wayland Community Preservation Committee

ELECTRONIC PACKETS

DATE: December 15, 2014
TO: Board of Selectmen
FROM: Nan Balmer, Town Administrator
RE: Electronic Packets – Board of Selectmen

BOARD ACTION REQUESTED:

REVIEW AND COMMENT ON PROPOSED PROGRAM TO CHANGE FROM PAPER TO ELECTRONIC BOARD OF SELECTMEN PACKETS

Background / Administration

Public and corporate boards are transitioning from paper board packets to electronic board packets for the following reasons: 1) Reduction in paper, 2) Ease of delivery, 3) Better organization and retention of materials, 4) Security of confidential materials. If implemented in Wayland, the electronic tablet program will be the responsibility of the Board of Selectmen's Executive Secretary with the support of IT staff. Staff is now ready to implement this program in a short time frame if the Board wishes.

Equipment / Software Needed

1. Town owned tablets (16 GB – Wi-Fi) lent to each Selectman to be returned at the end of each member's term.
 - a. One type of tablet with cover and protective screen film will be selected for consistent administration – (Such as Apple I-Pad or Samsung Galaxy).
 - b. Board packets will be provided on town owned, rather than personal, tablets to secure confidential information (Executive Session Packets)
 - c. Tablets will be marked; "Property of Town of Wayland" and serial numbers will be recorded and held by Town Administration.
2. Stands – Heavy duty tablet stands will be provided at each Selectman's seat to secure the tablets
3. Apps: Board members will have a choice of apps to open and store packets – Adobe Reader, Good Notes and Notability are three appropriate free or low cost apps for this purpose. As an alternative, the town could seek funding to purchase a software program designed for municipal board packets.

Process for Receiving and Using Electronic Board Packets and tablets

1. Board Packets will appear the Friday before each meeting in “Dropbox” (or Google docs) from which they can be uploaded to an app by the Selectman.
2. Each packet will be 1) Labeled for easy retrieval at any time, 2) Tabbed by agenda item so that it back-up material comes up with one touch from a list of agenda items.
3. Board members will also be provided a paper copy of each week’s agenda if desired.
4. Electronic notations can be made on electronic board packets by Selectmen with a stylus, by hand, or with a separate small blue-tooth keyboard. The app can be set up so that the Board member can go to a list of notations made rather than scrolling through the electronic packet. Some members will prefer keeping hand written notes.
5. Each Selectman’s town e-mail account can be added to the tablet.

Organization of Information Included in Tablets

The information in the DropBox could be organized as follows:

1. FY 15 Regular Board Packets, Correspondence and Consent Calendars organized by Month and Date (Regular packets are also available on the website)
2. FY 15 Executive Session Packets
3. FY 15 Town Meeting Information (Draft warrant, CIP, FY 16 draft operating Budget)
4. Reference Material (Such as Town Code, Board Policies, Committee Database)

Fiscal Impact

- Up-Front Cost: Tablet, protective screen cover, case, and stand – About \$450 each set for 7 – 9 persons.
- There are some ongoing offsets to this up-front cost for paper and staff time.



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

BOARD OF SELECTMEN Monday, December 15, 2014 Wayland Town Building Selectmen's Meeting Room

REVISED CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of Town Counsel Mark J. Lanza for the Month Ending November 30, 2014: \$8,925.72
3. Vote the Question of Approving the Request of the Planning Board to Appoint Kopelman & Paige as Special Counsel to Prepare Zoning Bylaw Amendments *
4. Vote the Question of Approving the Request of the OPEB Advisory Committee to Seek Special Counsel to Prepare Trust Documents *
5. 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 Coastal Vineyards, David W. Neilson, Manager, on Saturdays, January 10, 2015, January 24, 2015, February 7, 2015, February 21, 2015, March 7, 2015, and March 14, 2015, from 10:00 a.m. to 2:00 p.m.
6. Vote the Question of Approving the 2015 Licenses for the Sale of Class I Auto Dealers for Herb Chambers of Wayland Inc. dba Aston Martin Boston, dba Bentley Boston, dba Rolls-Royce Motor Cars of New England, dba Herb Chambers Lamborghini of Boston, and dba Herb Chambers Maserati, 533 Boston Post Road
7. Vote the Question of Approving the Following 2015 Licenses for the Sale of Class II Auto Dealers with the Condition that Autos for Sale be Clearly Marked For Sale: *

| | |
|--|-------------------------|
| Cook's Automotive (Lloyd J. Cook, President) | 338 Boston Post Road |
| International Auto Works Inc. (Joseph Gagliardi) | 118 Main Street |
| Shepard's Service (Mark Shepard) | 268 Boston Post Road |
| Stephen Jones dba State Road Auto Body | 292 Boston Post Road |
| Wayland Automotive Sales (Richard Devlin) | 322 Commonwealth Avenue |
| Wayland Foreign Motors (Tim and Tom Cornu) | 356 Boston Post Road |
| Wayland Imports (Glenn B. Schwartz) | 70 Boston Post Road |
| Wayland Mobil (E & J Service Station LLC) | 315 Commonwealth Road |
8. Vote the Question of Approving the 2015 Liquor License (Restaurant-All Alcohol) for Town & Country Restaurant Inc., dba J. M. McKays' Restaurant
9. Vote the Question of Approving the 2015 Sale of Second-Hand Articles License for Almaari Jewelers, Samer Almaari, Manager

* See Town Administrator's Report

Mark J. Lanza
Attorney at Law
9 Damonmill Square - Suite 4A4
Concord, MA 01742
Tel. # (978) 369-9100
Fax # (978) 369-9916
e-mail: mjlanza@comcast.net

INVOICE - TOWN OF WAYLAND - 11/30/2014

SUMMARY

| | |
|--|--------------------|
| FEE CALCULATION: 56.5 HOURS X \$160.00 PER HOUR = | \$ 9,040.00 |
| DISBURSEMENTS (See below for detail) | 317.72 |
| LESS: 50% of 20 WAYLAND CASE COSTS PAID FROM WWMDC FUNDS | -432.00 |
| TOTAL 11/30/14 INVOICE..... | <u>\$ 8,925.72</u> |
| AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET..... | <u>\$7,741.72</u> |
| AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T | <u>\$384.00</u> |
| AMOUNT PAYABLE FROM SCHOOL BUDGET..... | <u>\$ 800.00</u> |

DISBURSEMENTS

| | | |
|----------------------------|--|--------|
| 10/14, 10/30 & 10/31/14 | Courier Serv. | 188.64 |
| 11/2014 | Long Dist. Tel. Charges (Detail on File) | 12.98 |
| 11/2014 | Postage | 34.50 |
| 11/2014 | FAXing (978) 369-9916 & (978) 261-5034 | 0.00 |
| 11/2014 | Copying | 14.50 |
| 11/2014 | Mobile Phone (Detail on file) | 6.50 |
| 11/3/14 | Mileage: 36 @ \$.50 | 18.00 |
| 11/3/14 | Parking | 7.00 |
| 11/3/14 | MBTA Fares | 5.30 |
| 11/25/14 | Mileage: 36 @ \$.50 | 18.00 |
| 11/25/14 | Parking | 7.00 |
| 11/25/14 | MBTA Fares | 5.30 |

Total Disbursements \$ 317.72

DATE: DECEMBER 9, 2014
TO: BOARD OF SELECTMEN
FROM: SARKIS SARKISIAN, TOWN PLANNER
RE: ZONING BYLAW REVISIONS: SPECIAL COUNSEL



**BOARD ACTION REQUESTED:
VOTE TO APPOINT AS ZONING BYLAW SPECIAL COUNSEL THE FIRM OF
KOPLEMEN & PAIGE, P.C. Patricia A. Cantor, Esq.**

BACKGROUND

In 2011, the Town of Wayland with the assistance of Special Counsel, Kopleman & Paige completed phase I of the Zoning Bylaw re-write. We have started Phase II of this project that will be done in phases over the course of three years. The By-Laws are being revised to correct contradictions and inconsistencies that inadvertently have resulted from adoption of such amendments; to address specific issues that have come before the Planning Board, the Zoning Board of Appeals, the Town Planner and the Building Commissioner; to account for changed circumstances in the nature and character of the Town of Wayland; and to recognize recent judicial decisions. We believe that we have an obligation to take appropriate action. We respectfully would like to submit Articles 1-6 (see attached spreadsheet) for this Spring, 2015 Town Meeting.

SPECIAL COUNSEL - SCOPE OF WORK

Special Counsel will provide legal advice with respect to the proposed amendments working with the Building Commissioner, Zoning Board of Appeals, the Planning Board and the Town Planner.

SELECTION AND APPOINTMENT PROCESS FOR SPECIAL COUNSEL

The cost for this project for Articles 1-6 is estimated at \$3,600, based on hourly rate at \$180.00/ per hour. (See attached Scope of Work)

The Board of Selectmen is the only Board who appoints legal counsel for the town. Subject to Board appointment of Counsel, the Town Administrator as Chief Procurement officer will award a contract with appropriate terms subject to available funding.

**Zoning Bylaw Revisions
As of 12/10/2014**

| | A | B | C | D | E | F |
|----|--|-------------------------------|---|---|---|------------------------------------|
| 1 | Number | Section of By-Law | Title | Comments | Additional Comments | Request of |
| 2 | 2015 GOALS: Prioritized 12/14 | | | | | |
| 3 | 1 | 1002.1.7,1106.1,1302.1,1406.8 | Sidewalk Construction, Reconstruction or substantial alteration | Written 5 different ways in the Bylaw opening up too much interpretation | On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely | Planning Board |
| 4 | | | | | | |
| 5 | 2 | 506.8.1 | Landscape buffer | No minimum distance required from Commercial to Residential districts | On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely | Planning Board |
| 6 | | | | | | |
| 7 | 3 | New Overlay District | Specimen Tree Overlay Protection District | Protect the cutting of 5 or more trees. Need opinion from Counsel if enforceable to Public Utility Companies? | Determining enforceability with legal counsel;PB will only sponsor if enforceable | Residents/Oakhill neighborhood |
| 8 | | | | | | |
| 9 | 4 | 198-804, 901.1.1,901.1.2 | Home Occupation | Unclear definitions for appropriateness, accessory uses (vehicles, traffic, noise, etc.) | | Zoning Board of Appeals |
| 10 | | | | | | |
| 11 | 5 | 198:401.5 and 6 | Non conforming lots and structures | Develop standards to qualify for Teardowns | | Zoning Board of Appeals |
| 12 | | | | | | |
| 13 | 6 | Article 12 | Article 12 Refuse Disposal District | Need to change BOH to BPW | | Building Commissioner |
| 14 | 2016 POSSIBLE GOALS (not prioritized) | | | | | |
| 15 | 7 | 104 Definition | Building Heights | Concern of lot grading and filling beyond existing grade | | Resident |
| 16 | | | | | | |
| 17 | 8 | 104 | FAR Floor Area Ratio | Concern regarding size of homes on small lots | | Resident |
| 18 | | | | | | |
| 19 | 9 | Article 16 | Aquifer Protection provision | How to apply zone 1 with more protection | | Planning Board |
| 20 | | | | | | |
| 21 | 10 | Accessory uses | Gas station retail uses | | | Economic Development Committee |
| 22 | | | | | | |
| 23 | 11 | Dog Kennels | Changes in state law that affect the Bylaw | | | ZBL Recodification |
| 24 | | | | | | |
| 25 | 2017 POSSIBLE GOALS (Not prioritized) | | | | | |
| 26 | 12 | Agriculture | Provisions regulating agricultural uses should be reviewed. | Consistent with G.L. c.40,§3. | | ZBL Recodification |
| 27 | | | | | | |
| 28 | 13 | Article 15 &15A | Wireless Communications | | | ZBL Recodification |
| 29 | | | | | | |
| 30 | 14 | 505.1.1 | Signage | Alteration, Repair and Replacement of existing non conforming signs | On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely | Design Review Board/Planning Board |
| 31 | | | | | | |
| 32 | 15 | Definitions | Adult Day Care, Landscape Business | | | |
| 33 | | | | | | |
| 34 | 16 | New Section | Adult Entertainment | | | Building Commissioner/Town Planner |



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

December 5, 2014

Lauren F. Goldberg
lgoldberg@k-plaw.com

Ms. Nan Balmer
Town Administrator
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778

Re: Terms of Engagement- Zoning Bylaw Amendments

Dear Ms. Balmer:

I am writing at the request of the Wayland Planning Board through the Town Planner, Mr. Sarkis Sarkisian, that Kopelman and Paige, P.C. (hereinafter the "Firm") provide you with a proposal to provide legal services to the Planning Board regarding amendments to the Town's Zoning Bylaw, as further described below and in the attached Proposed Scope of Work ("the Work"). I am writing as President of the firm. We fully understand the importance of providing high quality, responsive legal assistance to our public sector clients, and look forward to working closely with the Town on the Work.

We know from experience that our ability to work efficiently on the Town's behalf will be greatly enhanced by effective communication throughout the course of our relationship. We will consult with you, the Planning Board and Mr. Sarkisian on a regular basis regarding the status of the Work and encourage you to contact us with any questions. This document sets forth our understanding of the work to be handled by the Firm and our proposal as to fees and expenses. Please review this document carefully. If the terms of this document meet with the Board of Selectmen's and your approval, please have the appropriate official sign and return one (1) copy for our files.

This letter serves as a written proposal by which the Firm undertakes to advise the Town of Wayland and its Planning Board with respect to proposed amendments of the Town's Zoning Bylaw, as specified by the Town. See attached Scope of Work. These terms are binding on both the Town and the Firm unless modified in writing by mutual agreement, although, of course, the Town has the right at any time, to terminate our services.

We will at all times act on the Town's behalf to the best of our ability. Of course, any expressions on our part concerning the outcome of the Town's legal matters as assigned to us are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed. Attorney Patricia A. Cantor will be the lead attorney on the Work, but work on it may be performed by other attorneys at the Firm, as well as by a paralegal, assistant or other staff. We will, of course, endeavor to undertake the Town's work in an efficient and appropriately expedited

KOPELMAN AND PAIGE, P.C.

Ms. Nan Balmer
Town Administrator
December 5, 2014
Page 2

manner, and will forward copies of significant papers prepared by or received by the Firm, including correspondence, notices and filings.

It is not possible to determine in advance the amount of time that will be needed to complete this engagement, but I understand that the Planning Board has budgeted about \$3600 for this project. We propose to provide professional services in connection with the Work on an hourly basis at the rate of \$180.00, which is the current rate charged by the Firm to the Town for Special Counsel work, billed in increments of one-tenth of an hour. As described in the attached Scope of Work and based upon the Planning Board budgeted amount, we anticipate the Work will take 20 hours.

Except as otherwise provided, we do not charge for work completed by clerical staff, or other non-attorney staff. We bill our time and disbursements on a monthly basis and bills are due and payable within thirty (30) days. Payments made by the Town in connection with the Work will be applied against actual legal services performed, disbursements made, and other costs and expenses incurred. Of course, we are required by the Rules of Professional Conduct to notify the Town in writing of any proposed changes to either the basis or rate of the fees and expenses charged.

We bill for out-of-pocket disbursements incurred on behalf of the Town at cost, including, but not limited to: filing fees; travel expenses; courier charges; charges for photocopies; land line telephone, and long distance charges; and other incidental expenses. For work undertaken outside the office we also charge for mileage on a portal-to-portal basis at the rate set by the Internal Revenue Code. We will obtain your permission prior to expending any funds towards any single cost or expense in excess of \$500.00. We may require the Town to make direct payment to any third party for expenses incurred on your behalf.

While the Town may terminate our services at any time, such action does not, as you know, relieve the Town from the obligation to pay any bills to the Firm outstanding at the time of termination. In the event that a dispute arises between the parties to this agreement, then Massachusetts law and Massachusetts venue shall control.

If you and the Board of Selectmen are in agreement with the terms of this engagement as set forth herein, please return the signed copy of this letter by e-mail and/or regular mail. Upon receipt thereof, we would be pleased to commence work contemplated herein. Of course, until such time as we have received such letter, we are under no obligation to perform any legal work on your behalf.

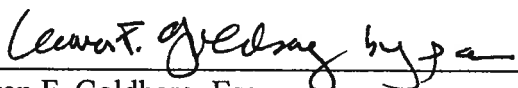
KOPELMAN AND PAIGE, P.C.

Ms. Nan Balmer
Town Administrator
December 5, 2014
Page 3

If you need additional information about the firm, or have any questions concerning the terms of the proposed engagement, please do not hesitate to contact Attorney Patricia A. Cantor or me. I can be reached on my direct line at 617-654-1759 or by cell phone at 617-548-7622.

Respectfully submitted,

KOPELMAN AND PAIGE, P.C.

By: 
Lauren F. Goldberg, Esq.
President

The undersigned has received a copy of this Agreement as of the date set forth above and agrees to the terms of representation as set forth herein.

Town of Wayland

Date: This ___ day of _____, 2014

LFG/PAC/lem
cc: Town Planner

Ms. Nan Balmer
Town Administrator
December 5, 2014
Page 4

Scope of Work

This Scope of Work is for items ##1-5 on the attached chart.

Review current provisions of Zoning Bylaw with focus on the sections proposed to be amended
2 hours
Prepare comments on sections proposed to be amended
3 hours
Discuss comments with Town Planner
1 hour
Draft proposed amendments based on discussions with Town Planner
3 hours
Review further revisions from Town Planner
1 hour
Address legal issues that may arise
2 hours
Draft final proposed amendments
3 hours
Prepare public hearing notice for Planning Board Public Hearing
.5 hours
Prepare for and advise Planning Board at Public Hearing
2.5 hours
Revise amendments based on Planning Board public hearing
1.5 hours
Prepare warrant article(s) for Town Meeting
.5 hour

Total 20 hours at \$180.00/hour

DATE: DECEMBER 15, 2014
TO: BOARD OF SELECTMEN
FROM: JOHN SENCHYSHYN, ASSISTANT TOWN ADMINISTRATOR
RE: OPEB COMMITTEE: SPECIAL COUNSEL REQUEST

**BOARD ACTION REQUESTED:
VOTE TO AUTHORIZE THE OPEB COMMITTEE TO ISSUE A REQUEST FOR
QUOTATION (RFQ) FOR SPECIAL COUNSEL**

BACKGROUND

The Town of Wayland has an OPEB Trust created by a special act of the Massachusetts State Legislature on November 17, 2010. The Wayland Board of Selectmen created an OPEB Advisory Committee in 2013 and charged the Committee to review and analyze all aspects of the OPEB Trust and its operations. The OPEB Advisory Committee, while acknowledging that the Trust has validity in protecting the assets, questions whether the terms of the Trust cover all possible eventualities and seeks an opinion as to the Trusts' legal appropriateness.

SPECIAL COUNSEL - SCOPE OF WORK

Provide a written legal opinion of the current Wayland OPEB Trust Agreement and suggest modifications or new language that addresses relevant issues within the current Agreement.

SELECTION AND APPOINTMENT PROCESS FOR SPECIAL COUNSEL

The Town will issue a Request for Quotation (RFQ) outlining the deliverables.

Based on a 2014 Town Meeting action, the Board of Selectmen appoints legal counsel for the Town. Subject to Board appointment of Counsel, the Town Administrator as Chief Procurement officer will award a contract with appropriate terms subject to available funding.

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 18, 2014

Coastal Vineyards
David Neilson
61 Pardon Hill Rd.
South Dartmouth, MA 02748

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

Dear Mr. Neilson:

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".

Gregory C. Watson, Commissioner

| | | | |
|---|---|---|--|
| 3. Event Description | | Saturdays, | |
| What are the date(s) and time(s) of the event? | | January 10 - March 14, 2015, 10AM-2PM | |
| Is this an annual event? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| How does this event promote local agriculture? The Market provides a venue for farmers to sell vegetables, fruit, meat, honey, dairy products, animal fiber and wine. | | | |
| Are all or some of the products at the event grown and produced in Massachusetts? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| How many exhibitors have products that are grown or produced in Massachusetts? | | 85+ | |
| What is the total number of exhibitors at event? | | 45 - 60 vendors per week <i>PO 11/17/2014</i> | |
| Does the event include Massachusetts farmers selling their own goods? (If yes, please attach a list of vendors with brief descriptions) | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the event include competitive agriculture? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A |
| Does the event have operational guidelines or rules? (If yes, please attach a copy) | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Has the event been inspected by the Department in the last two years? If yes, what was the date of the inspection(s)? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A |
| Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No If yes, please identify: _____ |

| | | | |
|---|---------|-------------|----|
| 4. Event Management | | | |
| Name of Event Manager | | Peg Mallett | |
| Manager Address 397 Boston Post Road | | | |
| City | Wayland | State | MA |
| Zip | 01778 | | |
| Is this person the on-site manager? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| If no, please identify on-site manager (include contact information): _____ | | | |
| If there are multiple managers please list (include contact information): _____ | | | |

List or attach any credentials for training of the on-site manager (Attach resume if applicable):

Market Manager, Wayland Summer Farmers' Market, 2005-2014 Market Manager, Wayland Winter Farmers' Market, 2010-2014

4. General

Please attach or provide in the space below a plan depicting the premises and the specific location where the sale of wine will occur at the event as well as a detailed narrative of your plan operations (including the opportunity for sampling or sales only):

see attached

David W. Nelson
Signature of Applicant

11/10/14
Date

FW-63

Farm-Winery License Number

MA

State

FOR DEPARTMENT USE ONLY:

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.

Gregory C. Watson
Signature

11/18/2014
Date

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

Signature Date



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

**REVISED LIST OF PUBLIC DOCUMENTS
PROVIDED TO THE BOARD OF SELECTMEN
FROM DECEMBER 5, 2014, THROUGH AND
INCLUDING DECEMBER 11, 2014,
OTHERWISE NOT LISTED AND INCLUDED
IN THE CORRESPONDENCE PACKET FOR
DECEMBER 15, 2014**

Items Distributed To the Board of Selectmen –December 5-11, 2014

1. Email of 12/1/14 from Robert Irving, Chief of Police, to Board of Selectmen re: Request for Enforcement of Danforth Green Truck Exclusion

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of December 8, 2014

1. Letter of 12/8/14 from Gaglini Law Group re: Request for Enforcement of Truck Exclusion, Danforth Green LLC Agreement
2. Draft 2015 Annual Town Election and Annual Town Meeting Schedule
3. Revised Memorandum of 12/8/14 from Office of the Board of Selectmen re: 2015 Licensing
4. Revised Abandonment and Release of Dudley Street, Wayland Massachusetts
5. Artist's Rendition of Proposed Solar Panels at Wayland High School presented by Ellen Tohn, Energy Initiatives Advisory Committee

Items Included as Part of Agenda Packet for Discussion During the December 15, 2014 Board of Selectmen's Meeting

1. Memorandum of 12/11/14 from Brian J. Monahan, Conservation Administrator, to Board of Selectmen, re: Beard Conservation Restriction – 22 Hazelbrook Lane
2. Memorandum of 12/11/14 from Brian J. Monahan, Conservation Administrator, to Board of Selectmen, re: Sage Hill Land
3. Change of Manager Application, 12/11/14, from China Rose LLC, and Memorandum of 12/10/14 from Police Chief Robert Irving re: Manager Change
4. Memorandum of 12/1/14 from Permanent Municipal Building Committee re: Proposed Revised Charge for the Permanent Municipal Building Committee
5. Letter of 12/15/14 from Nan Balmer, Town Administrator, to Melanson and Heath, re: Management Letter for the Year Ended June 30, 2014
6. Memorandum of 12/15/14 from John Senchyshyn, Asst Town Administrator/HR Director, re: FY16 Staffing Requests
7. FY15 Monthly Health Insurance Cost Reconciliation and Unclassified Budget – Insurance 32B
8. Report of the Town Administrator for the Week Ending December 12, 2014



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 15, 2014
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Public Comment, China Rose
2. Letter of 11/24/14 from Cardno ATC to Nan Balmer, Town Administrator, re: Notification of Document Availability, 136 Boston Post Road
3. Decision dated 11/25/14 from the Massachusetts Land Court re: 150 Main Street LLC, Petitioner, vs. Arlene Martino, Respondent
4. Letter of 12/4/14 from Linda Segal to Planning Board re: Public Records Request
5. Email of 12/10/14 from Linda Segal to Board of Selectmen re: Raytheon's Powerpoint Presentation, December 3, 2014 Meeting
6. Monthly Report, Police Department, November 2014

Conservation Commission

7. Public Hearing, December 18, 2014, 484-490 Boston Post Road
8. Letter of 12/4/14 from Brian Monahan, Conservation Administrator, to Morrell Construction Inc., re: 344 Commonwealth Road
9. Letter of 12/4/14 from Brian Monahan, Conservation Administrator, to Winslow Property Management, re: 297 Boston Post Road

Minutes

10. Council on Aging/Community Center Advisory Committee, November 4, 2014
11. Municipal Affordable Housing Trust Fund Board, November 5, 2014
12. OPEB Advisory Committee, August 27, 2014

Region

13. Letter of 12/3/14 from Boston Region Metropolitan Planning Organization re: Development Process and Milestones – FFYs 2016-19 TIP

DiNapoli, MaryAnn

From: molly upton <23mupton@gmail.com>
Sent: Sunday, December 07, 2014 8:18 PM
To: Selectmen
Subject: re China Star

Hi,

This restaurant has not been in operation long, and while I wish them well, I think an entertainment license is something that is earned with good behavior.

Molly

--
Please note my new email

23mupton@gmail.com



Shaping the Future

November 24, 2014

Nan Balmer
Wayland Town Administrator
41 Cochituate Road
Wayland, MA 01778

via: US Mail

Cardno ATC

600 West Cummings Park
Suite 5450
Woburn, MA 01801

Phone +1 781 932 9400
Fax +1 781 932 6211
www.cardno.com

www.cardnoatc.com

**Subject: Notification of Document Availability
Permanent Solution with Conditions and Final Inspection Report
136 Boston Post Road
Wayland, MA 01778
MassDEP Release Tracking Number: 3-28024
Cardno ATC Job No.: 060.75118.4001**

Dear Ms. Balmer:

Cardno ATC provides this letter in accordance with Massachusetts Contingency Plan (MCP) 310 CMR 40.1403(3)(f) as notification that, on behalf of the Phillips 66 Company, a Permanent Solution with Conditions and Final Inspection Report has been submitted for the 136 Boston Post Road site in Wayland, Massachusetts Department of Environmental Protection Release Tracking Number 3-28024.

The Permanent Solution with Conditions and Final Inspection Report is available online by entering the above referenced MassDEP Release Tracking Number into the applicable search field at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>. Please contact the undersigned if you wish to obtain a copy of the submittal.

Sincerely,
Cardno ATC

Andrew Fiedler
Project Manager
for Cardno ATC
Direct Line +1 781 404 1427
Email: andrew.fiedler@cardno.com

cc: MassDEP Northeast Regional Office, Wilmington
Deborah LaMond, Phillips 66 Company

File: notification-wayland town administrator.docx

RECEIVED

DEC -4 2014

Board of Selectmen
Town of Wayland

Australia • Belgium • Canada • Colombia • Ecuador • Germany • Indonesia • Italy • Kenya • New Zealand • Papua New Guinea • Peru • Tanzania • United Arab Emirates • United Kingdom • United States • Operations in 85 countries

2

SEAL

COMMONWEALTH OF MASSACHUSETTS
Land Court
Department of the Trial Court
13 SBQ 12716 06-001 (AHS)

150 MAIN STREET, LLC,
Petitioner,
vs.

ARLENE MARTINO,
Respondent.

DECISION

Petitioner 150 Main Street, LLC (hereinafter "Petitioner") filed its Petition to Correct Easement Designation (the "S-Petition 2") on June 28, 2013, seeking to change the legal description of land referred to as a "Way" (hereinafter the "Subject Property") on a plan and a certificate of title for property owned by Petitioner, and to affirm that the Subject Property is an "easement" for the benefit of Respondent Arlene Martino (hereinafter "Respondent") as opposed to a public or private way.¹ On September 30, 2013, Respondent filed a Response to the Petition, seeking dismissal of the Petition or, in the alternative, a declaration that the Subject Property retains its description as a "Way." Status conferences were held on October 22, 2013 and December 10, 2013.

On January 6, 2014, Petitioner filed its Motion for Summary Judgment, together with supporting memorandum and appendix. Respondent filed its Response to Petitioner's Motion for Summary Judgment on February 3, 2014, together with Affidavits of Respondent Arlene Martino (the "Respondent Affidavit") and Leonard M. Davidson, Esq. Petitioner filed its Reply

¹ Respondent is the wife of Phillip J. Martino ("Phillip"). Phillip deeded Lot 4 to Respondent in September 2013, after the S-Petition 2 was filed.

3

in Support of its Motion for Summary Judgment, together with Affidavits of Andrew Browne (the "Browne Affidavit") and Jesse J. Adelman (the "Adelman Affidavit"), on February 10, 2014. On February 14, 2014, Respondent filed its Response to the Reply of Petitioner, together with the Affidavit of Nancy Leifer (the "Leifer Affidavit") and its Motion to Strike the Browne Affidavit and most of the Adelman Affidavit as irrelevant and including hearsay. Petitioner filed its Response to Respondent's Statement of Additional Material Facts and Opposition to Respondent's Motion to Strike on February 19, 2014. A Summary Judgment hearing was held on all motions on February 20, 2014, and the matter was taken under advisement.

The parties attended a status conference on June 24, 2014, at which time this court requested that the Town of Wayland (the "Town") be brought in to discuss the status of the Subject Property. All parties including the Town appeared at a status conference on July 29, 2014, and agreed to discuss settlement. On September 26, 2014, Petitioner filed its First Amended S Petition to Correct Easement Designation and to Consolidate Contiguous Lots (the "Amended Petition"). Respondent filed its Answer and Response on October 14, 2014.

Summary judgment is appropriate where there are no genuine issues of material fact and where the summary judgment record entitles the moving part to judgment as a matter of law. *See Cassesso v. Comm'r of Corr.*, 390 Mass. 419, 422 (1983); *Cnty. Natl. Bank v. Dawes*, 369 Mass. 550, 552 (1976); Mass. R. Civ. P. 56(c).

This court finds that the following material facts are not in dispute:

1. Cornelius J. Maguire ("Maguire") filed a registration plan of his land with the Middlesex (South) Registry District of the Land Court (the "Registry"). The land was shown as eight lots (numbered 1-8), and the Subject Property marked "Way" (the "Maguire Land"), on and

near West Plain Street in the Town, on a registration plan dated September 15, 1927 and entitled "Plan of Land in Wayland" prepared by Edward H. Howard, Civil Engineer, Plan 12716A ("Plan A").^{2 3} Certificate of Title No. 27958 (the "Certificate of Title") was issued to Maguire on December 14, 1928.

2. A registration plan dated December 4, 1946 and entitled "Land in Wayland" prepared by E. H. Howard, C. E., Plan 12716B ("Plan B") that depicted Lots 1, 2, 3, 4, 8, A, B and Way, and showed a subdivision of Lots 5, 6 and 7 on Plan A into Lots A and B, was filed with the Registry.⁴

3. No public authority has subsequently laid out a public way over any portion of the Subject Property on either Plan A or Plan B. Maguire never recorded a grant of easement or other instrument giving the general public any rights to pass and re-pass over the Subject Property, or any other right, title or interest in the Subject Property. The Subject Property is a paved way.

4. By deed dated December 10, 1946 (the "Lot A Deed"), Maguire conveyed to Lyle C. and Norma L. Shuflet the land depicted as Lot A on Plan B. Included in the Lot A Deed was "a right of way over the private way shown on said plan running from the granted premises to West Plain Street."

² The land marked "Way" on Plan A (and on subsequent plans, as discussed, *infra*) provided access from the eight lots owned by Maguire to West Plain Street.

³ It is unclear from the summary judgment record the manner in which Maguire's lots shown on Plan A were created, or whether there was an earlier subdivision plan of record.

⁴ The subdivision plan approved by the Wayland Planning Board (the "Planning Board") is not a part of the summary judgment record.

5. By deed dated May 20, 1947 (the "Lot 4 Deed"), Maguire conveyed to Onis J. and Edith O. Savoy Lot 4 depicted on Plan A.⁵ One of the boundaries was "Westerly by a private way shown on said plan, there measuring seventy (70) feet." Included in the Lot 4 Deed was "the right to pass and re-pass for all purposes for which ways are commonly used over the private way shown of said plan."

6. By deed dated July 28, 1959, Maguire conveyed to Anselm Delaney and Esther Delaney Lots 1, 2 and 3 as depicted on Plan A. Included in this deed was the language "all rights to pass and re-pass over the private way as shown on Plan A in common with others for all purposes for which public ways are used in the Town of Wayland."

7. By deed dated May 6, 1963, Maguire conveyed to Gerard Finnerty ("Finnerty") Lots 8 and B depicted on Plan B. Included in this deed was the language "[t]ogether with all right, title and interest which I have or may have in said way as shown on [Plan B]."

8. By deed dated December 27, 1973 (the "Respondent Deed"), Onis J. and Edith O. Savoy conveyed Lot 4 to Phillip. The Respondent Deed references the westerly boundary as "by a way, shown on said plan, now known as Hammond Road, 70 feet," and states "[t]ogether with the right to pass and repass for all purposes for which ways are commonly used over the private way shown on said plan." On January 3, 1974, a Transfer Certificate of Title certifying Phillip as the owner of Lot 4 was filed with the Registry.

9. By deed dated December 23, 2010, the Gerard W. Finnerty Trust and the executrix of the Estate of Gerard W. Finnerty conveyed Lots 1, 2, 3, 8 and B as shown on Plan B to

⁵ Lot 4 is now known and numbered as 9 Hammond Road.

Petitioner.⁶

10. On March 7, 2011, Petitioner filed S Petition Case No. 11 SBQ 12716 03-001 (the “S- Petition 1”), seeking a decree that Petitioner owned the fee interest in the Subject Property.

11. By decree dated December 16, 2011 (the “Land Court Decree”), which was assented to by the owners of Lot 4 and Lot A, the Land Court issued an order in the S-Petition 1 that

the fee in the Way shown on Plan No. 12716-B is owned by 150 Main Street, LLC pursuant to Deed Document No. 1557389. The fee to the center line in said Way, adjacent to Lots 1, 2, 3 and 8 on Plan No. 12716-A and Lot B on Plan No. 12716-B shall, upon any subsequent conveyance of said lots, be transferred pursuant to G.L. ch. 183, § 58 while the fee that is adjacent to Lot 4 on Plan No. 12716-A but owned by 150 Main Street, LLC can be conveyed only by the filing of a subdivision plan with the Land Court which delineates that portion of the Way.

The Land Court Decree further ordered

that the Way is subject to the rights of the owner of Lot A on Plan No. 12716-B and the owner of Lot 4 on Plan No. 12716-A to pass and repass for all purposes for which ways are commonly used as set forth in Certificate of Title Nos. 142906 (Lot 4) and 235335 (Lot A).

The Land Court Decree confirmed that Petitioner owned Lots 1, 2, 3, 8, B and the Subject Property as shown on Plan B. Phillip assented to the Land Court Decree.

12. By deed dated May 9, 2013, Petitioner acquired Lot A as shown on Plan B. Lot A, together with Lots 1, 2, 3, 8, B and the Subject Property, are referred to as “Petitioner Property.”

13. On June 19, 2013, the Planning Board approved Petitioner’s Application for Site Plan Approval (the “Site Plan Approval”) for the proposed construction of a “CVS/Pharmacy with 11,968 gross square feet of area on the first floor and 1,973 gross square feet of mezzanine area with a drive through window for prescriptions and medications only and 103 parking

⁶ The deed into Finnerty of Lots 1, 2 and 3 as shown on Plan B is not included in the record, but Defendant does not dispute Petitioner’s ownership of these lots.

spaces” on Petitioner Property. Condition 30 of the Site Plan Approval states:

Prior to exercising any rights under this decision, the Applicant shall provide written evidence to the Planning Board, in acceptable legal form as determined by Town Counsel, showing that the way (known as Hammond Road) shown on Land Court Plan No. 12716B has been eliminated by merging the fee in the way into the lot or lots adjoining said way, subject to an access easement for Lot 4 on said plan.

14. By deed dated September 5, 2013, Phillip deeded Lot 4 to Respondent.

15. Pursuant to Paragraph 7 of the Adelman Affidavit, Petitioner posted “Not a Public Way” and “Private Property” signs on the Subject Property, at the intersection of West Plain Street and the Subject Property, in early November of 2013.

16. On December 4, 2013, Petitioner’s manager sent a written request to the Director of the Wayland Department of Public Works (the “DPW”) that the DPW cease plowing of all snow from the Subject Property.

This case concerns the status of the Subject Property owned by Petitioner that is used by Respondent to access West Plain Street from Lot 4. Petitioner argues that the Subject Property, instead of being a private way, is an area of land over which Respondent has deeded easement rights to pass and re-pass. Respondent contends that the Subject Property is a private way and that the doctrine of issue preclusion (the Land Court Decree ruling, they allege, that the Subject Property was a private way) bars the determination by this court in the case at bar of whether the Subject Property is a private way or an easement. Though not included in the S-Petition 2, Petitioner argued in its Motion for Summary Judgment that, as the Land Court Decree confirmed that Petitioner owns the Subject Property in fee, Petitioner has the right to consolidate the Subject

Property with Lots 1, 2, 3, 8, A and B into a single parcel.⁷ I shall address each of these issues in turn.

I. Respondent's Motion to Strike

Respondent has moved to strike the Browne Affidavit and portions of the Adelman Affidavit. I shall address Respondent's Motion to Strike with respect to each affidavit separately.

A. Browne Affidavit

Respondent contends that the Browne Affidavit, which attests to Petitioner's submission of a plan to consolidate the Subject Property with Lots 1, 2, 3, 8, A and B, concerns a matter that is not before this court. However, the consolidation issue was included in the Amended Petition. As such, I find that the Browne Affidavit should not be stricken.

B. Adelman Affidavit

Respondent also argues that the Adelman Affidavit should largely be stricken for irrelevance and for hearsay. Specifically, Respondent contends that Paragraphs 2, 3, 4, 5 and 7 of the Adelman Affidavit address matters that are unrelated to the issue of the Subject Property's status as either a private way or an easement. As discussed, supra, the Amended Petition does address the consolidation issue. Paragraphs 2, 3 and 4 concern Petitioner's consolidation plan, Paragraph 5 involves the posting of a "Private Property" sign on the Subject Property and relates to the determination of whether or not the Subject Property is a private way. Likewise, Paragraph 7 involves Petitioner's own statement about Petitioner posting "Not a Public Way" and "Private Property" signs at the entrance to the Subject Property, which relate to the issue of whether the Subject Property is a private way. As such, I find that Paragraphs 2, 3, 4, 5 and 7 of

⁷ Petitioner filed the Amended Petition to that effect on September 26, 2014.

the Adelman Affidavit should not be stricken.

Additionally, Respondent contends that Paragraph 6 of the Adelman Affidavit, which relates to “stories [Adelman] heard” about Respondent maintaining their sign and calling the police to have cars towed from an adjoining property, as hearsay. Respondent further contends that Paragraph 8 of the Adelman Affidavit, which refers to the Town Counsel’s January 23, 2014 opinion to the Board of Public Works that “the Way is not a Town way or a private way open to public use” should be stricken because it involves hearsay. Petitioner responds that, if Paragraph 8 is to be excluded, then Paragraph 3 of the Leifer Affidavit provided by Respondent should also be stricken for hearsay. Paragraph 3 of the Leifer Affidavit involves the Town Counsel’s May 15, 2013 e-mail to Petitioner’s prior counsel, in which the Town Counsel stated that the Subject Property was accessible to the public. As Paragraphs 6 and 8 of the Adelman Affidavit and Paragraph 3 of the Leifer Affidavit all involve the affiant attesting to the actions or statements of another person instead of their own actions or statements, such paragraphs are hearsay. As a result of the foregoing, I find that Paragraphs 6 and 8 of the Adelman Affidavit and any attached exhibits and Paragraph 3 of the Leifer Affidavit and any attached exhibits will be stricken on the grounds of hearsay.

II. Status of the Subject Property

A. Public Way

It does not appear that the Subject Property is a public way. Massachusetts law currently allows for only two methods of creating a public way: (1) laying out and establishment by a public authority or (2) by prescription.⁸ G.L. c. 84, § 23. In the present matter, on Plan A, which

⁸ “[P]rior to 1846, a dedication by the owner to public use, permanent and unequivocal, coupled with an express or implied acceptance by the public [was another method of obtaining public status]. Because the 1846

first depicted the Subject Property, the Subject Property was not laid out and established by a public authority and the summary judgment record does not reflect that any public authority has subsequently laid out a public way over any portion of the Subject Property. *See e.g., Fenn v. Middleborough*, 7 Mass. App. Ct. 80, 83-84 (1979); *W.D. Cows, Inc. v. Woicekoski*, 7 Mass. App. Ct. 18, 19 (1979). Additionally, as Maguire registered the Subject Property (as well as the remainder of the Maguire Land) in 1928, there is no possibility that the Subject Property became a public way by prescription. G.L. c. 185, § 53 (“No title to registered land, or easement or other right therein, in derogation of the title of the registered owner, shall be acquired by prescription or adverse possession”).

Though no specific evidence of public use of the Subject Property was included in the summary judgment record, Respondent asserts in the Respondent Affidavit that the Subject Property “has been utilized by the public for access” for at least thirty-five years. However, even if the public did use the Subject Property in the decades before Petitioner’s posting of signs indicating the Subject Property was private property in November 2013, this public use would not alter the Subject Property’s status. Such public use may have made the Subject Property a private way open to public use by permission of the owner (Petitioner). *See Opinion of the Justices*, 313 Mass. 779, 782 (1943). Any public-use of the Subject Property was therefore akin to a license that was terminable at any time by Petitioner and was terminated by Petitioner’s posting of the November 2013 signs. *Woicekoski*, 7 Mass. App. Ct. at 19-20, citing *Opinion of the Justices*, 313 Mass. at 783 (“there can be private ways, which are ‘defined ways for travel,

statute put an end to the creation thereafter of public ways by dedication and acceptance, it has only been possible since that time to create a public way by laying out in the statutory manner or by prescription.” *Fenn v. Middleborough*, 7 Mass. App. Ct. 80, 84 (1979) (citations omitted). There is no evidence in the summary judgment record of any dedication occurring prior to 1846.

not laid out by public authority or dedicated to public use, that are wholly the subject of private ownership, which are open to public use “by license or permission” of the owner; however, such use “may be terminated at any time at the will of the owner”). As a result of the foregoing, I find that the Subject Property is not a public way and that any public use of the Subject Property was tantamount to a license revocable by Petitioner at any time.

B. Private Way.

Respondent argues that the Land Court Decree ruled that the Subject Property was a private way and that the doctrine of issue preclusion bars a determination of whether or not the Subject Property is a private way in the case at bar. *See e.g., Jarosz v. Palmer*, 436 Mass. 526 (2002); *Petrillo v. Zoning Bd. of Appeals of Cohasset*, 65 Mass. App. Ct. 453 (2006). The doctrine of issue preclusion 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*, 436 Mass. at 530-531. The Land Court Decree examined the question of ownership of the Subject Property and determined that Petitioner owned the Subject Property in fee. The Land Court Decree referred to the Subject Property as “the Way” but never defined the Subject Property as a private way. Moreover, there is no evidence in the summary judgment record that the issue of whether the Subject Property is a private way was litigated in the S-Petition 1 case resulting in the Land Court Decree, that the status of the Subject Property as a private way was ever determined by this court, or that any consideration of whether the Subject Property was a private way or easement was essential to this court’s judgment in the Land Court Decree. As such, I find that the Land Court Decree did not make a determination of whether the

Subject Property was a private way and the determination of the Subject Property's status is not barred in the present matter on the basis of issue preclusion.⁹

Notwithstanding the foregoing, however, and guided by the possible definition of a private way provided by the Massachusetts Supreme Judicial Court ("SJC") in *Opinion of the Justices*, it appears that the Subject Property is a private way. In *Opinion of the Justices*, the SJC, while recognizing that "private way" was a term "susceptible to many meanings" offered the following guidance:

[T]he words [private way] may well mean or include defined ways for travel, not laid out by public authority or dedicated to public use, that are wholly the subject of private ownership, either by reason of the ownership of the land upon which they are laid out by the owner thereof, or by reason of ownership of easements of way over land of another person. *Id.* at 782-783.

The Subject Property includes a specifically defined way of travel, as shown in the summary judgment record, as the Subject Property is the only access evident in the summary judgment record by which Respondent can access Lot 4 from West Plain Street. Moreover, as shown on Plan A, six of the eight lots established by that plan had no form of access to a public way except by means of the Subject Property.

Even without consideration of the SJC's proffered (and by no means exhaustive)

⁹ However, it should be noted that in the Land Court Decree, one of the findings was that The fee to the center line in said way, adjacent to Lots 1, 2, 3 and 8 on Plan No. 12716-A and Lot B on Plan No. 12716-B shall, upon any subsequent conveyance of said lots, be transferred pursuant to G. L. ch. 183, § 58 while the fee that is adjacent to Lot 4 on Plan No. 12716-A but owned by 150 Main Street, LLC can be conveyed only by the filing of a subdivision plan with the Land Court which delineates that portion of the Way. The reference to G. L. c. 183, § 58, indicates that the fee to portions of Petitioner Property is to be treated as "real estate abutting a way." Moreover, the language relative to the portion of the way adjacent to Lot 4 indicates that that portion of the Subject Property can't be conveyed without filing a subdivision plan, also implicating a private way.

definition of a private way, the Subject Property would still be regarded as a private way as a result of an express grant of right of way from Maguire to Respondent's predecessors in title. The Lot 4 Deed expressly grants Respondent's predecessors in title the "right to pass and re-pass for all purposes for which ways are commonly used over the *private way* shown on said plan" (emphasis added). This language is registered in Phillip's certificate of title. The "way" is in a fixed location as determined by the Land Court.¹⁰ The basic principle governing the interpretation of deeds is that their meaning, derived from the presumed intent of the grantor, is to be ascertained from the words used in the written instrument, construed when necessary in the light of the attendant circumstances. *Estes v. DeMello*, 61 Mass. App. Ct. 638, 641-642 (2004). In the present matter, the plain language used by Maguire, the grantor, in the Lot 4 Deed can be reasonably interpreted to mean that the Subject Property, over which Respondent has the right to pass and re-pass, was intended to be a private way.¹¹ Moreover, the boundary description in the Respondent Deed refers to the way as "now known as Hammond Road," a further indication that the Subject Property was intended as a way.

¹⁰ Phillip's certificate of title states that "[a]ll of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 184, Page 157, with Certificate 27958."

¹¹ Respondent also argues that Petitioner is estopped from denying that the Subject Property is a private way. While it is established that, when a grantor conveys land bounded by an actual or contemplated street or way, he is estopped to deny the existence of such way and "the right thus acquired by the grantee is not only coextensive with the land conveyed, but embraces the entire length of the way, as it is then laid out", it is not certain whether the grantor or those claiming under him is estopped from denying that such a way is a private way. *See Estes*, 61 Mass. App. Ct. at 643. However, as the guidelines provided by the SJC in *Opinion of the Justices* coupled with Lot 4 Deed's explicit reference to the Subject Property as a private way when granting Respondent's predecessors the right to pass and re-pass, point to the conclusion that the Subject Property is indeed a private way, the estoppel argument is not essential to determining the Subject Property's status.

As a result of the foregoing, I find that the Subject Property is a private way.

Furthermore, the record strongly supports the status of the Subject Property as a private way through six additional means:

1) The Town Bylaws.

Even though Black's defines a "right-of-way" as both an easement or "right to travel over another's property," or a "right to build and operate a railway line or a highway on land belonging to another," the Bylaws define "right-of-way" as

[t]he full strip of land, whether public or private, designated for vehicular and sometimes pedestrian traffic, consisting of the pavement or traveled way and any planting strips and sidewalks. A right-of-way so designated shall be available only for such uses as are customary for rights-of-way in the Town of Wayland and shall not be available for any private construction, such as buildings, fuel tanks, septic systems, fences, walls or paved parking areas.

It is clear from this definition that the Town considers a right-of-way as available only for use as a way and not "for any private construction," such as the Site Plan Approval for the CVS. The distinguishing factor appears to be whether the "way" abuts the property and is used as access to the property, or a "way" through someone else's property (i.e. an easement). This is further borne out by the Black's definition of easement as "an interest in land owned by another person."

2) The Town naming of the "way".

The Subject Property is named Hammond Road. The Respondent Deed references one of the boundaries as "a way, shown on said plan, now known as Hammond Road." This deed dated 1973 shows that the Subject Property has been named Hammond Road for more than forty years.

3) The derelict fee statute/ Land Court Decree.

The derelict fee statute (G. L. c. 183, § 58) states “[e]very instrument passing title to real estate abutting a way, whether public or private, watercourse, wall, fence or other similar linear monument, shall be construed to include any fee interest of the grantor in such way, watercourse or monument . . .”¹² The purpose of the Derelict Fee Statute was to define ownership of properties which serve as linear monuments to property such as a way. The Land Court Decree incorporates the Derelict Fee Statute into the decree, stating “[t]he fee to the center line in said Way . . . shall, upon any subsequent conveyance of said lots, be transferred pursuant to G. L. ch. 183, § 58.” It was clear that the decree treated the Subject Property as a way (public or private) which was a boundary way and not an easement way. Moreover, the Land Court Decree made even more specific reference to the portion of the Subject Property abutting Lot 4, stating “the fee that is adjacent to Lot 4 . . . can be conveyed only by the filing of a subdivision plan with the Land Court which delineates that portion of the Way.” The filing of a subdivision plan confirms that the court required, and a deed of the fee interest in the Subject Property must be done by, a subdivision plan which requires adequate access to Lot 4 through a subdivision by means of a way. The major requirement of a subdivision is to assure that all lots within the subdivision have adequate access through a way approved by the planning board.

4) Record title to Respondent Property

All deeds in Respondent’s chain of title to Petitioner Property reference the Subject Property as a way “for all purposes for which ways are commonly used over the private way

¹² The purpose of the derelict fee statute was “to clarify ownership and ease the difficulty of identifying the owners of the small strips of land that lay beneath highways, streams, walls, and other similar boundaries and to quiet title to sundry narrow strips of land that form the boundaries of other tracts. See Sears v. Building Inspector of Marshfield, 73 Mass. App. Ct 913 (2009).

shown on [Plan B].”¹³ Such language is generally associated with a way used as a highway rather than an easement way through someone’s property.

5) Physical condition of way.

The record discloses that the Subject Property is paved. This adds further credence to its status as a private way.

6) Site Plan Approval.

The Site Plan Approval which Petitioner received from the Wayland Planning Board shows the CVS parking lot going through the Subject Property. There is no protection for Respondent’s access rights to Lot 4 unless the Subject Property is designated as a way. The Site Plan Approval does not show any other access right for Lot 4.

III. Whether Petitioner Can Consolidate the Subject Property and Other Lots into Single Lot

Petitioner argues in its Motion for Summary Judgment that, even if the Subject Property is a private way, Petitioner has the right under G.L. c. 41, § 81P, which allows an owner of land to secure a planning board endorsement that “approval [of a plan] under the subdivision control law [is] not required”, to consolidate the parcels that comprise Petitioner Property (including the Subject Property).¹⁴ See *Matulewicz v. Planning Bd. of Norfolk*, 438 Mass. 37, 42 (2002).

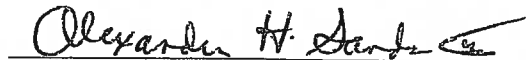
¹³ Most of the deeds in the chain of Petitioner Property also use this same language in referencing the private way.

¹⁴ An 81P endorsement (Form A) is usually used to divide and not consolidate parcels of land. A planning board is bound to make such an endorsement unless the plan presented shows a subdivision. See *Gates v. Planning Bd. of Dighton*, 48 Mass. App. Ct. 394, 395 (2000). Petitioner’s position is that its desired consolidation of Petitioner Property into a single parcel involves a “perimeter plan” that is eligible for endorsement under Section 81P and that Petitioner is entitled to an order allowing it to file a

However, this court notes that Condition 30 of the Site Plan Approval requires Petitioner to eliminate the Subject Property and provide access for Lot 4. The plan attached to the Site Plan Approval does not show any access over Petitioner Property for Lot 4. It appears that Petitioner is putting the cart before the horse. Attempting to distinguish whether an access way is a private way or an easement may appear to be a matter of semantics, but the real issue is what protections Respondent has to secure its access rights. The Site Plan Approval emphasizes the problems inherent in this issue. As a result, I find that Petitioner may consolidate any lots included in Petitioner Property except for the Subject Property.

For the foregoing reasons, Petitioner's Motion for Summary Judgment is DENIED.

Judgment to issue accordingly.



Alexander H. Sands, III

Justice

Dated: November 25, 2014

plan consolidating Petitioner Property and the Subject Property into a single lot with the Planning Board. See *Casagrande v. Town Clerk of Harvard*, 377 Mass. 703, 707 (1979); *Cape Ann Land Dev. Corp. v. Gloucester*, 371 Mass. 19, 21-23 (1976); *Cumberland Farms, Inc. v. Planning Bd. of West Bridgewater*, 64 Mass. App. Ct. 902, 902 (2005). Section 81L defines "subdivision" as "the division of a tract of land into two or more lots;" however, such division of lots is not deemed to be a subdivision if there is proper access to the divided lots as defined in § 81L. Section 81L also states that "[c]onveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth . . . shall not constitute a subdivision." The problem is that consolidation of lots as contemplated by Petitioner leaves Lot 4 standing alone without frontage on an access way and would appear to violate the underlying requirement for a Form A. In addition, the Land Court Decree requires a subdivision if any portion of the Subject Way abutting Lot 4 is transferred.

SEAL

COMMONWEALTH OF MASSACHUSETTS

Land Court

Department of the Trial Court
13 SBQ 12716 06-001 (AHS)

150 MAIN STREET, LLC,
Petitioner,
vs.

ARLENE MARTINO,
Respondent.

JUDGMENT

Petitioner 150 Main Street, LLC (hereinafter "Petitioner") filed its Petition to Correct Easement Designation ("the S-Petition 2") on June 28, 2013, seeking to change the legal description of land referred to as a "Way" (hereinafter the "Subject Property") on a plan and a certificate of title for property owned by Petitioner, and to affirm that the Subject Property is an "easement" for the benefit of Respondent Arlene Martino (hereinafter "Respondent") as opposed to a public or private way.¹ On September 30, 2013, Respondent filed a Response to the Petition, seeking dismissal of the Petition or, in the alternative, a declaration that the Subject Property retains its description as a "Way". Status conferences were held on October 22, 2013 and December 10, 2013.

On January 6, 2014, Petitioner filed its Motion for Summary Judgment, together with supporting memorandum and appendix. Respondent filed its Response to Petitioner's Motion for Summary Judgment on February 3, 2014, together with Affidavits of Respondent Arlene Martino (the "Respondent Affidavit") and Leonard M. Davidson, Esq. Petitioner filed its Reply in Support of its Motion for Summary Judgment, together with Affidavits of Andrew Browne (the "Browne Affidavit") and Jesse J. Adelman (the "Adelman Affidavit"), on February 10, 2014. On February 14, 2014, Respondent filed its Response to the Reply of the Petitioner, together with the Affidavit of Nancy Leifer (the "Leifer Affidavit") and its Motion to Strike the Browne Affidavit and most of the Adelman Affidavit as irrelevant and including hearsay. Petitioner filed its Response to Respondent's Statement of Additional Material Facts and Opposition to Respondent's Motion to Strike on February 19, 2014. A Summary Judgment hearing was held on all motions on February 20, 2014, and the matter was taken under advisement.

The parties attended a status conference on June 24, 2014, at which time this court requested that the Town of Wayland (the "Town") be brought in to discuss the status of the Subject Property. All parties including the Town appeared at a status conference on July 29,

¹ Respondent is the wife of Phillip J. Martino ("Phillip"). Phillip deeded Lot 4 to Respondent in September 2013, after the S-Petition 2 was filed.

2014, and agreed to discuss settlement. On September 26, 2014, Petitioner filed its First Amended S Petition to Correct Easement Designation and to Consolidate Contiguous Lots. Respondent filed its Answer and Response on October 14, 2014. A decision of today's date has been issued (the "Decision"). In accordance with the Decision, it is hereby:

ORDERED and ADJUDGED that the Browne Affidavit should not be stricken.

ORDERED and ADJUDGED that Paragraphs 2, 3, 4, 5 and 7 of the Adelman Affidavit should not be stricken.

ORDERED and ADJUDGED that Paragraphs 6 and 8 of the Adelman Affidavit and any attached exhibits and Paragraph 3 of the Leifer Affidavit and any attached exhibits will be stricken on the grounds of hearsay.

ORDERED and ADJUDGED that the Subject Property is not a public way and that any public use of the Subject Property was tantamount to a license revocable by Petitioner at any time.

ORDERED and ADJUDGED that the Land Court Decree dated December 16, 2011, did not make a determination of whether the Subject Property was a private way and the determination of the Subject Property's status is not barred in the present matter on the basis of issue preclusion.

ORDERED and ADJUDGED that the Subject Property is a private way.

ORDERED and ADJUDGED that Petitioner may consolidate any lots included in Petitioner Property (Lots 1, 2, 3, 8, A, B and the Subject Property) except for the Subject Property.

ORDERED and ADJUDGED that Petitioner's Motion for Summary Judgment is DENIED.

AHS
By the court. (Sands, J.)

Attest:

Dated: November 25, 2014

Deborah J. Patterson
Recorder

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

✓ 12/8/14

RECEIVED

DEC -5 2014

Board of Selectmen
Town of Wayland

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

Keeper of the Records
Wayland Planning Board
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

December 4, 2014

RE: Public Records Request

Dear Chairman Colleen Sheehan and Members and Associate Member of the
Wayland Planning Board:

During numerous 2014 televised Planning Board public meetings, there have
been board discussions on the topic of needed zoning bylaw revisions.

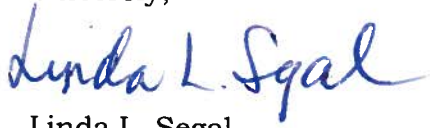
On several occasions, Town Planner Sarkis Sarkisian has stated that he has
communicated and/or is communicating on the Board's behalf with attorney
Pat Cantor, given her history of working for the Town in the past on this
matter.

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, §18-25, I respectfully
request access to any and all emails, attachments and other written
communications during the year 2014 between and among the Town Planner
and Planning Board members/associate member and attorney Pat Cantor on
the subject of the scope of work for zoning bylaw revisions and the associated
cost estimates.

The law requires a response to this request within ten calendar days. Kindly
inform me in writing when these requested public documents will be available in the
Planning Department office. If they can be provided electronically, that efficiency
would be greatly appreciated. To be clear, my request is from me personally, as a
resident of this community.

Thank you.

Sincerely,



Linda L. Segal

cc: Wayland Town Planner
Wayland Town Administrator ✓
Wayland Town Clerk

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2014 DEC -4 PM 3:52



DiNapoli, MaryAnn

From: Linda Segal <lmlsegal@comcast.net>
Sent: Wednesday, December 10, 2014 12:25 PM
To: Balmer, Nan; DiNapoli, MaryAnn
Cc: Selectmen; Linda L. Segal
Subject: BoS Correspondence - Raytheon PIP Powerpoint
Attachments: RaytheonPIPPresentation3Dec2014.pdf

Good afternoon.

Attached please find Raytheon's Powerpoint from the Dec. 3 PIP meeting for inclusion in the next (Dec. 15) selectmen's correspondence packet.

I had tried scanning the hard copy version handed out that evening, but the smaller font and scanning resolution were not clear enough. Their project team kindly provided this attachment.

Please let me know if you have any difficulty opening it.

Thanks,
Linda

Remediation Status Update Former Raytheon Facility Wayland, Massachusetts

**Integrated Defense Systems
Jonathan Hone**

December 3, 2014

Outline

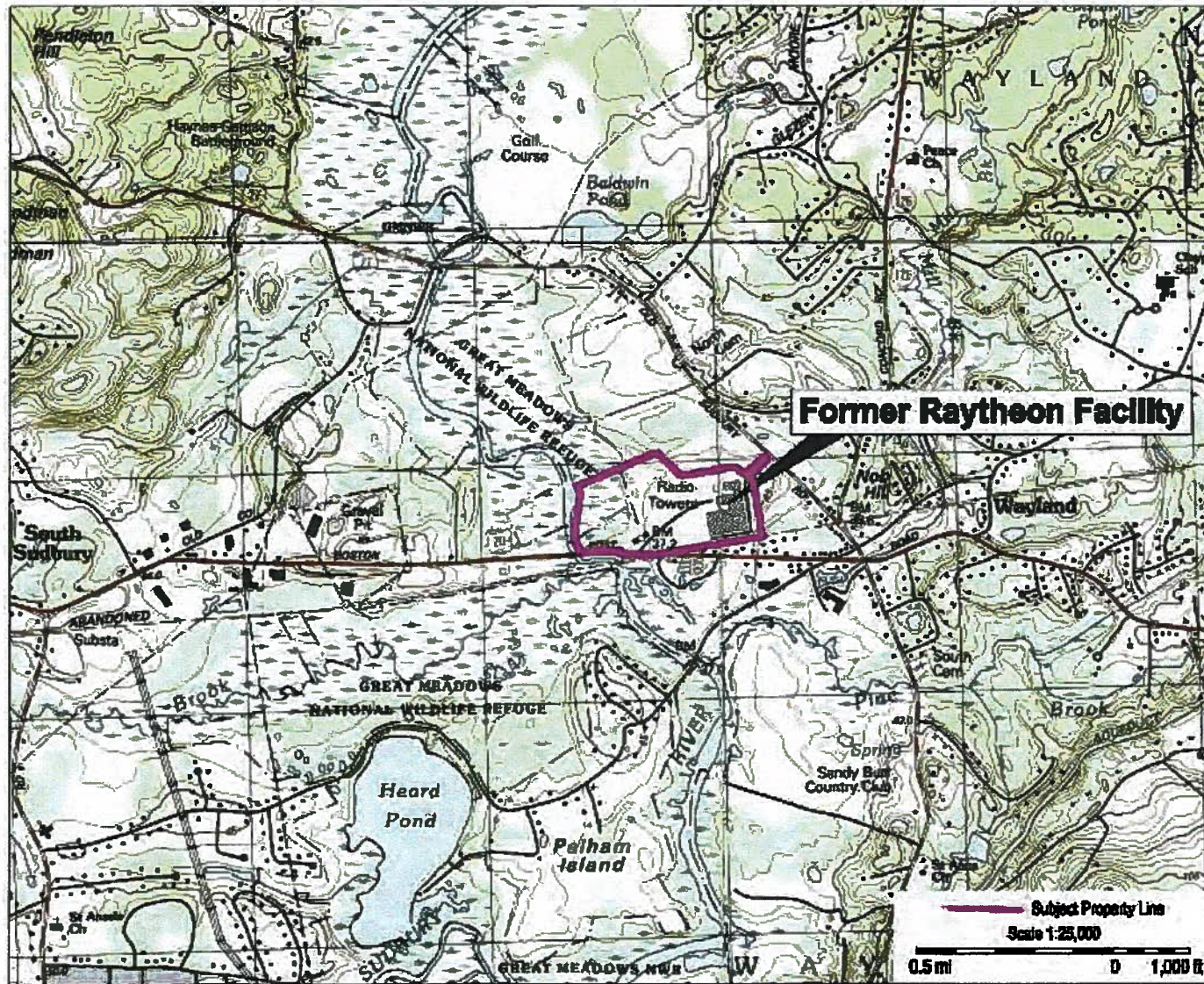
- Team Introductions
 - John Drobinski, LSP, Environmental Resources Management
 - Dr. Sami Fam, Innovative Engineering Solutions
 - Lyndsey Colburn, PM, Environmental Resources Management

- Site Overview

- 2014 Site Activities
 - Site-Wide Activities
 - Southern Area
 - Northern Area Bioremediation

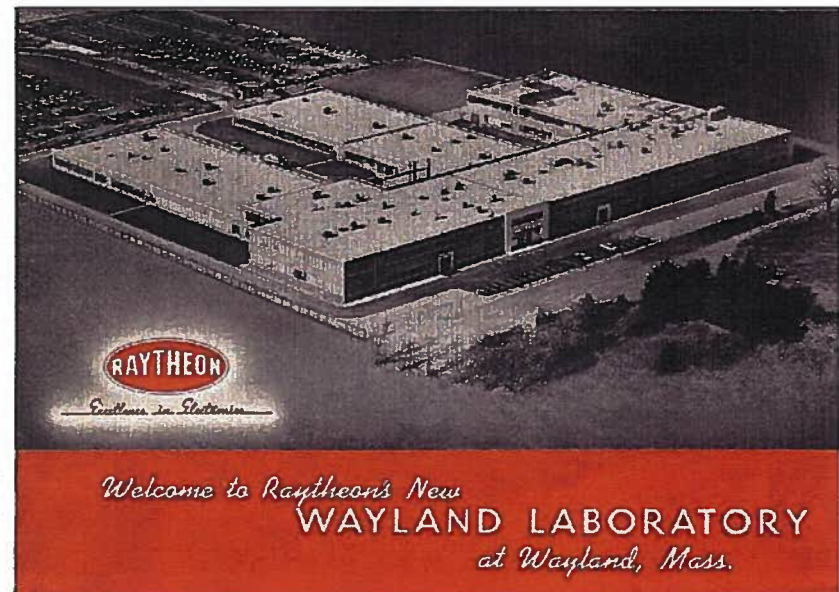
- Q&A

Locus Plan



Site Overview

- Radar testing and development (1957-1995)
- Contamination discovered in 1996
- Regulated by the Massachusetts DEP
- Historic Site Contaminants
 - PCE, TCE, 1,4-Dioxane, PCBs, metals
- Extensive Site Investigation (ongoing)
- 2 Primary Areas of Current Activity
 - Northern Area- Bioremediation
 - Southern Area – Chemical Oxidation
- 2 large soil removals & wetland restoration
- Activity & Use Limitations (AUL) have been implemented at the site
- Groundwater flow is generally to the west
- Located within drinking water zone
 - Baldwin Pond Wells
- Ongoing site redevelopment since 2009
 - Wayland Commons
 - Wayland Town Center
 - River Trail Place



Wayland Site Plan



2014 Activities

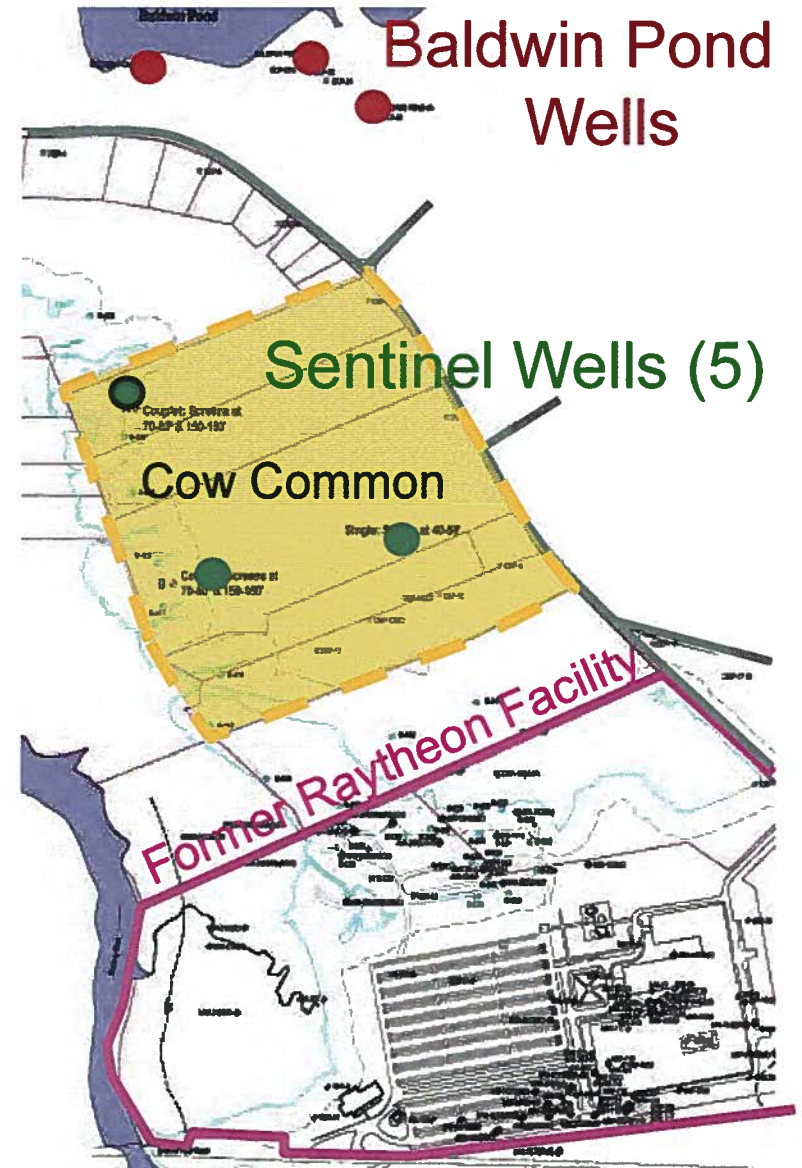
- Remedy Operation Status (ROS) Reports submitted in May & November
 - Available online and at the Town repository

- Groundwater quality monitoring
 - Cow Commons sampling
 - Southern Area Groundwater Sampling
 - Pending Groundwater Investigation

- Northern Area Bioremediation System
 - Bioremediation System Operation, Maintenance & Monitoring
 - Groundwater monitoring
 - Injection and recirculation of Amended Groundwater

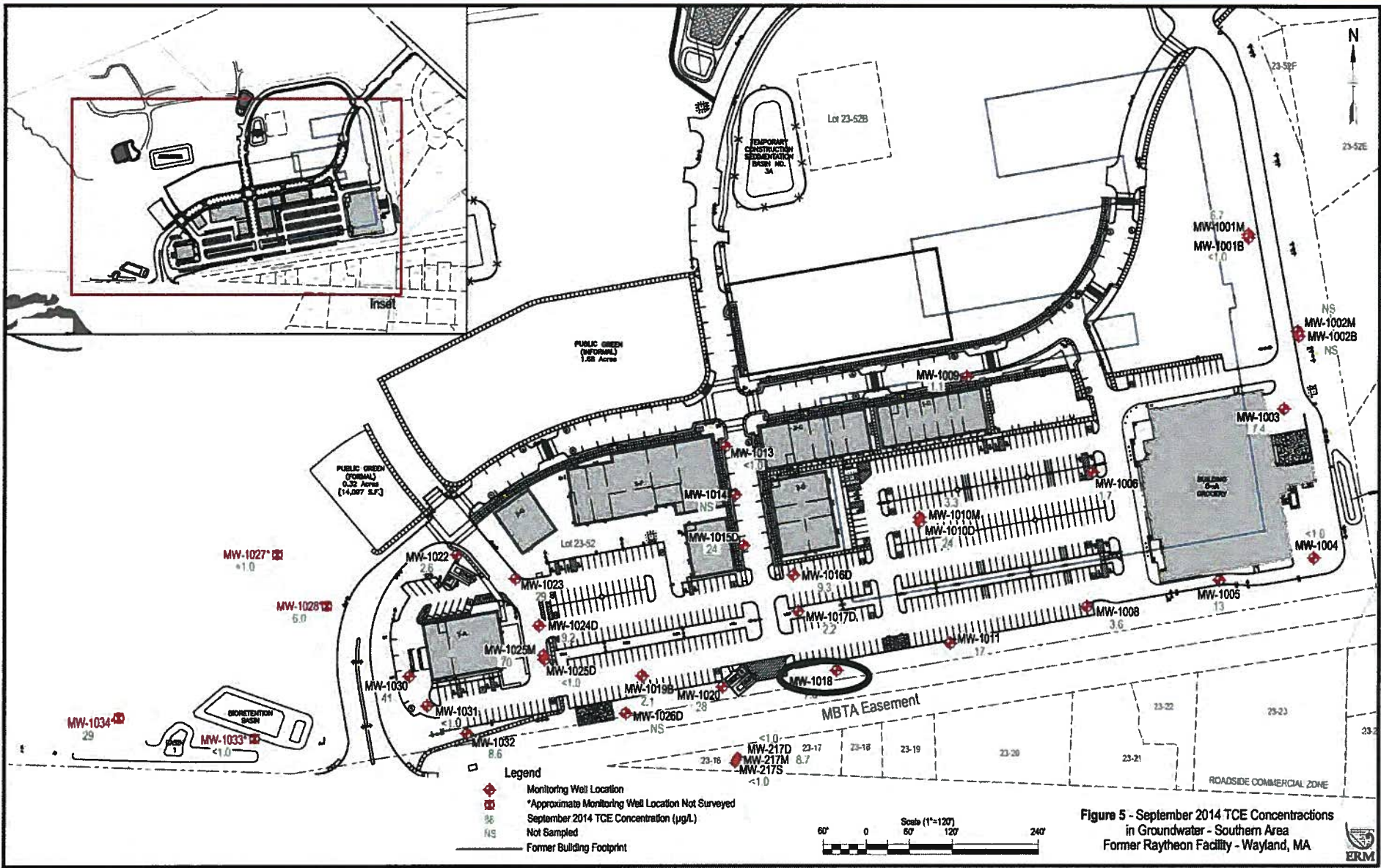
Cow Common/Sentinel Wells

- Groundwater samples collected from wells in September 2014
 - Analyzed for VOCs by Method 8260B
- All samples were Not Detected above the laboratory detection limit (ND)
 - SEN-1 was not sampled due to a Wasp infestation
- No detections of previously identified compounds: carbon disulfide, chloroform, ethyl-tert-butyl ether, toluene

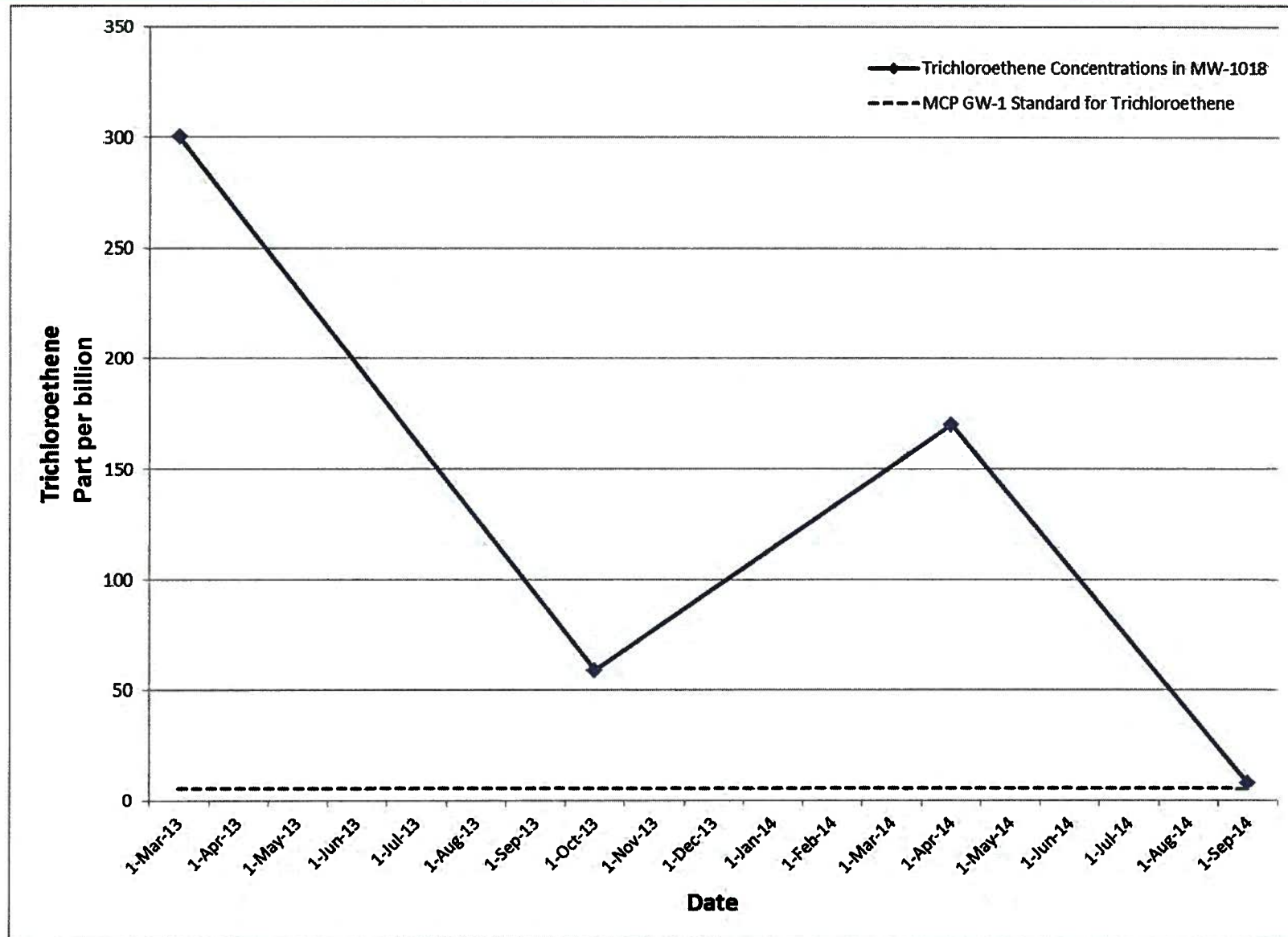


Southern Area

September TCE concentrations

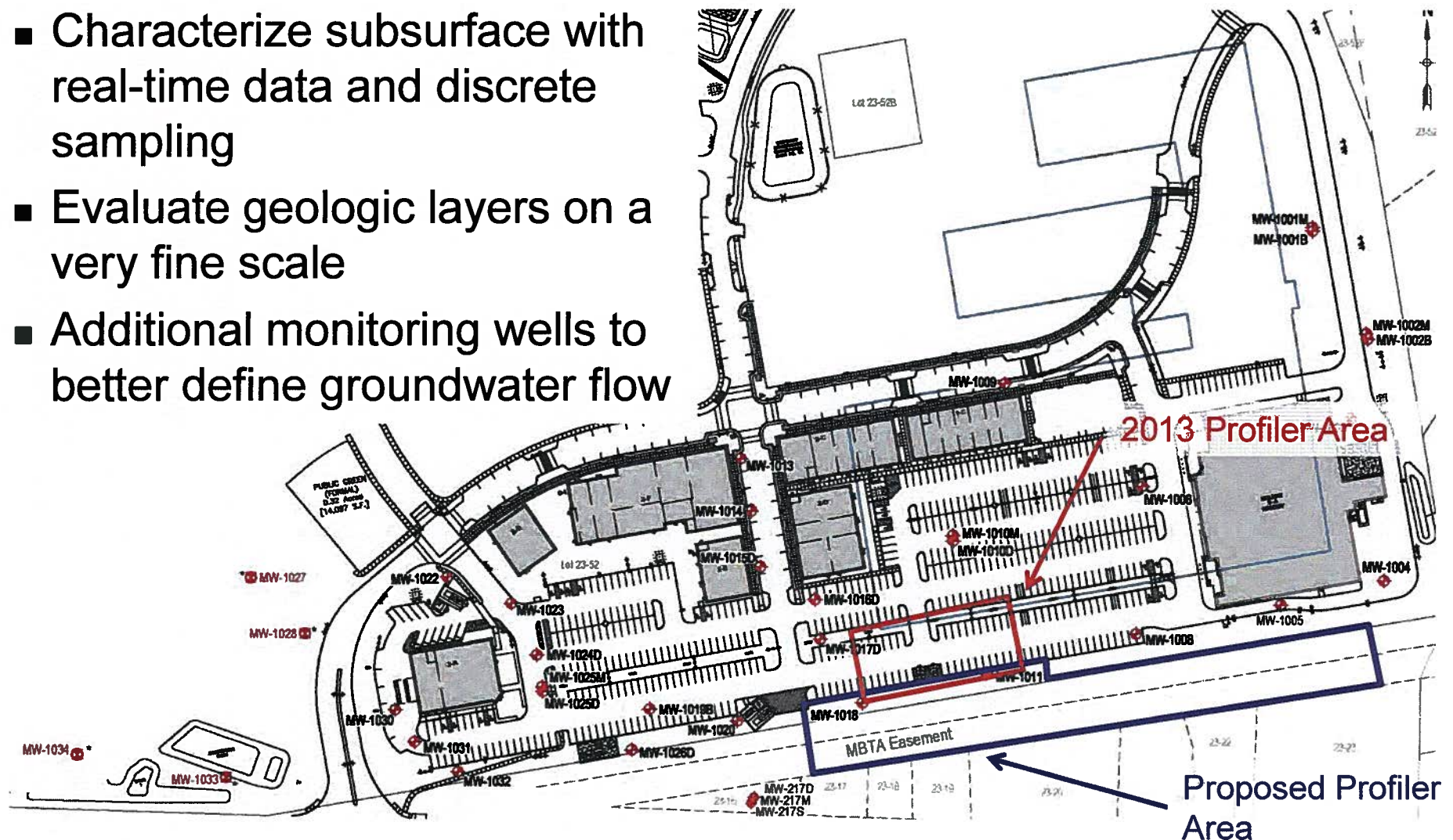


TCE concentrations in MW-1018 since installation (2013)



Groundwater Investigation (pending MBTA approval)

- Characterize subsurface with real-time data and discrete sampling
- Evaluate geologic layers on a very fine scale
- Additional monitoring wells to better define groundwater flow



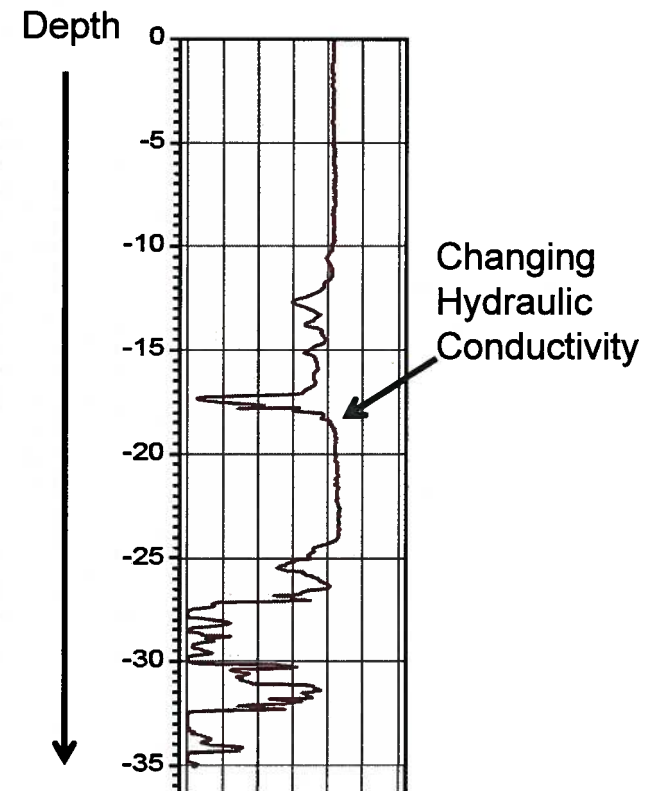
Advanced Profiling System™ Waterloo Profiler

Raytheon
Integrated Defense Systems

- Direct-push drilling rig advances instruments
- Collect real-time groundwater and geologic data in subsurface conditions



Example APS Log



Northern Area

Northern Area (Bioremediation)



Recirculation System Overview

- The program involves recirculation of groundwater within a area to distribute the added amendment (carbon source, “food”, electron donor)
 - Methanol (WFD permitted storage), nutrients, pH buffers, cultures
- Increases subsurface mixing by injection (upgradient) and extraction (downgradient) of amended groundwater
- Extraction wells are fitted with submersible pumps and control equipment to monitor flow, minimize possibility of leaks, and prevent damage to system
- Solar powered pumps and controls extract groundwater continuously at approximately ~3 gallons per minute (gpm)

Recirculation System Photos



Enhanced Anaerobic Dechlorination

- A carbon source or amendment has been introduced to the naturally occurring microbes to Enhance metabolic processes in an Anaerobic subsurface/environment
- Dechlorination is a process by which a consortia of microbes remove chlorine atoms from chlorinated solvents until all that is left is basic ethene

- “Parent” compound degrade into “Daughter” products

Tetrachloroethene (PCE)

→ Trichloroethene (TCE)

→ cis-1,2-Dichloroethene (cDCE)

→ Vinyl Chloride (VC)

→ Ethene

Recirculation System Timeline

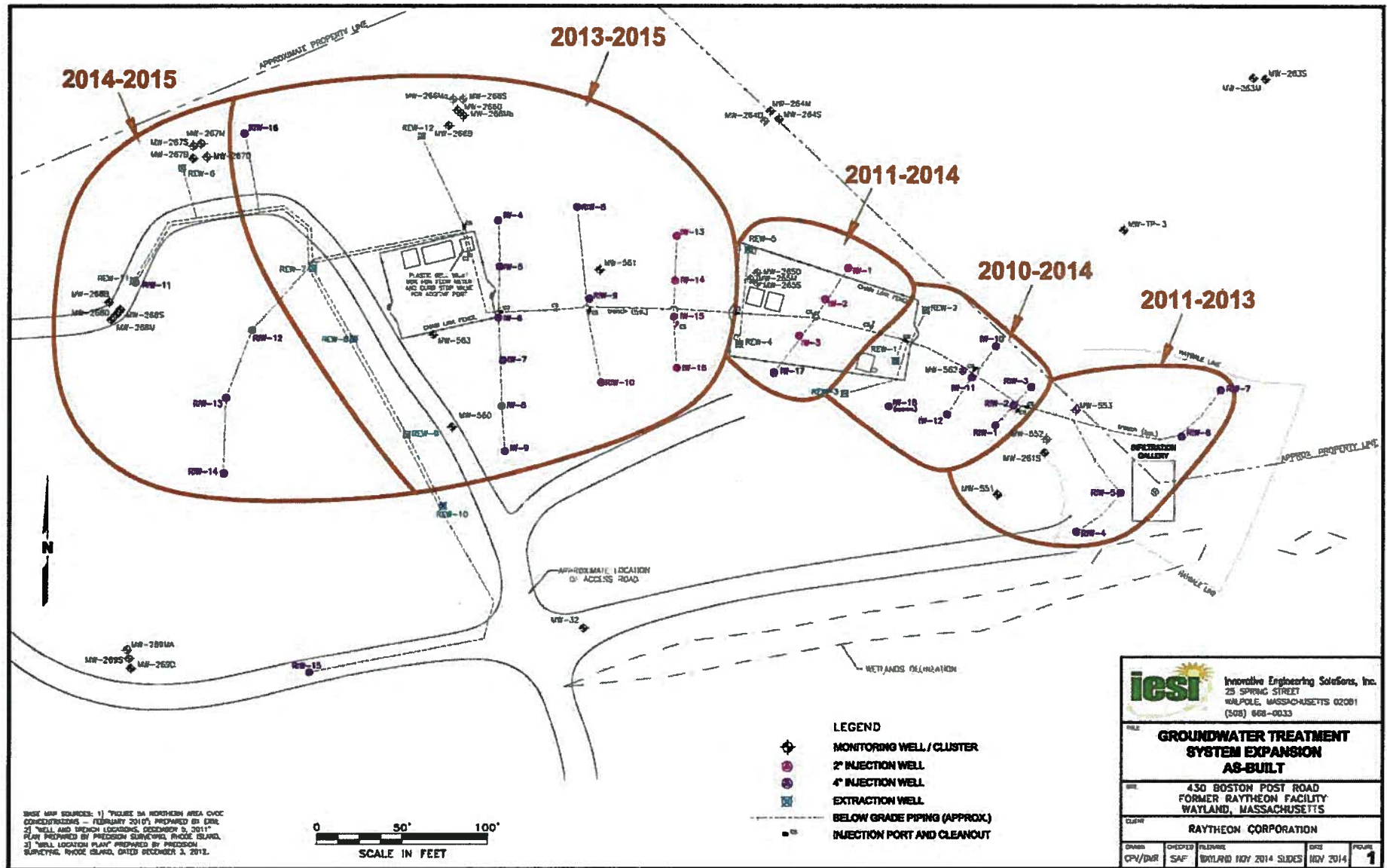
- October 2010: System initial start up

- 2011 expansion included the installation of 3 extraction wells near 2007 Cofferdam excavation & 3rd Solar array

- 2012 expansion included the installation of 6 injection wells, 9 extraction wells, 1 monitoring well, 12 solar panels, & incorporation of the “IW” series wells

- 2014 Activities
 - System running at full capacity
 - Recirculated approximately ~2.5 million gallons of groundwater in 2014 (~9 million gallons since the program began)

As-built & Operational History





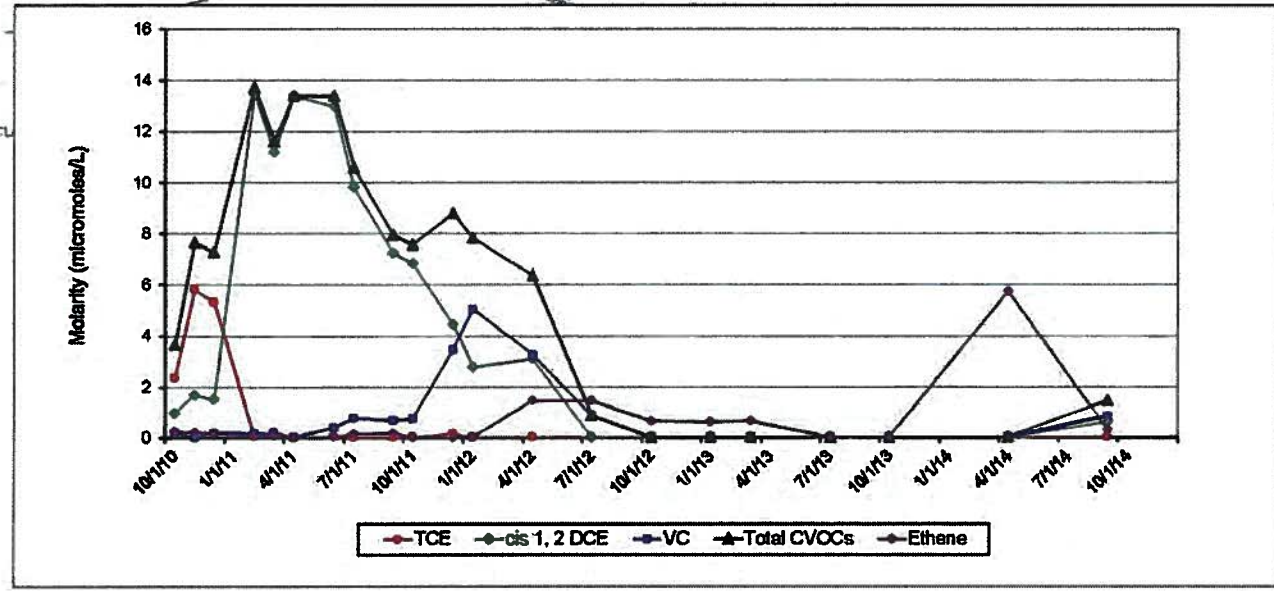
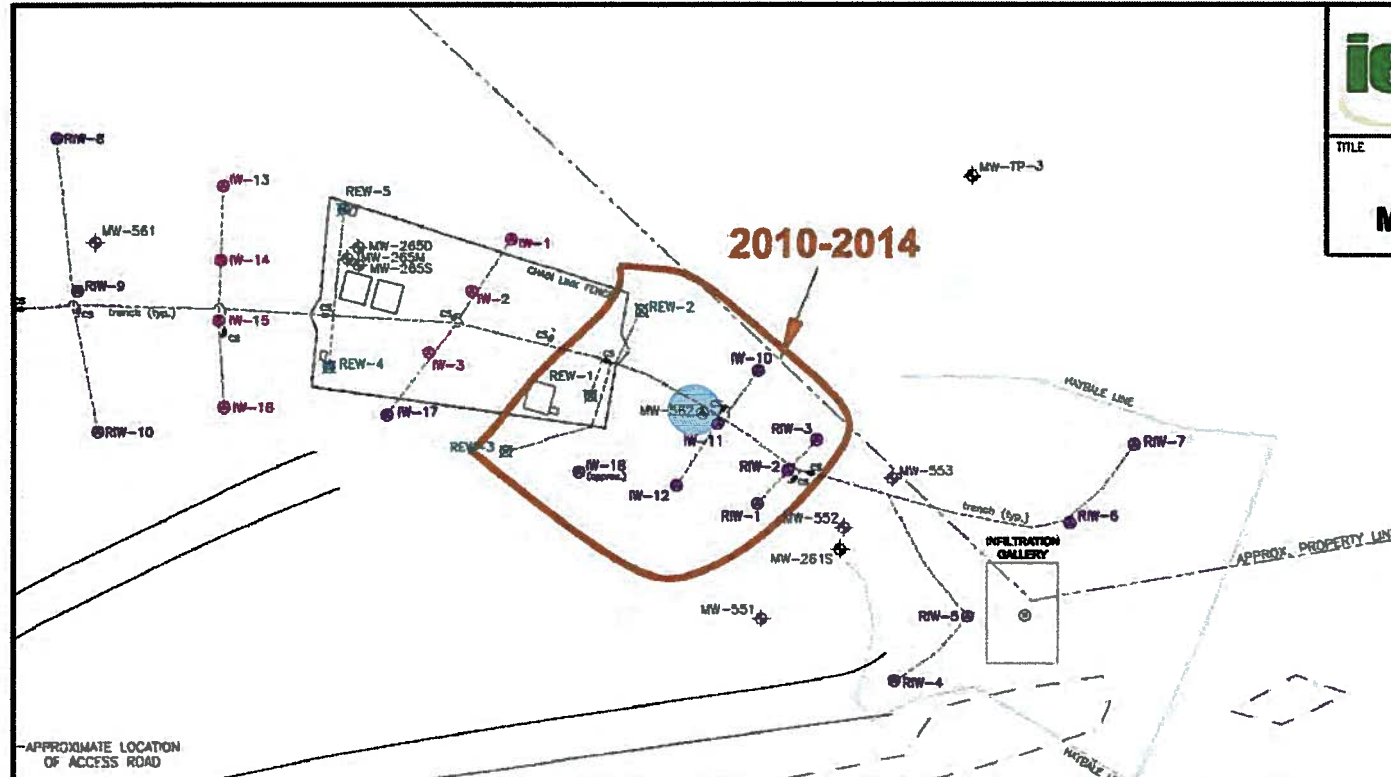
Innovative Engineering Solutions, Inc.
25 SPRING STREET
WALPOLE, MASSACHUSETTS 02081
(508) 668-0033

TITLE

TREATMENT AREA WITH MW-562 MONITORING DATA

LEGEND

- MONITORING WELL / CLUSTER
- 2" INJECTION WELL
- 4" INJECTION WELL
- EXTRACTION WELL
- BELOW GRADE PIPING (APPROX)
- REJECTION PORT AND CLEANOUT

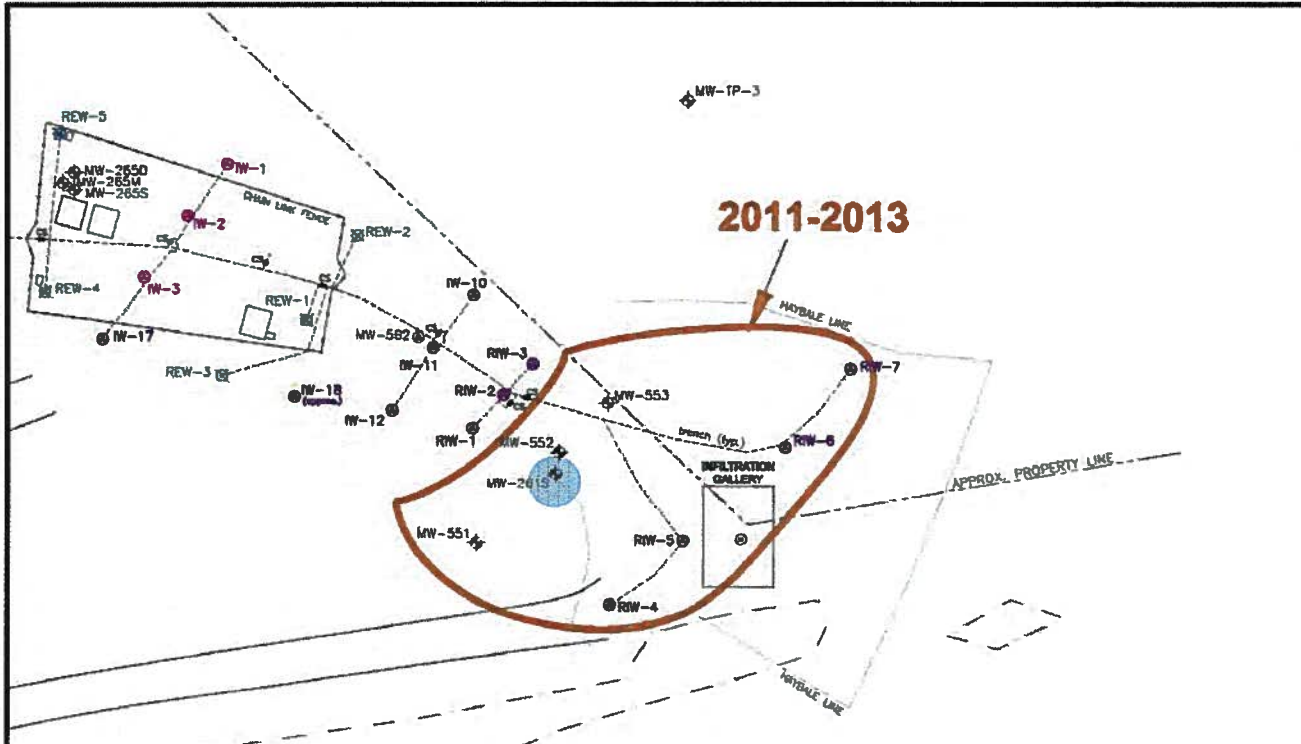




Innovative Engineering Solutions, Inc.
 25 SPRING STREET
 WALPOLE, MASSACHUSETTS 02081
 (508) 668-0033

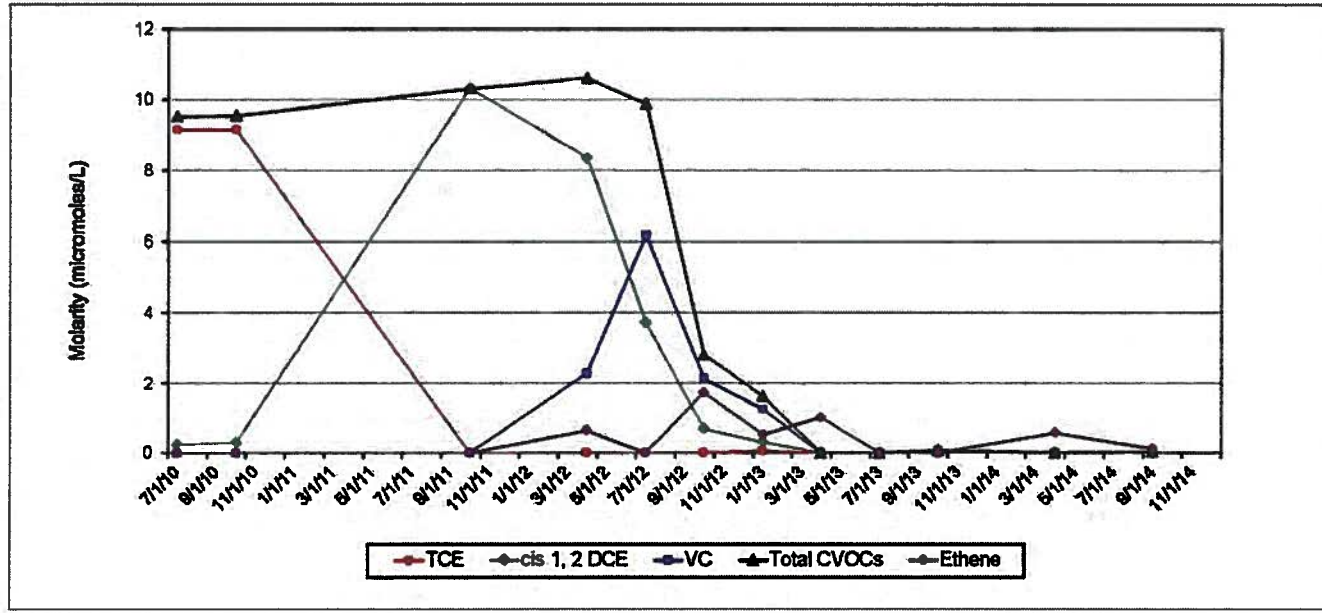
TITLE

TREATMENT AREA WITH MW-261S MONITORING DATA



LEGEND

- MONITORING WELL / CLUSTER
- 2" INJECTION WELL
- 4" INJECTION WELL
- EXTRACTION WELL
- BELOW GRADE PIPING (APPROX.)
- INJECTION PORT AND CLEANOUT



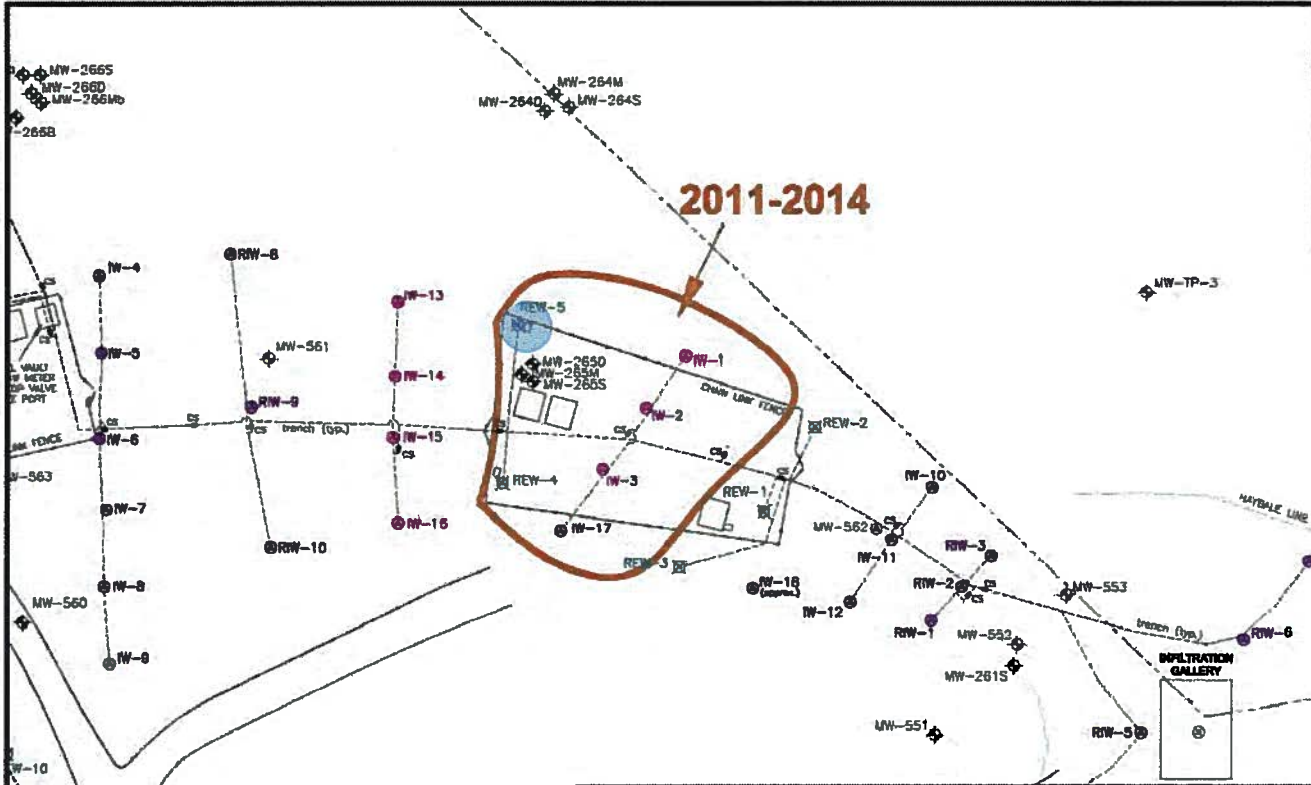


Innovative Engineering Solutions, Inc.
 25 SPRING STREET
 WALPOLE, MASSACHUSETTS 02081
 (508) 668-0033

TITLE

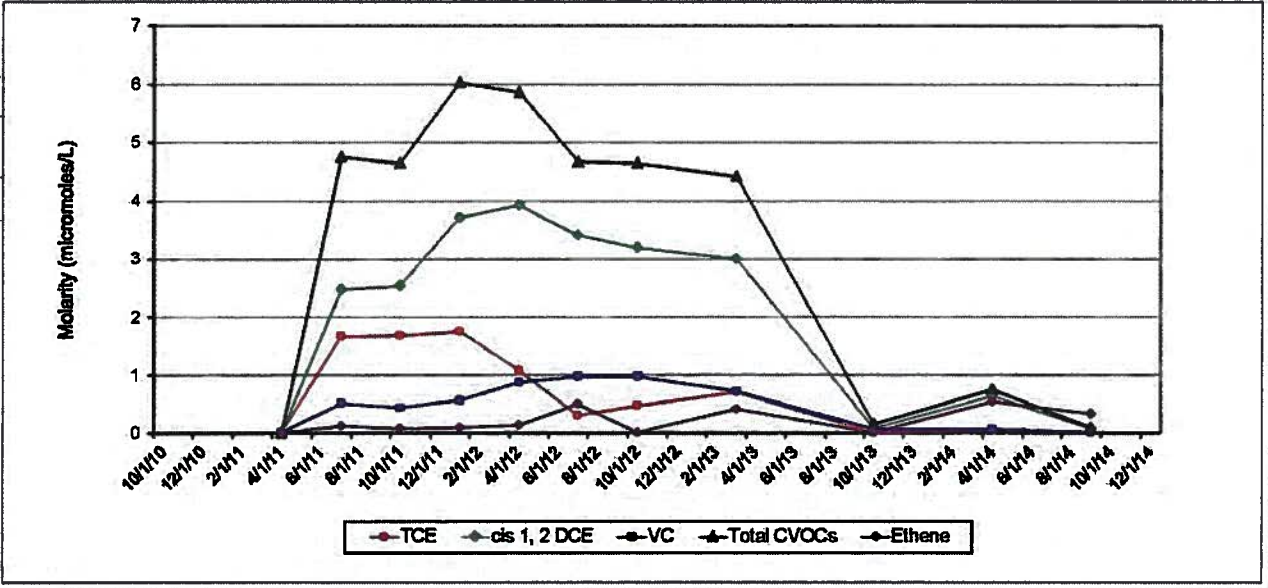
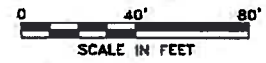
TREATMENT AREA WITH REW-5 MONITORING DATA

2011-2014



LEGEND

- MONITORING WELL / CLUSTER
- 2" INJECTION WELL
- 4" INJECTION WELL
- EXTRACTION WELL
- BELOW GRADE PIPING (APPROX.)
- INJECTION PORT AND CLEANOUT



APPROXIMATE LOCATION OF ACCESS ROAD



2014-2015



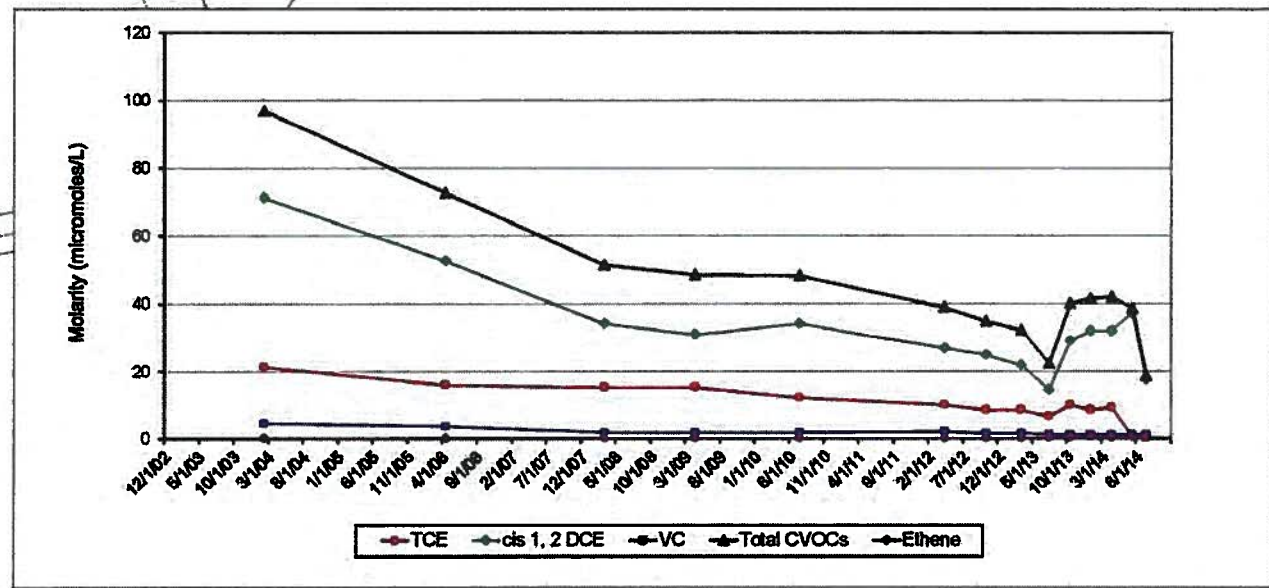
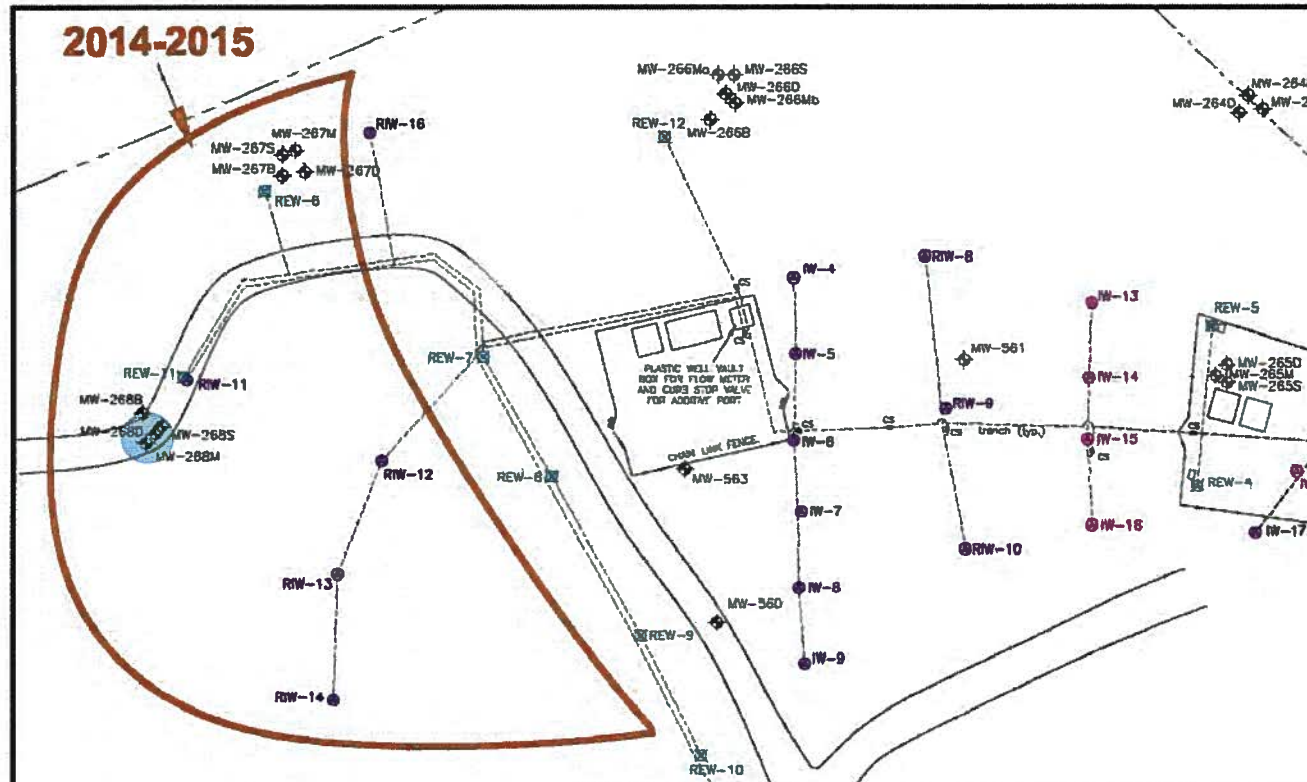
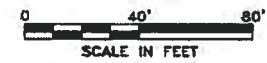
Innovative Engineering Solutions, Inc.
25 SPRING STREET
WALPOLE, MASSACHUSETTS 02081
(508) 668-0033

TITLE

TREATMENT AREA WITH MW-268M MONITORING DATA

LEGEND

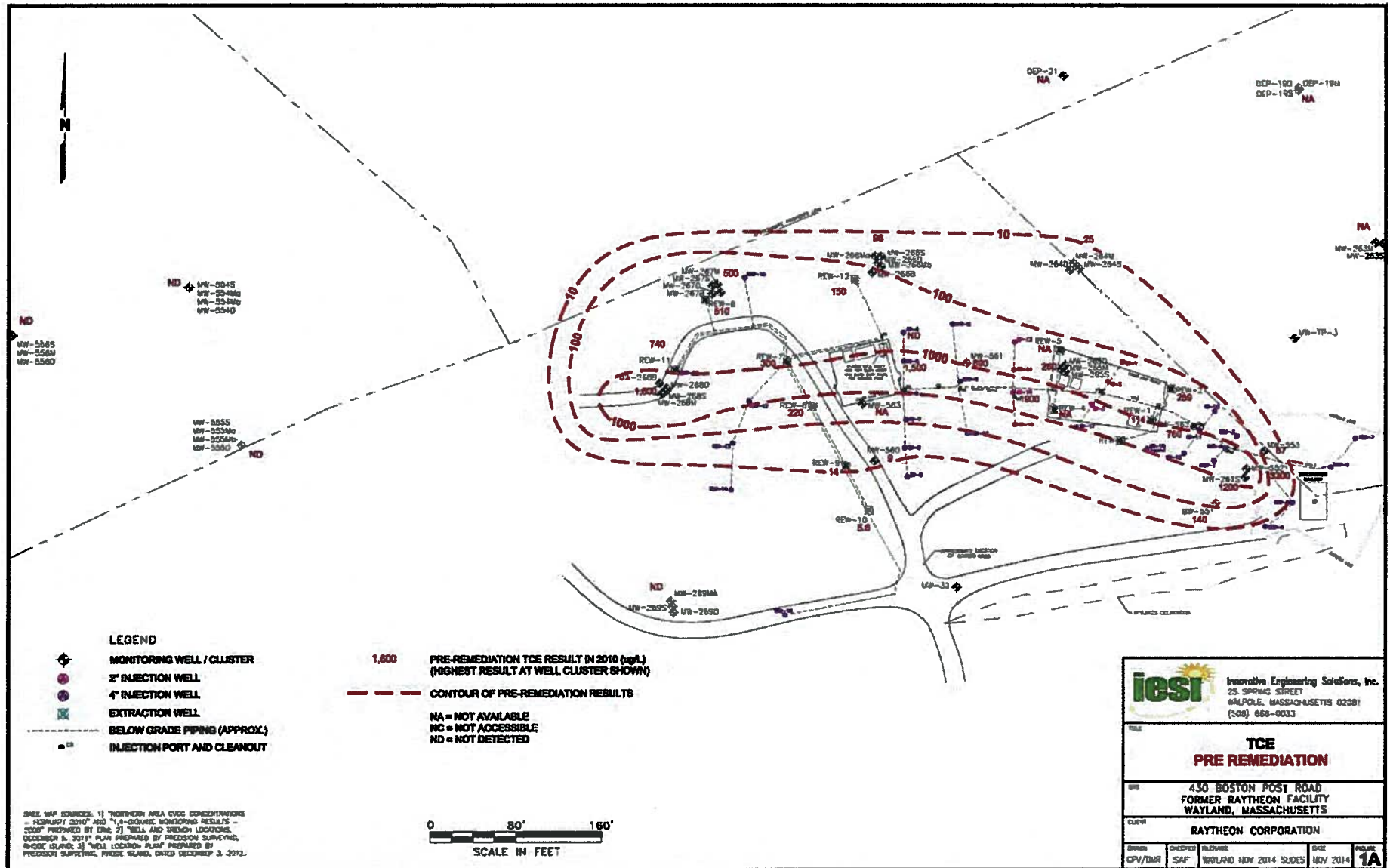
- MONITORING WELL / CLUSTER
- 2" INJECTION WELL
- 4" INJECTION WELL
- EXTRACTION WELL
- BELOW GRADE PIPING (APPROX)
- INJECTION PORT AND CLEANOUT



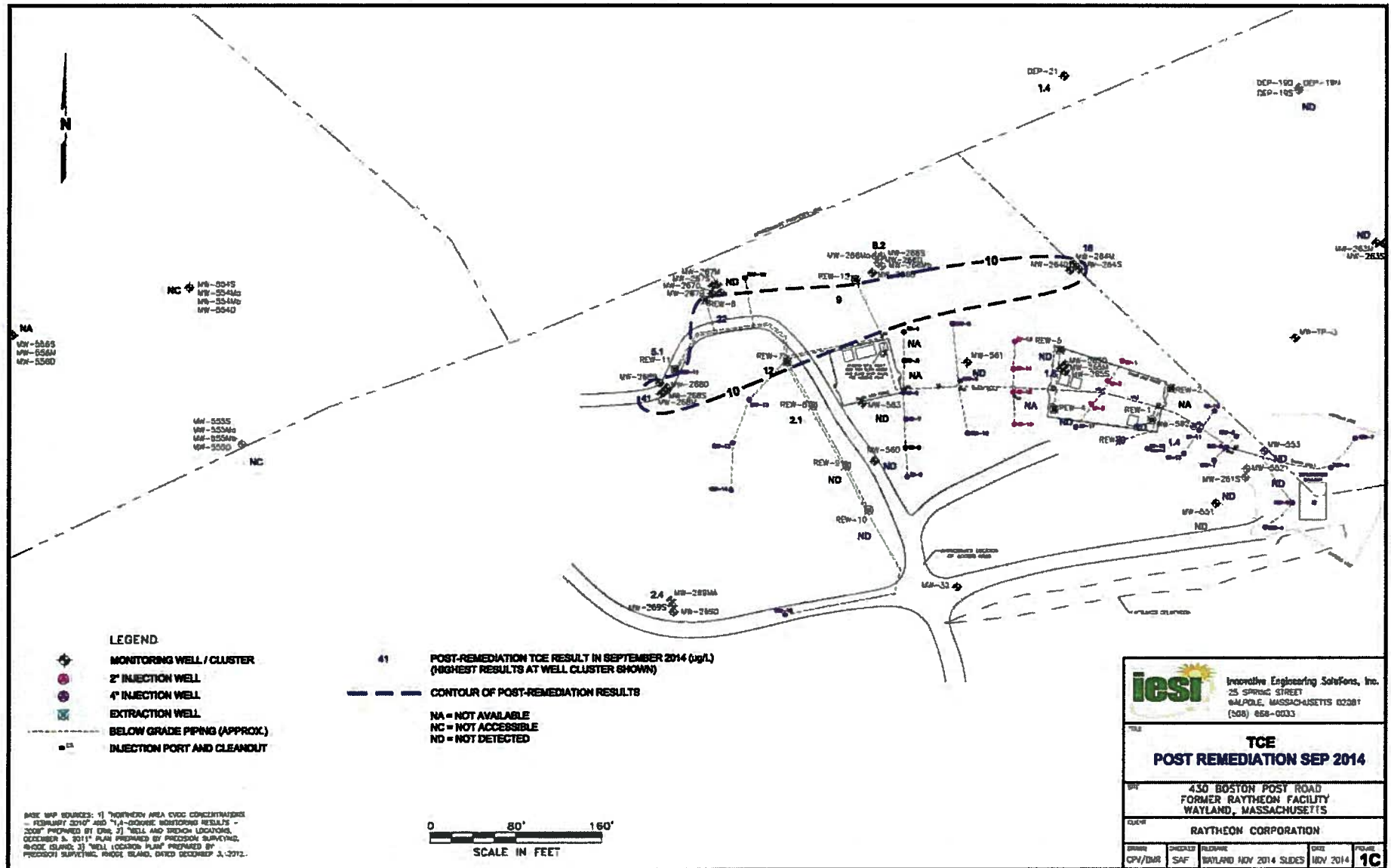
TCE Concentration Contours

Pre-recirculation

Raytheon
Integrated Defense Systems



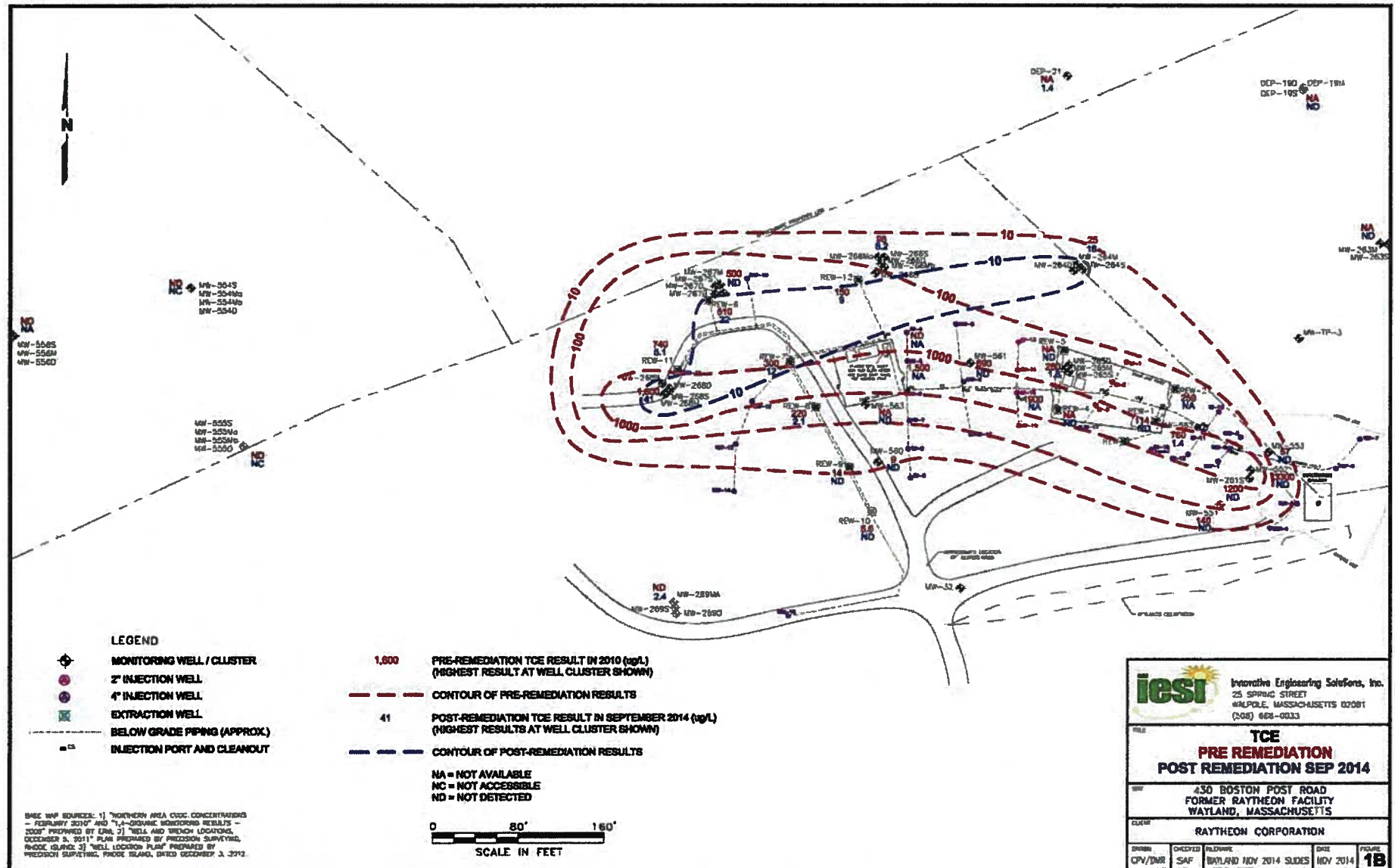
TCE Concentration Contours Current Conditions



TCE Concentration Contours

Raytheon
Integrated Defense Systems

Pre-recirculation vs. *Current Conditions*



Project Summary

- No detections of VOC concentrations in groundwater in the Cow Commons wells.
- Proposed groundwater profiling investigation delayed due to the issuance of an MBTA permit
 - Data will be evaluated in conjunction with historic data sets.
- 4 new wells to be installed outside of the MBTA ROW
- All portions of the Northern Area system are active and anticipated to continue into 2015.
- Northern Area groundwater monitoring data is positive and encouraging.
- Groundwater sampling and reporting will continue on a biannual basis in 2015.

Questions?

- Raytheon will continue to make documents available at the information repository Wayland Board of Health and extranet web site

<http://raytheon.erm.com>



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

November 2014

RECEIVED

DEC - 8 2014

Board of Selectmen
Town of Wayland

On November 12th, Wayland Police responded to a motor vehicle accident that occurred on Main Street (Route #27) near the intersection of King Street. Officers discovered that a nearly head-on crash had occurred in the southbound lane of Main Street involving a 1998 Toyota Corolla and a 2004 Chevrolet C65 box truck. The driver, and sole occupant, of the Corolla was transported by Wayland Fire Department to Framingham Union Hospital. He died shortly after arrival. The operator, and sole occupant, of the truck was not injured. Although the case remains under investigation, no charges are anticipated. The deceased was Adam E. Krauss, age 76, of Wayland.

Wayland Police have filed charges in a motor vehicle crash that occurred at 1:54 P.M on Friday, November 28th, on Old Sudbury Road in the vicinity of #88. Police investigation revealed that a vehicle (2008 Subaru), operated by Jason S. Suter, age 18, of Sudbury, crossed the solid double lines while heading northbound, into the path of an 18 wheel tractor-trailer dump truck, loaded with gravel, that had been heading southbound. The driver of the truck, Louis P. Carvelli of Waltham, sounded his horn and took evasive action, swerving off the road into the front yard of 88 Old Sudbury Road. A side-swipe collision occurred between the two vehicles, however, Carvelli's evasive action likely prevented a head-on collision. Both vehicles and the front yard of 88 Old Sudbury Road sustained extensive damage. Neither operator reported injuries. The truck sustained a ruptured fuel tank as a result of the crash and Clean Harbors responded to mitigate the effects of any fuel leakage into the ground. Suter was charged with Failure to Keep Right and Operating to Endanger.

Wayland Police are investigating several reports of vandalism that occurred on the night of November 30th. Police received reports of a house and a car being struck by eggs. There were also numerous street signs in town that were damaged by being hit by paint balls. Signs on Main Street, Pequot Road, School Street, Millbrook Road, and Woodridge Road were defaced by paintballs. On Wednesday, two employees from the Department of Public Works spent the entire day cleaning more than 40 street signs that had been damaged.

Two candidates have been selected to fill one current and one anticipated vacancy within the department. Colin M. Fitzpatrick of Westwood and Justen

(6)

E. Kazan of Franklin were chosen after a lengthy selection process. They have been scheduled to attend the Boylston Police Recruit academy that begins on January 26th, 2015.

A handwritten signature in blue ink, appearing to read "Robert Irving", with a long horizontal flourish extending to the right.

Robert Irving
Chief of Police

Wayland Police Department Detective Division Report for November 2014

INVESTIGATIONS

Commercial Break & Entering – Boston Post Road
Larceny under \$250 – Main Street
Larceny over \$250 – Anthony Road
Child Enticement
Child Enticement
Death Investigation – Winter Street
Four (4) Motor Vehicle Break & Enterings – Wayland Town Center
Fatal Motor Vehicle Crash – Main Street
Suspicious E-mail – Boston Post Road
Missing Juvenile – Buckskin Drive
Cigarette Compliance Checks – Town wide
Alcohol Compliance Checks – Town wide
Alcohol Town By-law Violation Investigation
Second Hand Jewelry Town By-Law Violation Investigation

MEETINGS/TRAININGS

Firearms Training – Qualifications
A.L.I.C.E. Training – Wayland High School
Middle School Meeting – A.L.I.C.E
Regional Detective Meeting – Acton PD

MISCELLANEOUS

Motor Vehicle/Criminal Hearings – Framingham District Court
Wayland High School Progressive Dinner



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security

One Ashburton Place, Room 2133
 Boston, Massachusetts 02108

Tel: (617) 727-7775

TTY Tel: (617) 727-6618

Fax: (617) 727-4764

www.mass.gov/eopss

Deval L. Patrick
 Governor

Andrea J. Cabral
 Secretary

October 22, 2014

Chief Robert Irving
 Wayland Police Department
 38 Cochituate Road
 Wayland, MA 01778

Dear Chief Irving:

I am pleased to inform you that your FFY 2015 Traffic Enforcement Grant Application has been approved for funding.

Your maximum award amount is \$12500. Your department is eligible for \$2500 per each of the five mobilizations listed below.

| | |
|--------------------------------|-------------------------------------|
| Speed and Aggressive Driving | October 10, 2014 – October 31, 2014 |
| Drive Sober or Get Pulled Over | December 1, 2014 – January 1, 2015 |
| Distracted Driving | April 10, 2015 – May 1, 2015 |
| Click It or Ticket (CIOT) | May 18, 2015 – May 31, 2015 |
| Drive Sober or Get Pulled Over | August 21, 2015 – September 7, 2015 |

You will not be reimbursed for any costs incurred in advance of the date of the first mobilization, nor any costs incurred outside of the FFY 2015 mobilization dates.

If you have any questions, please contact Lindsey Phelan, Program Coordinator, at (617) 725-3337 or by email at lindsey.phelan@state.ma.us. Congratulations on your award.

Sincerely,

Andrea J. Cabral
 Secretary of Public Safety and Security

Irving, Robert

From: OUINotice (AGO) <ouinotice@state.ma.us>
Sent: Friday, December 05, 2014 11:07 AM
Subject: OUI Last Drink Data -- Q3 (July-Sept 2014) - Message is from an unknown sender
Attachments: Last Drink Results and Paper Notices.xls

The Attorney General's Office, Municipal Law Unit ("MLU"), is now e-mailing to cities and towns information about establishments where defendants convicted of operating under the influence say they were served alcohol before being arrested. MLU sends this information to City and Town Clerks quarterly or as it becomes available from the Trial Court. The Clerks should forward this email to others in the municipality that may have interest in the information, such as local licensing authorities.

As you may know, General Laws Chapter 90, Section 24J, requires courts to ask defendants convicted of operating under the influence of alcohol whether they were served alcohol at any licensed establishment before the violation and the name and location of any such establishment. The Trial Court periodically provides this information to the Attorney General's Office and the Alcoholic Beverages Control Commission (ABCC). The Attorney General is making this information available to you in view of the public safety issue that operating under the influence presents. Please note that the information supplied by the Trial Court may not be complete. The Attorney General has alphabetized the available information by city or town name but does not have additional information beyond that supplied by the Trial Court.

This information does not constitute an accusation of criminal or negligent conduct by any establishment and is not meant to be a substitute for your own license monitoring and enforcement practices. The Attorney General has not conducted an independent review of the information and notes that Section 24J does not require that defendants' statements about these establishments be made under oath. The provision of this information should not be considered the rendering of legal or other professional advice. If you have any questions regarding how this information may be used, we suggest you contact the ABCC at 617-727-3040, or abcc_inquiries@tre.state.ma.us.

We are sending this information to what we understand to be the e-mail addresses of the City and Town Clerks who are in the best position to place the last-drink information before local licensing authorities. If you need to update your e-mail address, please send an e-mail to: OUINotice@state.ma.us.

-OUI Notices

Nicole B. Caprioli

Assistant Attorney General
Office of the Attorney General Martha Coakley
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4418
nicole.caprioli@state.ma.us

| | | | | | | |
|--------------|-------------------------------|--|---|------------------------|-----------|------------|
| 1464CR001587 | The Casion | The Casino | The Casino | | 15-Jul-14 | 6/1/2014 |
| 1443CR001408 | St. Stanislaus Polish Club | 2114 Main St | Three Rivers, MA 01080 | | 15-Aug-14 | 8/15/2014 |
| 1311CR006830 | Duke's Pub And Grill | 147 Frost Rd 431 Middlesex Road | Tyngsboro Ma 01879 | | 07-Aug-14 | 10/31/2013 |
| 1348CR001608 | Smokey Bones | 147 Frost Rd | Tyngsboro, MA 01879 | | 30-Jul-14 | 11/17/2013 |
| 1311CR004122 | Duke's Pub Grill | 147 Frost Rd | Tyngsborough MA 01879 | | 10-Jul-14 | 7/6/2013 |
| 1464CR002425 | unknown | unknown | unknown | | 11-Aug-14 | 8/9/2014 |
| 1457CR001335 | Kihei Dynasty Restaurant | 745 Main Street | Walpole Ma 02081 | | 26-Aug-14 | 7/17/2014 |
| 1453CR001450 | John Brewer | 39 Main St 211 Moody Street | Waltham, MA | | 11-Jul-14 | 6/12/2014 |
| 1454CR001406 | Margaritas Mexican Restaurant | 154 River St. | Waltham, MA 02453 | | 21-Jul-14 | 7/18/2014 |
| 1451CR000900 | Guanucapis Restaurant | 39 Main St | Waltham, MA 02453 | | 22-Jul-14 | 6/7/2014 |
| 1453cr001450 | John Brewer | 39 Main St | Waltham, MA 02453 | | 7/11/2014 | 6/12/2014 |
| 1451CR000508 | Millers Ale House | xxx 164 Belmont Street | Watertown Ma | 45 Day Loss of License | 01-Aug-14 | 4/18/2014 |
| 1450CR001942 | Conley's Pub & Grille | 164 Belmont Street | Watertown, Ma 02472 | | 30-Sep-14 | 7/27/2014 |
| 1466CR001257 | Local Resturante | Somewhere 16 Washington St. | Wayland. MA | | 18-Sep-14 | 8/1/2014 |
| 1312CR000592 | Papa Razzi | 300 Wellesley Avenue | Wellesley, MA 02481 | | 03-Sep-14 | 9/20/2013 |
| 1454CR001559 | Wellesley Country Club | Cahoon Hollow Road | Wellesley, MA 02481 | | 18-Aug-14 | 8/15/2014 |
| 1426CR001059 | Beachcomber of Wellfleet | Cahoon Hollow Road | Wellfleet, MA 02667 | | 04-Sep-14 | 8/7/2014 |
| 1426CR001124 | Beachcomber of Wellfleet | 171 West Boylston St | Wellfleet, MA 02667 | | 20-Aug-14 | 8/20/2014 |
| 1461CR000603 | Finder's Pub | 674 Old West Central St | West Bpyston, MA 01583 West Bridgewater, MA 02379 | | 17-Jul-14 | 4/26/2014 |
| 1415cr002106 | Charlie Horse Restaurant | 348 Route 28 | West Dennis, MA 02670 | | 7/21/2014 | 4/6/2014 |
| 1425cr002646 | O'Sheas Olde Inn | | | | 9/15/2014 | 9/7/2014 |

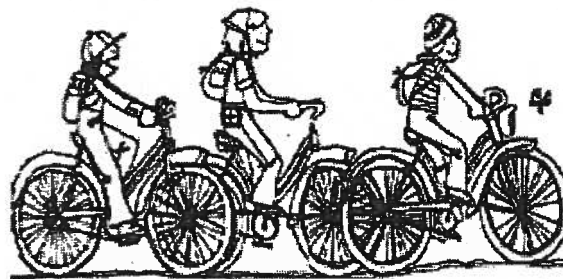
Henry Cluster
Wayland Middle School
201 Main Street
Wayland, MA 01778

Dear police,

Thank you for stopping the traffic so
we could pass. That helped me because we didn't
have to stop.

-nicholas

Nicholas
Curry





TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

RECEIVED

DEC - 8 2014

Board of Selectmen
Town of Wayland

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

December 5, 2014

Community Newspaper Company
Town Crier & TAB Publications
P.O. Box 9149
Framingham, MA 01701

Dear Legal Ad. Department:

Please publish the enclosed legal advertisement in an issue of the Wayland Town Crier no later than Thursday, December 11, 2014. Please notify me at 508-358-3669 if there is any problem with this request. Please send the advertising bill to: S. Sarkisian, Town Planner, 41 Cochituate Road, Wayland, MA 01778. Tel: 508-358-3778.

Thank you.

Sincerely,

Brian J. Monahan
Conservation Administrator

cc: S. Sarkisian, Town Planner
Tata and Howard, Inc., Attn: Jack O'Connell
N. Balmer, Town Administrator
File

**WAYLAND CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

On **Thursday, December 18, 2014 at 7:45 p.m.** in the Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, the Wayland Conservation Commission will hold a public hearing to consider an Abbreviated Notice of Resource Area Delineation pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, and the application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Town of Wayland – Planning Department – Sarkis Sarkisian. The applicant is seeking to obtain resource area delineation of a project site located at 484-490 Boston Post Road, Wayland, shown on Assessor's Map 22, Parcels 3, 6, and 7.

①



✓
NBB

TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

December 4, 2014

Mr. Richard Morrell
Morrell Construction Inc.
165 South Street
Upton, MA 01568

Re: 344 Commonwealth Road, Wayland MA
FAXED and MAILED

Dear Mr. Morrell

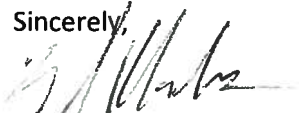
It has come to my attention that work has been and continues to be done at 344 Commonwealth Road in Wayland, Massachusetts. That work is being done in violation of both the Massachusetts Wetlands Protection Act and Wayland's Wetlands and Water Resources Protection Bylaw. The Conservation Commission made a formal determination of the resource areas in a Determination of Applicability under both the Wetlands Protection Act and Chapter 194. **Work must immediately stop at this site.**

In addition to other remedies the Conservation Commission through its staff may impose non-criminal penalties in the amount of \$300 per violation. Each day that work is done on the site constitutes a separate violation of Chapter 194 subject to an additional fine. Since work has clearly been ongoing at this site for some time, it is a concern that no one has contacted the Conservation office (508-358-3669).

Please immediately cease work and contact the Conservation Commission office.

Thank you.

Sincerely,


Brian J. Monahan
Conservation Administrator

cc: Conservation Commission
J. Abelli, Building Commissioner
J. Junghanns, Health Director
N. Balmer, Town Administrator
DEP – NERO
File

RECEIVED

DEC -5 2014

Board of Selectmen
Town of Wayland

8



12/8/14

RECEIVED
DEC -5 2014
Board of Selectmen
Town of Wayland

TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

December 4, 2014

Wayland MZL LLC
c/o Winslow Property Management
80 Hayden Avenue
Lexington, MA 02421

Re: 297 Boston Post Road, Wayland

To Whom It May Concern:

The purpose of this correspondence is to formally note two concerns that represent a prior and/or future violation of Wayland's Wetlands and Water Resources Protection Bylaw "Chapter 194". On Thursday, December 4, 2014 a resident of Wayland observed workers apparently from Lynch Landscaping removing railing on a fence that had been erected on the western side of the property in the buffer zone to wetlands. Apparently removing the railing will allow for plowing of snow in this direction. Please note the following:

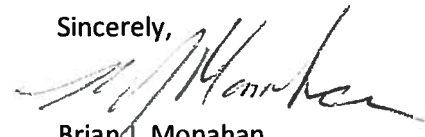
- There does not appear to be any formal approval of the construction of a fence along the western side of this property. Installing the fence without approval was a violation of Chapter 194.
- Plowing of snow towards and into the stream and wetlands long the western side of the property constitutes a violation of Chapter 194.

The purpose of this letter is to note the existing violation and to also prevent further violations that will result if snow is plowed into this area. Violations of Chapter 194 can result in the imposition of non-criminal penalties in the amount of \$300 for each violation in addition to other remedies the Commission may seek.

Please contact the Wayland Conservation office at 508-358-3669 to discuss this matter.

Thank you.

Sincerely,



Brian J. Monahan
Conservation Administrator

cc: Conservation Commissioners
N. Balmer, Town Administrator
Lynch Landscaping
File

explained that the size of the existing building is adequate for some activities, but not the partition layout that is in place. He added that the goal of this committee is to request the services of a design firm to answer that question about adequacy for an expanded community center program to be determined by that design firm. The charge of the CCAC is to determine a scope of services, but not actually program or design the facility. The question of septic capacity was raised. It was suggested that an engineering analysis of the existing building should also be done. Mr. Sterling explained that the site is within the 200' setback from the river, which makes any construction on it subject to review by the Conservation Commission.

- d. The members discussed the optimum way to proceed, beginning with establishing criteria for how we define "success." Mr. Correia suggested we take a tour of the municipal pad and a tour of the Natick Community Center as a working example of a successful similar program. Members all agreed that we had a tight schedule and should have a draft article to the Board of Selectmen in early December to give them time to review it before the mid January deadline for filing. Ms. Secord offered to pull up the prior warrant article the last time the COA requested design funding at Town Meeting to use as a template to edit for the Community Center request.

IV. Other

There were questions about the status of the library plans for a new library. They are forming a committee to study the possibility of building a new library at the former DPW site. Ms. Martin suggested that we should make certain we did not duplicate program items such as large meeting spaces that may be planned by another group.

Critical items to confirm include:

Ownership of the property to be clarified

List of tasks to cover & related timeline

Conservation Commission issues. CCAC should try to get on the next agenda for an informal discussion of the proposed project. The next meeting to consider is 11/20/2014.

Warrant Article draft to start as soon as possible

Public meetings as needed

V. Date and time of next meetings

Walk through at Natick Senior & Community Center Monday 11/10/14 8AM to 9AM

Followed by tour of the existing building at the Wayland Town Center municipal pad.

VI. Adjournment

At 9:42 PM, Mr. Sterling moved to adjourn. Ms. Martin seconded the motion. The vote in favor was 7 – 0.

Respectfully Submitted,

William A. Sterling



Town of Wayland Massachusetts

Members: Steve Correia Jean Milburn
 Ken Isaacson Andrew Reck
 Frank Krasin, Co chair Julie Secord, ex officio
 Carol Martin William Sterling, Co chair

Handouts:

Agenda of tonight's meeting

Aerial photo of Town Center site/Town Land Use Study by Beta Group, Inc. dated April 2014.

Schematic layout of Community Center by Beta Group, Inc. dated 12/04/2013.

Capital Improvement Plan Criteria List and Scoring Matrix.

Wayland Community Center-Recreation Program Requirements by Sterling Associates, dated 1/04/2014.

Meeting Notes: Wayland Community Center-General Review



Municipal Affordable Housing Trust Fund (MAHTF)

Meeting Minutes—November 5, 2014

ATTENDANCE: Mary Antes; Jacqueline Ducharme; Stephen Greenbaum; Brian O’Herlihy; and Susan Weinstein

ABSENT: Kevin Murphy; Armine Roat

OTHERS IN ATTENDANCE: Amy Lepak, Sudbury Affordable Housing Trust, Co-Chair

PUBLIC COMMENT: None

MATERIALS DISTRIBUTED:

- Draft minutes for meeting held on October 8, 2014
- Listing of the Municipal Affordable Housing Trusts in Massachusetts
- By-Laws Template provided by Mark Lanza, Town Counsel

NOTES:

1. Amy Lepak, Sudbury Affordable Housing Trust Co-Chair, spoke to this committee about Sudbury’s experience, scope of work and its processes. The Trust has been in existence since 2007, and focuses on providing subsidies and grants.
 - Process to obtain and Increase Affordable Housing Stock: The Sudbury committee has purchased existing homes primarily. Members from the committee look at 2-5 homes at a time, and determine which home will serve their needs best. They negotiate the price directly. Their Housing Coordinator helps coordinate the various inspections, maintains the “ready to buy” list of prequalified buyers, and completes the lottery. The identified buyer obtains the mortgage. The homes are affordable at or below 80% of AMI. The Affordable Housing Trust Fund provides the subsidy in the purchase of the home, which creates the deed restriction.
 - There are instances when the Sudbury AHT will provide additional money for upgrades. These upgrades are written in a contract, specifying how the additional money will be used.
 - The Sudbury AHT has had two experiences in the development of affordable units. One has been with Habitat for Humanity. Currently the committee holds the title to, and is working on developing three units on property the committee purchased.
 - The Sudbury AHT also has a grant program, offering \$15,000, three times a year. These grants are geared toward senior citizens and low income residents, though there are no restrictions. These grants are to assist residents to remain in their homes. The focus is on health and safety, such as plumbing and roof improvements. CPA funds are not used with these grants. The committee separates the CPA funds from other receivables, as there are different regulations and restrictions.

- The Sudbury AHT committee increased the number of its members to increase specific expertise and meet quorums. Having a banker, real estate agent, contractor, lawyer, property manager and architect on the committee is very beneficial.
- The committee does have insurance through the town.
- The Sudbury AHT goes to their Board of Selectmen for each significant project.

ACTION: The Wayland Trustees found this information very helpful, and agreed to have additional speakers from other towns, to learn about other affordable housing trust fund committee's priorities, processes and procedures. Mary Antes will reach out to other AHT committees, such as Bedford, Lincoln and Natick, to invite them to speak to this committee.

2. The Trustees briefly reviewed the by-laws template.

ACTION: Committee members agreed to consider our primary purpose and mission statement. We will discuss this further at the next meeting.

ACTION: Stephen Greenbaum and Jackie Ducharme will meet and begin working on the (draft) by-laws.

3. Mark Lanza submitted a request for a Tax ID number for the Affordable Housing Trust Fund.

- He sent the request by mail.

ACTION: Once there is a Tax ID number, Brian O'Herlihy will open an account.

4. Brian O'Herlihy spoke to John Senchyshyn, Wayland Human Resource Director, about insurance for the AHTF committee. Because this committee is not under the control of the Board of Selectmen, the committee cannot be under the town's insurance.

ACTION: Brian O'Herlihy will explore this further.

5. Sue Weinstein spoke to the Chair of the Community Preservation Committee (CPC) about a Warrant Article at Town Meeting to transfer CPC funds to the AHT fund. The CPC chair indicated that it was the role of the CPA to write the Warrant Article.

6. The Trustees reviewed the draft minutes meeting held on October 8, 2014. No comments or revisions were made. Jackie Ducharme moved to approve the minutes as written. Stephen Greenbaum seconded. Motion approved 5-0.

Adjourn: Brian O'Herlihy moved to adjourn the meeting. Sue Weinstein seconded. Motion approved 5-0.

Respectfully Submitted

Jacqueline Ducharme



Town of Wayland Massachusetts

OPEB Advisory Committee

Kent George
David Gutschenritter
Cliff Lewis (Chair)
Maryanne Peabody
Jay Sherry

Minutes of August 27, 2014 Committee Meeting (Approved on December 3, 2014)

In Attendance were: Kent George, David Gutschenritter (after 6:45 PM), Cliff Lewis, Maryanne Peabody, Jay Sherry

This meeting was recorded and is currently available on WayCAM On Demand at:
<http://waycamtv.pegcentral.com/player.php?video=dbb4aa1df378de001be77e820aa8b4a5>

The meeting was called to order at 6:40 PM by Chair Cliff Lewis in the Selectmen's Meeting Room of the Wayland Town Building. The following Agenda topics were addressed:

1. **Public Comment:** There were no members of the public present at this meeting.
2. **Review of the OPEB Investment Account**

The Committee was joined by Town Treasurer Paul Keating and Town Finance Director Brian Keveny for discussion of this agenda item. Keating reviewed his discussions of investment policy and OPEB fund governance with the two investment managers, Bartholomew and Rockland Trust. Keating's summary from Bartholomew:

- 8 of 77 municipal OPEB accounts have aggressive portfolios
- 44 have moderate portfolios
- 25 have conservative portfolios

Rockland has 15 accounts, all of whom have a portfolio mix of 55% equities/45% fixed income.

Very few towns have organized OPEB Committees like Wayland's. For comparison purposes, Keating contacted his counterpart treasurers at six neighboring towns:

1. Wellesley has \$35M in OPEB funds (some of which are borrowed) managed by PRIT
2. Brookline \$20M managed by UBS
3. Needham \$15M managed by PRIT, but with no OPEB Committee.
4. Wayland is #4 with \$12.3M in OPEB funds currently
5. Weston has \$9.2M managed by Bartholomew and no OPEB Committee.
6. Bedford has \$4.5M at PRIT and no Committee.
7. Newton has \$1M, managed by PRIT and no Committee.

Keating and all other Treasurers are part of the Middlesex Retirement Board. Both of Wayland's investment managers emphasized their fiduciary responsibility to safeguard OPEB assets.

Cliff, Jay and Dave had an extended discussion of the investment strategy used by State Street and SSGA with a further discussion of passive vs. active investment management. The Committee went on to discuss residents' likely tolerance for risk and volatility in the management of the OPEB Investment Account.

Kent recommended that the Committee ask the two investment managers for their suggested portfolio mix in order to maximize the probability of achieving 7% or more on the OPEB investment account over the long term.

Dave asked the question about how the Town will withdraw funds from the OPEB investment account once it achieves full funding in 2038, given that the investment account will rise and fall with the market.

Brian Keveny described his experience with pension and OPEB investing while he was the Finance Director for the Town of Winchester. The funds were managed by a private citizen of Winchester in the wealth management sector who volunteered his time and skills to Winchester.

The Committee unanimously agreed with Kent's recommendation above, and formally requested that Treasurer Paul Keating get a recommendation from the two investment managers for a portfolio mix that optimize the chance that the Town would achieve its long-term 7% return target on its OPEB investment account.

3. Comment on Contact from the Town of Dedham

(WayCAM video on this topic starts at 1:05:30)

Mike Butler, Selectman of the Town of Dedham, wants to have a phone call with Jay and Cliff to understand what Wayland is doing with GASB 45 and OPEB. Maryanne mentioned that the Town of Winchester has also expressed interest in what Wayland is doing.

4. Reconciliation of Segal Projections to actual benefit payments/ Next GASB 45 Actuarial Valuation

(WayCAM video on this topic starts at 1:07:44)

Jay circulated and reviewed with the Committee his one page draft of the Request for Quotation (RFQ) which will be sent to four or five actuaries regarding Wayland's next GASB 45 valuation of December 31, 2014. The RFQ had already been reviewed by John Moynihan and John Senchyshyn of the Town of Wayland for compliance with municipal procurement regulations. The Committee made several comments which Jay will incorporate. Cliff asked Jay to review this effort with Nan Balmer, Wayland's new Town Administrator as a way of bringing Nan up to speed on the Committee's efforts.

Dave moved that the Committee authorize Jay to release the RFQ as amended. The motion was seconded by Maryanne. The Committee voted 5 – 0 in favor of the motion.

Kent mentioned that this RFQ approach is the same one he would like to take on securing the legal advice on the formal structure of the OPEB Investment Account.

5. Review of Cost Reduction Progress

(WayCAM video on this topic starts at 1:26:25)

Cliff indicated that he and Maryanne had received some data from John Senchyshyn and Donna LeMoyné with significantly more detail about the employee census and their choices of health plans. Cliff also reported that he had had another meeting with representatives from Blue Cross about new health plans that might be less costly.

6. Legal Structure of the Investment Account

(WayCAM video on this topic starts at 1:34:05)

Kent has talked to two attorneys but he indicated he needs to produce an RFQ similar in structure to the one Jay put together for the GASB 45 valuation. He agreed to write the RFQ for review at the next OPEB Committee meeting.

[Later in the meeting, Kent also mentioned that Mike Butler, Selectman of the Town of Dedham will send Kent a copy of Dedham's Trust Agreement for their OPEB Trust for review by the Committee.]

7. Review of OPEB Contributions from Fee-Based Programs

(WayCAM video on this topic starts at 1:34:40)

Kent reported that he had reviewed this item with Susan Bottan, the Wayland School Business Administrator. He noted that Reid Lyons, the HR Director for the Wayland School Department, has a great spreadsheet that accounts for all the School headcount and identifies the grant funding sources. The big issue is understanding how the various grant programs that pay for salaries for the programs can also be charged for OPEB, current health benefits and other overhead items. Kent will continue to work this issue with the new Finance Subcommittee of the School Committee.

Cliff noted that he had sent the OPEB Memorandum of Understanding (MoU) to Barb Fletcher, chair of the School Committee, Dr. Paul Stein, School Superintendent, Tom Greenaway, chair of the Finance Committee, Susan Bottan, and Brian Keveny. [The MoU describes the ten year program of \$50,000 per year to be transferred from Food Service and The Children's Way Enterprise Funds to the general fund representing the amount the two programs should have contributed for OPEB from 2008 to 2012. This obligation is more fully described in the 2014 Annual Town Meeting Warrant Article 4.] Cliff reported that none of the parties have signed the MoU. Jay strongly recommended that given the ten year duration of the financial commitment, he recommends that Cliff ask the chair of the School Committee to sign the document, so that it would be clearly understood by any new School superintendent and new School Committee members.

8. Approve minutes from Prior Meetings

(WayCAM video on this topic starts at 1:47:20)

Maryanne presented her draft of the minutes of July 17, 2014 and incorporated various comments from the Committee. Dave moved that the Committee approve the minutes as amended, which was seconded by Kent. The Committee approved the amended minutes unanimously.

Cliff asked Jay for his thoughts on how to re-organize the various OPEB-related documents on the OPEB portion of the Town of Wayland's website.

9. Next Meeting

The Committee agreed to meet next at 7:00 PM on Wednesday, September 24, 2014

The Committee voted 5-0 to adjourn the meeting at 8:47 PM.

Respectfully submitted,

Jay Sherry



BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

Frank DePaola, Acting MassDOT Secretary and CEO and MPO Chairman
Karl H. Quackenbush, Executive Director, MPO Staff

December 3, 2014

RECEIVED

DEC -5 2014

Board of Selectmen
Town of Wayland

Mr. Joseph F. Nolan
Chair, Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, Massachusetts 01778-2697

Re: Development Process and Milestones—FFYs 2016–19 TIP

Dear Mr. Nolan:

The Boston Region Metropolitan Planning Organization (MPO) is beginning its annual process of developing the Transportation Improvement Program (TIP) for federal fiscal years (FFYs) 2016–19. As you know, the TIP is the short-term capital program that funds transportation projects in the Boston region. I am writing to invite your municipality to participate in this process, and to inform you of significant milestones. Our goal is to endorse the final TIP on June 25, 2015.

This year's TIP process will coincide with developing the next Long-Range Transportation Plan (LRTP), *Charting Progress to 2040*, which will provide a 25-year vision for transportation in Boston metropolitan area. In the LRTP, the MPO sets priorities for future federally funded transportation investments that will guide project selection through the TIP.

This year's process for producing the TIP is similar to last year's. First, each municipality should identify the person who will communicate, on behalf of that municipality, directly with the MPO staff's TIP Manager, Sean Pfalzer, in developing this important document. According to our records, the current TIP Contact for Wayland is Sarkis Sarkisian. If this information is no longer accurate, please notify Sean (contact information below) by December 19, 2014, with the name of your new TIP contact.

The major milestones in this year's TIP development schedule are listed below. An asterisk (*) indicates the steps that municipalities are responsible for completing by the dates indicated.

- | | |
|---|--------------------|
| Identify New TIP Contacts | December 21* |
| Complete Project Funding Application Forms | January 30* |
| Complete Project Evaluations | February 27 |
| Submit Municipal Feedback on Project Evaluations | March 20* |
| Post First-Tier List and Staff Recommendation | March 26 |
| Discuss First-Tier List and Staff Recommendation with MPO | April 2, 16 and 30 |
| Release Draft FFYs 2015–18 TIP for Public Review | May 7 |

13

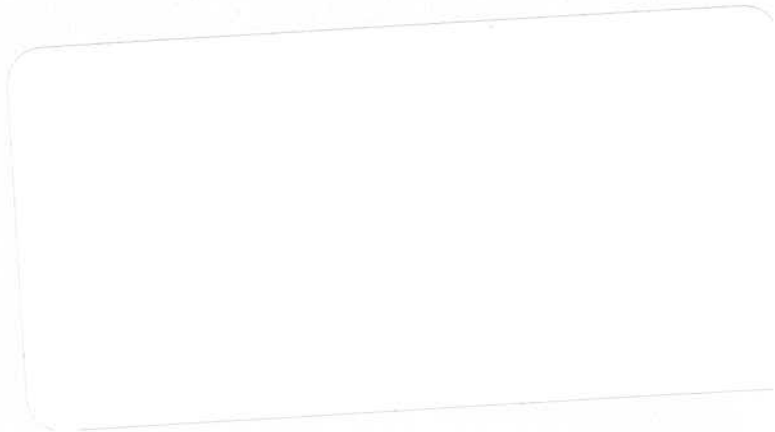
The MPO will host two outreach sessions to discuss the TIP development process—one on December 16, 2014 in Braintree, at Braintree Town Hall, from 9:00–11:00 AM; and another on January 6, 2014, in Malden, at Malden City Hall, from 9:00–11:00 AM. At these meetings, MPO staff will explain the development steps, with a focus on the responsibilities of municipalities' TIP contacts. We strongly encourage all municipalities to send a representative to one of these two sessions. As a reminder, municipal representatives are invited to attend and participate in all MPO meetings. A flyer with details about these public sessions is enclosed.

You may reach Sean Pfalzer at spfalzer@ctps.org, or 617-973-7107. Sean can answer any questions you might have regarding the TIP and its development. More information is available on the MPO website, at <http://www.ctps.org/Drupal/tip>.

Sincerely,



Karl Quackenbush
Executive Director
KQ/NR/nr
Encl.



Boston Region Metropolitan Planning Organization

Public Regional Transportation Discussion Sessions

Each year the MPO develops two plans to program the transportation planning studies and projects it will fund for the coming years. These are known as the Unified Planning Work Program (UPWP) and Transportation Improvement Program (TIP).

The MPO is hosting two public discussions to explain how the UPWP and TIP will be developed this year and to hear your views.

To learn more, visit www.bostonmpo.org or follow us on Twitter @BostonRegionMPO.

MPO staff will discuss the background, steps, and schedule for developing the next UPWP and TIP documents. We will also gather your ideas about transportation priorities, and explain how your feedback will be used and when there will be additional opportunities for public input.

MPO meeting sites are accessible to people with disabilities and are near public transportation. Upon request (preferably two weeks in advance of the meeting), every effort will be made to provide accommodations such as assistive listening devices, materials in accessible formats and in languages other than English, and interpreters of American Sign Language and other languages. Please contact the MPO staff at 617.973.7100 (voice), 617.973.7089 (TTY), 617.973.8855 (fax), or publicinformation@ctps.org (email).



Workshop Information

Tuesday, December 16

9:00 a.m. – 11:00 a.m.

Braintree Town Hall
Johnson Chambers (2nd Floor)
798 Washington Street
Braintree, MA 02184

Tuesday, January 6

9:00 a.m. – 11:00 a.m.

Malden City Hall
6th Floor Conference Room, Room 625-627
200 Pleasant Street
Malden MA 02148

For detailed schedules of the public transportation services available for getting to and from the meeting, please visit the MBTA's website, www.mbta.com, or call MBTA Customer Service at 617.222.3200 or 800.392.6100, or via TTY at 617.222.5146. Driving directions can be generated from Google Map (<https://maps.google.com>).



December 2014

Get Involved with Your Region's Transportation Improvement Program!

The Transportation Improvement Program, commonly referred to as the **TIP**, prioritizes how federal money is spent on infrastructure projects throughout the 101 cities and towns in the Boston Region. The MPO develops a TIP each year that allocates money to projects for the next four years. These projects preserve our transportation system, provide safe transportation for all modes, enhance livability, and improve mobility.

Types of projects include:

- Maintenance and expansion of the public transit system
- Construction of shared-use paths
- Improvements for pedestrians and bicyclists
- Reconstruction of highways
- Improvements to roadways and intersections

Opportunities to Get Involved

To determine which projects to fund over the next four federal fiscal years, the MPO collaborates with municipalities, state agencies, MAPC subregional groups, members of the public, advocacy groups, and other stakeholders, who can get involved in any of the following ways.

In December and January:

- Municipalities are invited to submit project funding requests and communicate their priorities to the MPO via their designated TIP Contacts.
- The MPO sponsors events for project advocates and members of the public to learn about the TIP process and how to support their local and regional transportation priorities.

In March and April:

- Municipalities have an opportunity to review and provide feedback on the results of project evaluations. They can also communicate their local priorities to the MAPC subregional groups, which are represented on the MPO.

In May and June:

- Members of the public review and comment on the draft TIP document.

Stay informed about the TIP development process and opportunities to participate by visiting the MPO's TIP website at www.bostonmpo.org/drupal/TIP or by following the MPO on Twitter @BostonRegionMPO.

TIP Resources to Facilitate Participation

The TIP is described in detail at www.bostonmpo.org/Drupal/tip. Other sources of information on the TIP and how to get involved include:

- 1) A list of the **TIP Contacts** for each of 101 cities and towns in the Boston Region, which is available at bostonmpo.org/Drupal/data/pdf/plans/TIP/TIP_Contacts.pdf
- 2) The **TIP Interactive Database**, which displays maps of and detailed information on all TIP projects, including those being considered for funding in future TIPs. Each project has a Project Funding Application Form that contains information on livability, mobility, and safety improvements. This database can be accessed at bostonmpo.org/apps/tip11/tip_query.html.
- 3) Information on the **TIP Evaluation Criteria** and the scoring system used by the MPO to evaluate projects and help inform transportation investment decisions. The scoring sheet is available at bostonmpo.org/Drupal/data/pdf/plans/TIP/TIP_Evaluation_Scoring.pdf
- 4) Information about how the implementation of transportation improvement projects is coordinated with the Massachusetts Department of Transportation (MassDOT). Chapter 2 of the MassDOT Project Development and Design Guide provides a detailed overview of the project development process, including project design and construction, and is available at massdot.state.ma.us/Portals/8/docs/designGuide/CH_2_a.pdf

- 5) Contact information for MPO Staff:

Sean Pfalzer, TIP Manager, Boston Region MPO Staff

Phone: 617.973.7107

Email: spfalzer@ctps.org

US mail: State Transportation Building
10 Park Plaza, Suite 2150
Boston, MA 02116-3968

