

**PACKET**

**SEP 19**

**2016**



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
LOUIS M. JURIST  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, September 19, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**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.) Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy for Upcoming Collective Bargaining Negotiations with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, WTA, WESA and Food Service Unions; and
- (b) Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Executive Session Minutes of September 6, 2016, Pertaining to the Following Subject: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Strategy with Respect To Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association
- 7:02 pm 2.) Leave Selectmen's Meeting Room and Reconvene in School Committee Room to Join Executive Session with Finance Committee, Personnel Board, and School Committee
- 7:45 pm 3.) Return to Selectmen's Meeting Room and Call to Order by Chair
- Announcements; Review Agenda for the Public
- 7:47 pm 4.) Public Comment
- 7:50 pm 5.) Review Proposed Plan for Moving DPW Functions and School Bus Parking from River's Edge Site to Alternative Town Locations
- 8:20 pm 6.) Special Town Meeting Articles: Vote to Take Position to Co-Sponsor or to Withdraw Articles
- Meet with Representatives of Board of Public Works to Discuss Articles
  - Meet with Representatives of Recreation Commission to Discuss Articles

**BOARD OF SELECTMEN**  
**Monday, September 19, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**Proposed Agenda Page Two**

- 9:00 pm 7.) Review and Vote to Approve Minutes of September 6, 2016, and  
Vote to Approve and Release Redacted Executive Session Minutes  
of September 6, 2016
- 9:05 pm 8.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:10 pm 9.) Review Correspondence (See Separate Index Sheet)
- 9:20 pm 10.) Report of the Town Administrator
- 9:30 pm 11.) Selectmen's Reports and Concerns
- 9:40 pm 12.) Topics Not Reasonably Anticipated by the Chair 48 Hours in  
Advance of the Meeting, If Any
- 9:45 pm 13.) Adjourn

(5) MOVING DPW  
FUNCTIONS AND  
SCHOOL BUS PARKING

**DATE:** SEPTEMBER 19, 2016  
**TO:** BOARD OF SELECTMEN  
**FROM:** NAN BALMER, TOWN ADMINISTRATOR  
**RE:** REVIEW PROPOSED PLAN FOR MOVING DPW FUNCTIONS AND SCHOOL BUSES FROM RIVERS EDGE SITE: DISCUSSION WITH REPRESENTATIVES OF BOPW AND FACILITIES DIRECTOR

PURPOSE OF DISCUSSION

The purpose of the discussion between the Board of Selectmen, BOPW representatives and Facilities' Director is to discuss the timetable and feasibility to move town functions off the River's Edge site, within near term and long term plans. A mutually agreed plan between the developer and Selectmen will be necessary specifying the actions the town will take to remove operations from the site and the date by which the town will take these actions.

BACKGROUND:

- A recommendation from the Rivers Edge Advisory Committee to the Board of Selectmen for a developer for the Rivers Edge site is expected by the end of September.
- The Developer's Proposal will remain subject to acceptance by the Town of Wayland for 180 days after the date of submission of proposals (7/6/16) or for such additional time as the Town and the RFP Respondent may agree in writing.
- The Developer requires full access to the site 30 days after a contract is awarded.
- The Department of Public Works uses a portion of the site for various operational purposes. The School Department uses the site for school bus parking. Town / School needs include:
  - Parking for 21 school buses
  - Snow storage
  - Water Department: Drying of non-hazardous materials and storage of gravel
  - DPW Operations: Transfer area for road reclamation materials, catch basin debris, street sweeping spoils etc.
  - Additional funding to transport rather than store wood chips, road millings, bituminous berm and bituminous asphalt, concrete, road reclamation materials, street sweepings, catch basin cleaning debris.

## ARTICLE LIST FOR NOVEMBER 15, 2016 SPECIAL TOWN MEETING

Article	November 2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
A	Current Year Transfers	Town Clerk	C. Karlson	D. Watkins		
B	Pay Previous Fiscal Year Unpaid Bills	Town Clerk	C. Karlson	D. Watkins		
C	Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials	Board of Selectmen	C. Karlson	J. Gorke		
D	Petition the State Legislature to Remove all Police Personnel from the Provisions of Civil Service without affecting the Civil Service Rights of Incumbents	Board of Selectmen	L. Anderson	N. Funkhouser		
E	Authorize Land Acquisitions for Natural Diversity (LAND) Grant Program Funding to Purchase Conservation Restriction on Mainstone Farm	Community Preservation Committee and Conservation Commission	M. Antes	D. Watkins		
F	Landscaping in Parking Areas Zoning Bylaw	Planning Board	L. Anderson	K. Shigley		
G	Home Occupation	Planning Board	L. Anderson	K. Shigley		
H	Conservation Cluster Developments	Planning Board	L. Anderson	G. Uveges		

## ARTICLE LIST FOR NOVEMBER 15, 2016 SPECIAL TOWN MEETING

Article	November 2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
I	Assisted/Independent Living and Nursing Home	Planning Board	L. Anderson	G. Uveges		
J	Street Acceptance	Planning Board	J. Nolan	K. Shigley		
K	Town Wide Recreation Facilities Strategic Plan	Recreation Commission	L. Jurist	G. Cliff		
L	207/195 Main Street and Middle School Field Feasibility Study	Recreation Commission	L. Jurist	G. Cliff		
M	Appropriate Funds to Purchase 107 Old Sudbury Road for Water Resources Protection	Board of Public Works	J. Nolan	C. Martin		
N	Appropriate Funds to Purchase 8 Glezen Lane for Water Resources Protection	Board of Public Works	J. Nolan	C. Martin		
O	Municipal Field Irrigation Waiver Bylaw Change	Board of Public Works	J. Nolan	J. Gorke		
P	Amend FY2017 Capital Budget to Eliminate Funding for Stonebridge Water Access Road and Water Main	Petitioners	M. Antes	N. Funkhouser		



## ARTICLES SUBMITTED FOR ADMISSION TO WARRANT FOR SPECIAL TOWN MEETING

November 15, 2016

The following articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

### A. CURRENT YEAR TRANSFERS

*Sponsored by: Town Clerk*

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

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### B. PAY PREVIOUS FISCAL YEAR UNPAID BILLS

*Sponsored by: Town Clerk*

To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

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### C. AMEND CHAPTER 36, SECTION 18 OF TOWN CODE, ATTENDANCE AND PARTICIPATION OF NONRESIDENT TOWN OFFICIALS

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, by adding thereto the words "Town Counsel" as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

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**D. PETITION THE STATE LEGISLATURE TO REMOVE ALL POLICE PERSONNEL FROM THE PROVISIONS OF CIVIL SERVICE WITHOUT AFFECTING THE CIVIL SERVICE RIGHTS OF INCUMBENTS**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act exempting all Town of Wayland Police Personnel from the provisions of Civil Service Law substantially the same as the following act:

**AN ACT EXEMPTING ALL POLICE PERSONNEL IN THE TOWN OF WAYLAND POLICE DEPARTMENT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW**

Section 1: All police personnel in the Town of Wayland Police Department shall be exempt from the provisions of Chapter 31 of the General Laws and related regulations applicable thereto.

Section 2: The provisions of Section 1 of this act shall not impair the civil service status of the present employees of the Town of Wayland Police Department except for the purpose of promotion.

Section 3: This act shall take effect upon its passage.

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**E. AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY (LAND) GRANT PROGRAM FUNDING TO PURCHASE CONSERVATION RESTRICTION ON MAINSTONE FARM**

*Sponsored by: Community Preservation Committee and Conservation Commission*

To determine whether the Town will vote: to

- a.) confirm its vote under Article 30 of the Warrant for the 2016 Annual Town Meeting to (i) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33 restricting the use of the land to conservation and passive outdoor recreation purposes, to be held by the Town of Wayland Conservation Commission pursuant to Massachusetts General Laws Chapter 40, Section 8C and by the Sudbury Valley Trustees, Inc, on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts containing 208.7 acres, more or less, which parcel of land to be covered by said conservation restriction is part of the parcel of land shown on Wayland Assessors Map as Parcel 35-031A and is shown as "87 Old Connecticut Path" on a plan entitled "Subdivision Plan of Land in Wayland Middlesex County Massachusetts" dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 100 of 2016 (Sheets 2 and 3 of 3), which plan is the basis for the sketch map attached to the Warrant for the Annual Town Meeting 2016 in Appendix K; (ii) appropriate \$12,000,000 to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.; and (iii) provide for said appropriation by (1) transferring \$2,100,000 from funds set aside in the Community Preservation Fund for open space

These articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.



(2) transferring \$2,900,000 from the uncommitted funds in the Community Preservation Fund; and  
(3) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$7,000,000 in anticipation of future Community Preservation Fund revenues pursuant to Massachusetts General Laws Chapter 44B, Section 11;

- b.) authorize the Board of Selectmen to expend said funds in conjunction with \$3,000,000 to be provided by the Sudbury Valley Trustees, Inc. for a total project cost of \$15,000,000;
- c.) authorize the Conservation Commission to (i) file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Massachusetts General Laws Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; and (ii) enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said purchase; and
- d.) authorize the Town Administrator, with the approval of the Board of Selectmen, to accept grant funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of EEA DCS LAND Grant Program.

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## **F. LANDSCAPING IN PARKING AREAS ZONING BYLAW**

*Sponsored by: Planning Board*

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Replace section 506.8.1 to read as follows:

### **506.8. Landscaping in parking areas.**

**506.8.1. A continuous landscape strip of a minimum width of 10 feet shall be provided along the perimeter of a parking lot which is accessory to a non-residential use on a lot that is in or adjacent to a residential district. This strip shall be adequately landscaped and maintained with natural and living materials so as to form an effective year round screen from adjacent properties in said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.**

**Existing language below**

### **506.8. Landscaping in parking areas.**

**506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.**

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## G. HOME OCCUPATION

*Sponsored by: Planning Board*

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

- (1.) In Section 198-04, strike the definition of "HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION)" and replace it with the following:

See, Sections 901.1.1 and 901.1.2

- (2.) Strike Section 901.1.2.4 and replace it with the following new paragraph:

The Customary Home Occupation shall not generate more than ten additional vehicle trips per day, as is predicted by the Institute of Transportation Engineers (ITE) trip generation manual or other competent evidence.

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## H. CONSERVATION CLUSTER DEVELOPMENTS

*Sponsored by: Planning Board*

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

[Key to changes: underlining denotes additions; ~~strikethroughs~~ denotes deletions]

1803.1 After notice and public hearing in accordance with Jaw, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Historical Commission, and the Board of Health, grant such a special permit, provided that:

1803.1.1 It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2 The area of the tract of land is not less than 5 acres. [Amended 5-5-2005 ATM by Art. 27]

1803.1.3 The total number of lots on which there is to be a single dwelling unit dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following: [Amended 5-5-2005 ATM by Art. 29]

~~1803.1.3.1~~ (a) ~~The~~ number of building lots that could be created in the tract shown on such plan without a special permit hereunder, plus one lot for each 10 of such building lots that could otherwise be created; or

~~1803.1.3.2~~ (b) ~~The~~ number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones) situated within the floodplain or designated as

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wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.

1803.1.3.1 For purposes of demonstrating the number of lots under subsection 1803.1.3(a) above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer or land surveyor which shows the maximum number of lots which can be created on a conventional subdivision plan meeting all dimensional and other requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, which submittal shall include a list of requested waivers necessary to implement the subdivision plan, which the Planning Board shall review and determine whether to grant.

1803.1.3.32 Within the Residence Districts, the Planning Board ~~shall~~ may permit allow by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units ~~for attached buildings~~ shall not exceed the total that is allowed under § 198-1805 1803.1.43.

1803.1.3.4 3 Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may permit by Special Permit attached and detached dwelling units to be erected on single lot(s). [Added 10-3-2012 STM by Art. 6]

1803.1.4 Each of the building lots shown on the plan ~~has~~ shall have adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5 Each of the building lots ~~shown on the plan is~~ shall be of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.

1803.1.6 The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built, ~~provided that a~~ All dwellings and accessory buildings, driveways and roadways shall be set back at least ~~45~~ 50 feet from the perimeter of the tract, except that the Planning Board may reduce this set back to not less than 25 feet if it furthers the interests of this by-law, and 15 feet from any open land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development.

1803.1.7 For Conservation Cluster Developments consisting of at least a majority of single-family detached dwellings, ~~At least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be open designated as Open Land, and the open land shall include all land not dedicated to roads or building lots.~~ For Conservation Cluster Developments consisting of at least a majority of ~~attached~~ single-family attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open land, ~~and the open land shall include all land not dedicated to roads or building lots.~~ For the purpose of this article, "open land" is defined ~~as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private,~~ The Open Land shall be reserved to be used for open space, conservation, agriculture, outdoor passive recreation, park purposes or some combination of the foregoing. [Amended 5-5-2005 ATM by Art. 29]

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1803.1.82 Conveyance of the ~~open~~ Open Land.

1803.1.8.1.2.1 The Open Land shall be conveyed either:

~~1803.1.8.1.1~~ (a) To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land, ~~which shall accept it for park or open space use;~~

~~1803.1.8.1.2~~ (b) To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or

~~1803.1.8.1.3~~ (c) To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

1803.1.8.2.2 If ~~ownership is in title to the Open Land is held by~~ an entity other than the Town, ~~there shall be sufficient rights in the Town to provide that such land shall be kept in an open or natural state, and provisions shall be made satisfactory to the Planning Board so that the Town, through its Conservation Commission, Planning Board, or other board, can enforce any other~~ restrictions or easements imposed upon the ~~open~~ Open Land by the Planning Board as conditions of its special permit grant.

1803.1.92.3 Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the ~~open~~ Open Land to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the ~~open~~ Open Land.

1803.1.103 If the ~~land shown on the plan includes land~~ tract of land proposed for the Conservation Cluster development is located in two residence zones or two or more zoning districts, all of the land shall the entire tract, for all purposes of this ~~article~~ Bylaw, be considered as lying entirely within the zone or zoning district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residence zone or zoning district, all of the land shall be considered as lying within that zone or zoning district. [Amended 5-5-2005 ATM by Art.29 3

1803.1.11, respectively.

1803.1.114 No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the approved, recorded plan. [Amended 5-5-2005 ATM by Art. 29]

§ 198-1804. Conditions.

1804.1 The Planning Board may, in appropriate cases, impose as a condition of the special permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.

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§ 198-1805. Decision.

1805.1 In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:

1805.1.1 A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.

1805.1.2 A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

1805.1.3 The relation of the proposed development to long-range plans of the Town, if any.

1805.1.4 The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

1805.1.5 The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.

1805.1.6 If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.

1805.1.7 If the Planning Board denies the special permit, its reasons for so doing.

1805.1.8 If the Planning Board disagrees with the recommendations of the Conservation Commission, Historical Commission, or the Board of Health, it shall state its reasons therefor in writing.

1805.1.9 If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-1803.1.3 above.

1805.2 Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

§ 198-1806. Common Open land.

1806.1 If a special permit is granted, the Planning Board shall impose as a condition that the common Open Land shall be conveyed, free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, ~~of any mortgage interest or security interest~~ and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot, unless the petitioner shall provide a

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cash performance bond in an amount sufficient to guarantee the conveyance of the Open Land as required by the special permit. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances. In any event, the Open Land shall be conveyed as required on or before one year after the conveyance of the last lot.

§ 198-1807. Duration of special permit.

1807.1 A special permit granted under this article shall lapse within 18 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

§ 198-1808. Amendments.

1808.1 Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:

1808.1.1 Grant any reduction in the size of the open land as provided in the permit;

1808.1.2 Grant any change in the layout of the ways as provided in the permit;

1808.1.3 Increase the number of building lots as provided in the permit; or

1808.1.4 Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

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## **I. ASSISTED/INDEPENDENT LIVING AND NURSING HOME**

*Sponsored by: Planning Board*

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Amend the Table of Permitted Principal Uses by District by changing the designation for Line 24, "Assisted/Independent Living" from "SP" to "No" in Single Residence districts, and by changing the designation for Line 32, "Nursing Home" from "SP" to "No" in Single Residence districts.

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## **J. STREET ACCEPTANCE**

*Sponsored by: Planning Board*

To determine whether the Town will vote to accept as a town ways the following streets laid out by the Board of Road Commissioners, Department of Public Works, Board of Selectmen:

Greenways  
Summer Lane  
Dylan Circle  
Spencer Circle

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## **K. TOWN WIDE RECREATION FACILITIES STRATEGIC PLAN**

*Sponsored by: Recreation Commission*

To determine whether the Town will vote to allow the Recreation Commission to spend a sum of money from the Recreation Stabilization Fund to do a Town Wide Recreation Facilities Strategic Plan.

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## **L. 207/195 MAIN STREET AND MIDDLE SCHOOL FIELD FEASIBILITY STUDY**

*Sponsored by: Recreation Commission*

To determine whether the Town will vote to allow the Recreation Commission to spend a sum of money from the Recreation Stabilization fund to do a Feasibility Study to investigate the construction of a potential new Multi-Purpose, Rectangular, Natural grass field at 207 and 195 Main Street in conjunction with the design of a potential new library, as well as to investigate the construction of a potential new multi-purpose, rectangular, artificial turf field where the current Middle School soccer/lacrosse field is situated or the 207 and 195 sites if found to be a feasible option.

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## **M. APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD FOR WATER RESOURCE PROTECTION**

*Sponsored by: Board of Public Works*

To determine whether the Town will vote to:

- a.) appropriate a sum of money to acquire, for water purposes, the fee or any lesser interest in the parcel of land located on 107 Old Sudbury Road, Wayland Massachusetts, containing the aggregate 2.06 acres, more or less, and shown as Lot 17-022 in the Town of Wayland Assessors' Atlas;
- b.) authorize the Board of Public Works [*Selectmen?*], with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of said parcel of land; and
- c.) determine whether said appropriate shall be provided by Water Enterprise Fund, or water borrowings.

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**N. APPROPRIATE FUNDS TO PURCHASE 8 GLEZEN LANE FOR WATER RESOURCE PROTECTION**

*Sponsored by: Board of Public Works*

To determine whether the Town will vote to:

- a.) appropriate a sum of money to acquire, for water purposes, the fee or any lesser interest in the parcel of land located on 8 Glezen Lane, Wayland Massachusetts, containing the aggregate 1.82 acres, more or less, and shown as Lot 18-014 in the Town of Wayland Assessors' Atlas;
- b.) authorize the Board of Public Works [*Selectmen?*], with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of said parcel of land; and
- c.) determine whether said appropriate shall be provided by Water Enterprise Fund, or water borrowings.

**O. MUNICIPAL FIELD IRRIGATION WAIVER BYLAW CHANGE**

*Sponsored by: Board of Public Works and Recreation Commission*

191-6 (c) Municipal field waiver

Any municipally-owned field which uses prudent water conservation practices shall be exempt from the 15,000 square foot limit for new installations or expansions of existing irrigation systems. All irrigation improvements will be limited to the playing field area. All irrigation systems are subject to applicable regulations as well as approval by the Board of Public Works as Water Commissioners.

Nothing in this by-law shall limit the authority of the Board of Public Works to implement water restrictions, including for municipal irrigation systems.

**P. AMEND FY2017 CAPITAL BUDGET TO ELIMINATE FUNDING FOR STONEBRIDGE WATER ACCESS ROAD AND WATER MAIN**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend its vote under Article 8 of the Warrant for the 2016 Annual Town Meeting relative to the Fiscal Year 2017 Capital Budget to reduce to zero the amount allocated to Capital Budget Item 28: "Department of Public Works, Water - \$936,000. Title: Stonebridge Water Main Project."

These articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
LOUIS M. JURIST  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes September 6, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph R. Nolan  
**Also Present:** Town Administrator Nan Balmer, Human Resources Assistant Katelyn O'Brien.

**A1. Open Meeting and Enter into Executive Session (a) Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Strategy with Respect to Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and (b) Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Executive Session Minutes of August 3, 2016, Pertaining to the Following Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), a Discussion of Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief** At 6:31 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to health insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and (b) pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to review and consider for approval the potential release of the executive session minutes of August 3, 2016, pertaining to the following subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), a discussion of strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, and Human Resources Assistant Katelyn O'Brien. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:55 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:55 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

**A3. Public Comment** Gretchen Dresens, 155 Main Street, discussed with the Board her attempt to file an appeal on the 150 Main Street decision by the Building Commissioner. G. Dresens told the Board that the Town Clerk's office was closed on August 17<sup>th</sup>, the day she came in, and that it would reopen at 1:30 p.m. She went to the Selectmen's office, where she had the appeal stamped there with Town Administrator N. Balmer's approval. She then brought it to the Building Department. The appeal didn't make it to the Town Clerk's office until August 19<sup>th</sup>, the day after the deadline. Town Counsel recommended the appeal be rejected since it didn't make it to the Town Clerk's office by the deadline. G. Dresens asked the Board if there is anything that can be done so her appeal can be accepted and she can get in front of the Zoning Board.

Molly Upton, 23B Bayfield Rd., told the Board that she filed an appeal for 150 Main Street plus an additional appeal. She told the Board that all parties would be best served if there was an independent counsel appointed for all matters pertaining to 155 Main Street.

John Maccini, 453 Old Connecticut Path, talked to the Board about G. Dresen's 150 Main Street appeal situation. He stated that the Town Clerk didn't give proper notice online of the limited hours. He also said G. Dresens wasn't given any notice that the process wasn't correct after her appeal got stamped in by the Selectmen's office with N. Balmer's authorization.

**A4. Update from IT Director Jorge Pazos** J. Pazos provided the Board a quick review of what the department has been working on for the last four months and how it compares to the recommendations from the RSM report. J. Pazos stated that the department's strategy is to stabilize certain key IT problems then focus on things they can work on in the next few years. Areas the department focused on and purchased products for include storage, firewalls, and helpdesk. J. Pazos stated that the department hopes to purchase Patch Management soon. Data center upgrades to server infrastructure was also discussed and will need to be replaced soon. J. Pazos said he will be presenting policies to N. Balmer.

M. Antes asked about a potential new position for the IT Department, a Business Systems Analyst. J. Pazos said that he has submitted the information to HR. L. Anderson asked J. Pazos about the current state of security. J. Pazos stated that it's a process and he feels a lot better about it now than when he started.

**A5. Review Special Town Meeting Articles** The Board discussed the Special Town Meeting Articles and the assignments. C. Karlson stated that Special Town Meeting is expected to be two nights. J. Nolan volunteered to be the Selectmen assignee for the three DPW articles M, N, O. L. Jurist will take the two Recreation articles K and L. L. Anderson will take the Planning Board and Civil Service articles F, G, H, I, J. M. Antes will cover Mainstone article E and the petitioner's article P. J. Nolan offered to take Article J (Street acceptance) since it has a DPW element to it. C. Karlson will take on articles A (Current Year Transfers), B (Pay Previous Fiscal Year Unpaid Bills), and C (Participation of Nonresident Town Officials). C. Karlson and L. Anderson will talk to J. Senchenson about article D (Civil Service).

**A6. Review Evaluation Committee to Review Responses to Legal Request for Proposals** N. Balmer asked for comments from the Board on the composition of members for a committee to review responses to Legal Request for Proposals. N. Balmer recommended that the committee include herself, J. Senchenshyn, G. Larson, E. Brideau, C. Karlson, and A. Lewis. B. Doucette would manage the process. The Board agreed on the composition of the committee.

**A7. Vote to Approve Submission of Press Release Regarding Minuteman Special Election Ballot Question** L. Anderson discussed a press release regarding the Minuteman Special Election ballot question. She proposed it be posted online Friday, September 9<sup>th</sup>, and in print next Thursday, September 15<sup>th</sup> in the

Town Crier. L. Anderson stated that the goal of the press release is for people to know why the Town is having a vote on this matter even though Wayland is withdrawing from Minuteman. The Board agreed that L. Anderson should highlight the fact that it's an unusual situation to vote on a capital project that the Town will not be paying for. The Board suggested L. Anderson include that statement towards the beginning of the press release and perhaps make the text bold online to remind residents. L. Jurist moved, seconded by J. Nolan, to approve the submission of the press release regarding the Minuteman Special Election ballot question. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Update on Town Administrator's Goals** N. Balmer discussed the document that lists her accomplishments within the last year with the Board. N. Balmer added that there is a lot of teamwork happening within the Town.

**A9. Town Administrator Evaluation: Discuss Process and Review and Approve Evaluation Form** C. Karlson submitted again the process of the evaluation. Board members will bring hard copies of their individual drafts to the September 26, 2016 meeting. They will not discuss the evaluation that night, instead C. Karlson stated that the Board may start the discussion October 5, 2016. C. Karlson asked if N. Balmer wanted her evaluation a public process. N. Balmer said "I waive the right to have my annual performance review by the Board of Selectmen conducted in an Executive Session."

C. Karlson discussed the evaluation form with the Board. C. Karlson stated that she will send N. Balmer the two documents in Word form and N. Balmer will send it to Board members.

**A10. Review and Approve Minutes of August 3, 2016, and August 15, 2016, and Vote to Approve and Release Redacted Executive Session Minutes of August 3, 2016** L. Anderson moved, seconded by M. Antes, to approve the minutes of August 3, 2016 (J. Nolan stepped out). YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. Absent: J. Nolan. Abstain: none. Adopted 4-0. (J. Nolan returned.) M. Antes moved, seconded by L. Anderson to approve the minutes of August 15, 2016, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: J. Nolan. Adopted 4-0-1. J. Nolan moved, seconded by M. Antes, to approve and release the redacted executive session minutes of August 3, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Review and Approve Consent Calendar (See Separate Sheet)** C. Karlson asked the Board to hold item 3 for a future meeting. M. Antes moved, seconded by L. Jurist, to approve items 1, 2, 4, and 5 on the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A12. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence and assignments. N. Balmer discussed her office's role in the situation that G. Dresens brought to the Board during public comment. J. Nolan asked if it was the ZBA's legal latitude to accept something that is filed a day late. The Board agreed that it's not the Selectmen's jurisdiction to decide that and this is now a legal question. L. Anderson asked if the Board has the right to talk to other Boards to explain the facts. C. Karlson is unsure since they have appointing authority over the ZBA Board. The Board agreed that the Town Clerk's office should list their hours online if expecting to close early. The Board also questioned why the appeal didn't make it to the Town Clerk's Office from the Building Department by the deadline date and why the person filing the appeal wasn't notified right away the appeal wasn't complete. The Board asked Nan to write a letter to the ZBA Board explaining what happened with the appeal.

The Board discussed item number three (Heard Rd. paving project) and asked N. Balmer to make certain that it's been acknowledged.

The Board discussed item number four (Habitat for Humanity – deed recordings), in which N. Balmer said she would have to look into it more and get in contact with DHCD before coming up with a response.

The Board decided to put item number nineteen (Reelection to the MetroWest Seat on the Boston MPO) on the Consent Calendar for September 12, 2016.

**A13. Report of the Town Administrator** Rivers Edge Committee will meet tomorrow night with a recommendation coming to the Board after September 7th. The alternate laydown area for DPW and alternate parking area for school buses has to be figured out. N. Balmer stated that she has asked for an update about these issues. The Board agreed that they need to know the solutions to those two issues before anything is decided. The Board also would like a better understanding of the procurement timeline. The Board agreed to ask N. Balmer to contact Special Counsel to advise.

Street lights and the solar panels at the Middle School and High School were also discussed. They are complete but not turned on yet. Work is scheduled to begin on September 9<sup>th</sup> in the Town Building parking lot. L. Anderson asked about a backup parking plan. N. Balmer said staff can park at the church nearby.

N. Balmer discussed the Housing Production Plan, which will be considered for approval by the Board at the September 12<sup>th</sup> meeting. Recommendations from N. Balmer and the Finance Director to the Finance Committee on the FY18 budget guidelines were also discussed. N. Balmer included a link to the Treasurer's website where the Board can see the PRIT performance reports. N. Balmer updated the Board on the status of the Conservation Department. The office is open under a temporary plan being managed by Human Resource Assistant Katelyn O'Brien. Retired Conservation Administrator Brian Monahan will be available part-time in the office until the role of Conservation Administrator can be filled.

**A14. Selectmen's Reports and Concerns** M. Antes received a suggestion from a resident who would like daily updates from the DPW about what streets will be open or closed. L. Anderson attended Carroll School public meeting. M. Antes reported to the Board that at the recent COA meeting they discussed the tax workoff program and they will be requesting additional funding, since they only have 38 people now.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A16. Adjourn** There being no further business before the Board, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 9:20 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 6, 2016**

1. Draft Press Release: Special Election on September 20 for Bonding of New Minuteman Regional Vocational High School

**Items Included as Part of Agenda Packet for Discussion During the September 6, 2016 Board of Selectmen's Meeting**

1. Memorandum of 9/1/16 from Jorge Pazos, IT Director, to Board of Selectmen re: Information Technology Department Update
2. Article List for November 15, 2016 Special Town Meeting, with Submitted Articles Attached
3. Memorandum of 9/6/16 from Nan Balmer, Town Administrator to Board of Selectmen re: Legal RFP: Evaluation Committee
4. Memorandum of 9/6/16 from Nan Balmer, Town Administrator to Board of Selectmen re: Town Administrator Goals Update
5. Town Administrator Evaluation Form 2015-2016, and Town Administrator Evaluation Process 2016
6. Draft Minutes of August 3, 2016, and August 15, 2016
7. Report of the Town Administrator for the Week Ending September 2, 2016

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING SEPTEMBER 16, 2016**

**STM ARTICLES ON PURCHASE OF PROPERTY FOR WATER PROTECTION:**

Procurement Specialist Elizabeth Doucette is assisting the Interim DPW Director and Water Superintendent with the steps necessary under state procurement law to acquire property for water protection if Town Meeting authorizes funding and acquisition.

For the property at 107 Old Sudbury Road, staff agrees that a determination of "uniqueness" under the law can be made. This means no public bidding is required. The determination of uniqueness, signed by the Chief Procurement Officer, (Town Administrator) will state that the location of this property is unique because it is adjacent to the Baldwin well property, and the physical characteristics of the site make it a uniquely feasible flood reclamation area if sand filter beds are built on town property. The Board of Public Works executed a contingent purchase and sales agreement on this property with a purchase price of \$500,000. An appraisal will be conducted before Town Meeting.

The Board of Public Works is also interested in purchasing the property at 8 Glezen Lane, which is in "Zone 1" (400 foot radius of Baldwin Pond wells). Because several other properties are similarly situated 8 Glezen Lane is not unique for these purposes and the Procurement Specialist is advertising for proposals from property owners in Zone 1 that may submit a proposal to sell for water protection purposes. The asking price for 8 Glezen Lane is \$1.2 million.

**CLEAN ENERGY CONTRACT**

The Energy Advisory Committee requests that the town enter into a contract for professional engineering services, funded by the state for installation of solar power for the Middle School back-up generator (The "Resiliency Grant) and for an evaluation of solar power storage. The Town Administrator is authorized to sign the contract, pending a positive consensus of the Selectmen. (Attached)

## SCOPE OF SERVICES AND DISCLAIMER AGREEMENT

Clean Energy Group Inc. (CEG)/Clean Energy States Alliance, Inc. (CESA) has entered into a no-cost contract with Massachusetts Department of Energy Resources (DOER) to provide guidance and support services for select Community Clean Energy Resiliency Initiative (CCERI) awardees to help ensure that system design, equipment and services procurement, project construction and installation, and performance monitoring are addressed properly by the CCERI awardees' professional engineering, financial and/or legal providers.

### **NO COST SERVICE:**

**[Enter name of municipality]** (Municipality) is a CCERI awardee that seeks to work with CEG/CESA and its consultants to obtain technical support services pursuant to CEG/CESA's agreement with DOER.

CEG/CESA is qualified to perform this function based on its expertise in resilient power policy and applications, as well as its collaboration and partnership with Sandia National Laboratory, a federal Department of Energy laboratory that has expertise in combining renewable energy with energy storage technologies, and CEG/CESA's work and experience with a qualified group of consultants, developers, and contractors for advanced energy systems.

CESA/CESA may also provide a technical service consultant(s), at NO cost to the Municipality, to perform mutually agreed-upon services as requested by the Municipality, to support its resilient power project. The Services may include:

- Collaboration with the Municipality to determine appropriate project procurement strategies for contracting services and equipment requested.
- Specification review for storage devices, switch gears, controls, and other relevant equipment, including:
  - Technical review of solicitation documents focused on system specifications; and
  - Recommendations on improvements to procurement documents.
- Design review covering constructability, sequence of operations, and connection to the distribution system, including:
  - Review of project engineering design provided by contracted developer/installer;
  - Recommendations on change requests, as needed; and
  - Recommendations on suitability of design.
- Review of factory acceptance testing plans and results.
- Review of commissioning plans and results.
- Review of monitoring and metering specifications.
- Analysis of operational systems.
- Attendance at factory acceptance testing and commissioning for larger systems, as budget and timing allow.

These services are complementary to, and not lieu of, the services provided by the Municipality's own professional engineering, financial and/or legal providers.

**PROVISION OF DATA:**

In consideration for the provision of the foregoing services, the Municipality agrees to provide to CEG/CESA the project data identified on Schedule A (where applicable and to the fullest ability of the signatory), attached hereto.

**DISCLAIMER:**

The information provided by CEG/CESA and/or its consultants related to energy storage and resilient power projects is **general in nature and is not intended to substitute for professional engineering, financial and/or legal advice on any specific matter. The Municipality is responsible for obtaining advice from independent professionals before making any decisions or pursuing any actions based on the generic information provided by CEG/CESA and/or its consultants.** Any liability for errors or omissions contained in the information provided by CEG/CESA and/or its consultants is hereby disclaimed.

**CONSENT:**

The parties agree that they may consent to these terms of engagement by exchange of electronic mail, and such exchange of electronic mail shall have the same binding legal effect as if it were an original signed version of these terms delivered in person.

If you understand the terms of our engagement (as described above), please indicate your acceptance by replying "AGREED" to this email, which will constitute your signature on behalf of the Municipality.



## Schedule A to SCOPE OF SERVICES AND DISCLAIMER AGREEMENT

### PROVISION OF DATA:

In consideration for the provision of the services noted in the SCOPE OF SERVICES AND DISCLAIMER agreement, the Municipality agrees to provide to CEG/CESA the project data identified on Schedule A (where applicable and to the fullest ability of the signatory).

### Schedule A

#### Project-level Data and Information List

**Use of data:** Data provided to Clean Energy Group/Clean Energy States Alliance will be used for analysis and modeling. If you have any questions about data to be provided or how this data will be used, please contact Todd Olinsky-Paul at [Todd@cleanegroup.org](mailto:Todd@cleanegroup.org).

#### General/Background Questions

- Project name
- Project owner
- Owner type (municipal agency, municipal utility, private for-profit, private non-profit, mixed ownership etc)
- Date of installation of the various system components (e.g. if the project includes PV and batteries, are they to be installed at the same time? Are there existing components?)
- Online-date/Date put into service
- Project location (address)
- What type of building load is the project designed to serve? (e.g. school, small commercial, hospital, warehouse, industrial facility, gas station...). This refers to the facilities to which the project will provide resiliency services.
- What was the financial criteria on which the project economics were evaluated? E.g. Are you anticipating a payback for all or a portion of the cost of the system? If so, what payback time were you looking to achieve? If not, why not?

#### Electricity Rate Structure

- If not a utility, what utility rate tariff are you under? This is usually listed on the utility bill and has a name and/or code - e.g. "PG&E Rate A-6, Small General Time of Use Service"
- How are you compensated for electricity exported to the grid? Are you under (or will you be under) a net metering arrangement? Do you receive credit at the retail rate? Wholesale rate? Other?
- What other cost-saving or income-generating services can you provide using the proposed system? List all possible.

#### Incentives and Grants

- What was the state grant amount?
- Are other incentives or grants being applied to this project?
- What is the total project cost?
- What is your cost share?

#### Financing and Ownership Structure

- Who is the Project owner & Project host? If multiple owners, please explain who will own what portion of the system.
- How is the balance of project cost to be financed? Third-party ownership/PPA or lease arrangement? Bank financed? Self-financed? Please provide as much detail as possible. (Knowing the discount rate, for example, improves our modeling results.)

#### Revenue Streams & Avoided Costs/Losses

- Is the battery being used to time-shift grid purchases?
  - What is the expected annual cost savings from shifting grid purchases?
- Is the battery being used for arbitrage?
  - What is the expected annual revenue from arbitrage?
- Is the battery being used to reduce facility demand charges?
  - Can you describe the battery dispatch strategy you are using for reducing demand charges?
    - What is the expected annual cost savings from reduced demand charges?
- Is the battery being used to participate in an ancillary service market? Which ones?
  - Frequency Regulation
  - Demand Response Market
  - Utility Capacity Market
  - Other?
  - What is the anticipated annual revenue from these services?
- Is the battery being used to reduce utility obligations for capacity and/or transmission services?
  - What is the expected annual cost savings from reduced capacity/transmission services?
- At what prices are you compensated for providing ancillary services?
  - What is the expected annual revenue or cost savings from providing ancillary services?
  - Are you working with an aggregator? If so, which aggregator?

#### Resiliency

- If you are using a battery in combination with a PV system, can you continue to serve building load and charge the battery with the PV system while in islanded mode?
- Can you switch off non-critical load?
- Do you have any other backup power to serve the load? E.g. is there a generator (diesel, gas, or other) in addition to the PV/battery system? Is it connected to the battery?
- Are there other energy resiliency measures in place? If so, what?
- How do you define energy resiliency/how do you quantify it? (e.g. number of hours you can supply a percentage of your load, etc.)
- What is your average, maximum critical load?
- Do you have a way of quantifying the value of resiliency the system provides? (e.g. Did you put a number on your lost revenue or costs from outages, such as a customer damage function, or did you specify the need for a certain number of hours of backup at all times, etc.?)

#### Technology Specs.

- Can you provide a system configuration diagram?
- Size of the PV system in kW-dc; Total capacity of PV panels, or capacity of each panel + how many panels (kW-dc)
- PV panel make/model
- PV orientation (tilt, azimuth)
- PV array ground coverage ratio (ratio of PV module area to area covered by the array – or supply the ground covered by the array, and we can calculate the GCR ourselves from panel type & number)
- PV racking style (fixed, tracking)
- What is the size of the inverter (e.g. 400 kW)
- Battery chemistry (e.g. Lithium Ion NMC 333)
- Battery make and model

- What is the power rating of the battery
- What is energy rating of the battery
- What is the operating range state of charge
- What is the minimum state of charge
- Configuration of batteries
  - Number of cells in series
  - Number of series strings
- Plant open circuit voltage, measured when the battery is not working, voltage per cell, times # cells in series
- How many meters do you have? Where is the PV and battery in relation to the meters? Is the whole system behind the same meter?

#### **Cost Data**

• Can we get a copy of the proforma for the project? If yes, no need to answer the cost questions below.  
(Note: Be sure to specify what the cost numbers include and, if possible, distinguish between hardware costs from soft costs such as installation, interconnection, permitting etc.)

- What is the total installed cost of the system? (annual, lifetime?)

#### **Cost Breakdown**

- Cost of PV panels \$/kW
- Inverter cost
- Cost of battery system in \$/kW and/or \$/kWh
  - Materials vs Labor
  - O&M costs
  - BOS costs (please specify)
- PV balance of system (BOS) costs:
  - Direct labor
    - Electrical
    - General construction
  - Indirect labor
    - Design and Engineering
  - Permitting Inspection and Interconnection:
    - Permit and Inspection fees
    - Construction permit administration
    - Interconnection administration
  - Gross Profit Margin
  - Overhead/Other fees
    - General and Administrative expenses
    - Project management

#### **Time-series/Granular Data**

- Can you provide:
  - Building load data (greatest detail possible)
  - PV production data (greatest detail possible)
  - Battery dispatch data
  - Electricity Bills PRE and POST- system installation
  - Data on revenue from payments for ancillary services (e.g. frequency regulation, demand response)



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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
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## BOARD OF SELECTMEN

LEA T. ANDERSON  
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JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, September 19, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

### CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through August 31, 2016: \$8,088.86
3. Vote the Question of Approving the Request of the Chief of Police that the Board of Selectmen Sign a Letter to the Massachusetts Highway Department, District 3, to Request that the Resurfacing Work on Route 20 in Wayland be Completed As Soon As Possible

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 - 8/31/2016

SUMMARY

FEE CALCULATION: 49.5 HOURS X \$160.00 PER HOUR =	\$ 7,920.00
DISBURSEMENTS (See below for detail)	168.86
TOTAL 8/31/16 INVOICE.....	<u>\$8,088.86</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$ 8,088.86</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T .....	<u>0.00</u>

DISBURSEMENTS

8/2016	Postage	28.56
8/2016	FAXing (978) 369-9916 & (978) 261-5034	0.00
8/2016	Copying	21.50
8/8/16	Courier Fees - W. Beit Olam Cem. Corp. Case	118.80
	Total Disbursements	<u>\$168.86</u>



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September 19, 2016

Mr. Jonathan Gulliver, Highway Director  
Massachusetts Highway Department, District 3  
403 Belmont Street  
Worcester MA 01604

Dear Director Gulliver:

Last year, in your August 25, 2016 letter to the Board of Selectmen, you indicated that you anticipated full resurfacing work on Route #20 in Wayland could be done in the Spring of 2016, provided that funds are available. To date no work has been done and we have received no indication of when the project is scheduled to begin.

The Board of Selectmen, as Traffic Authority for the town, remain very concerned about the deteriorating condition of significant portions of Route #20 and we request that this project be completed as soon as possible.

Respectfully,  
Board of Selectmen

---

Cherry C. Karlson, Chair

---

Lea T. Anderson, Vice Chair

---

Mary M. Antes

---

Louis M. Jurist

---

Joseph F. Nolan



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, Secretary & CEO  
Thomas J. Irlin, Acting Administrator



August 25, 2015

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

RECEIVED

AUG 28 2015

Board of Selectmen  
Town of Wayland

RE: 7/27/2015 Correspondence - Route 20 Resurfacing

Dear Board Members,

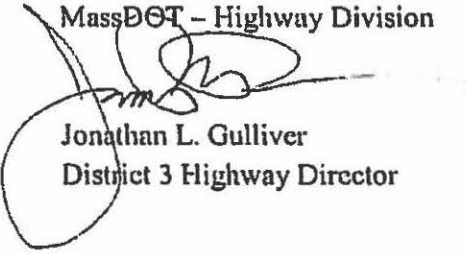
Thank you for your correspondence of July 27, 2015 regarding the resurfacing of Route 20 in the Town of Wayland. MassDOT reviewed pavement conditions this Spring and we agree with your assessment that the road is in need of resurfacing. As part of our evaluation we observed recent excavation and trench patching associated with utility work. Utility trenches are prone to settlement and typically take up to one year along with a winter freeze/thaw cycle to ensure that no further settlement will occur.

Due to this recent excavation we have deferred plans to resurface Route 20 until next year to provide time for these utility trenches to fully settle.

In the interim, the District is completing the field engineering of this corridor and we will review the trench conditions with the utilities to ensure they are in compliance. Additionally, we have assigned maintenance personnel to complete any necessary patching of the roadway. We anticipate that the full resurfacing work can be done in the Spring of 2016 provided that funds are available.

If you have any further questions, please feel free to contact me at (508) 929-3800.

Very truly yours  
MassDOT - Highway Division



Jonathan L. Gulliver  
District 3 Highway 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  
LEA T. ANDERSON  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

July 27, 2015

Mr. Jonathan Gulliver, Highway Director  
Massachusetts Highway Department, District 3  
403 Belmont Street  
Worcester MA 01604

Dear Director Gulliver:

Recently, the Massachusetts Department of Transportation completed an extensive resurfacing of Route # 20 (Boston Post Road) in the Town of Sudbury. We are writing, as the Traffic Authority for the Town of Wayland, to request that the D.O.T. continue this road resurfacing project through the town of Wayland as soon as possible. As you can see from the attached photos, many parts of this heavily traveled road are in immediate need of repair. Parts of the road have been opened many times for various water, sewer or electrical projects. This has caused the road to become uneven and rutted in many places.

Please advise when the Wayland resurfacing project is scheduled. It is our understanding that there are no more plans that would call for opening new trenches in the roadway. With that in mind, a road resurfacing project in the very near future would be appropriate and appreciated.

Respectfully,

Board of Selectmen

  
Cherry C. Karlson, Chair

\_\_\_\_\_  
Mary M. Antes, Vice Chair

  
Lea T. Anderson

\_\_\_\_\_  
Tony V. Boschetto

  
Joseph F. Nolan





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# TOWN OF WAYLAND

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JOSEPH F. NOLAN

**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED TO  
THE BOARD OF SELECTMEN FROM SEPTEMBER 9, 2016,  
THROUGH AND INCLUDING SEPTEMBER 15, 2016,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR SEPTEMBER 19, 2016**

**Items Distributed To the Board of Selectmen –September 9-15, 2016**

1. Email of 9/12/16 from Linda Segal to Board of Selectmen re: Tonight's Finance Committee Warrant Article Hearing

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 6, 2016**

1. Draft Press Release submitted by Board of Selectmen, "Special Election on September 20 for Bonding of New Minuteman Regional Vocational High School"

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 12, 2016**

1. Memorandum of 9/12/16 from Beth R. Klein, Town Clerk, to Board of Selectmen re: Office Policy When the Town Clerk's Office is Closed to the Public

**Items Included as Part of Agenda Packet for Discussion During the September 19, 2016 Board of Selectmen's Meeting**

1. Memorandum of 9/19/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Review Proposed Plan for Moving DPW Functions and School Buses from River's Edge Site: Discussion with Representatives of Board of Public Works and Facilities Director
2. List of Articles Received for the November Special Town Meeting with Article Text
3. Draft Minutes of September 6, 2016
4. Report of the Town Administrator for the Week Ending September 16, 2016



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

# TOWN OF WAYLAND

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BOARD OF SELECTMEN  
LEA T. ANDERSON  
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CHERRY C. KARLSON  
JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, September 19, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**REVISED CORRESPONDENCE**

**Selectmen**

1. Document provided by Town Counsel Mark Lanza to Board of Public Works, "Comparison Between a Typical Common Driveway and a Typical Private Roadway where the Abutters have Deeded Rights of Access in Wayland, Massachusetts"
2. Letter of 8/31/16 from Wayland Scouters to Board of Public Works re: Thank You to Michael Lindeman for Removal of Trees
3. Letters of 9/8/16 from Nan Balmer, Town Administrator, to MassHousing, Citizens' Housing and Planning Association, and Department of Housing & Community Development, re: Comprehensive Permit Cost Certifications Chapter 40B Projects
4. Letter of 9/8/16 from Archbishop of Boston to Board of Selectmen re: Invitation to Mass of Thanksgiving for Public Safety Personnel, October 9, 2016
5. Memorandum of 9/12/16 from Dave Watkins, Finance Committee Chair, to All Department Heads, Town Boards, Officers and Committees re: FY 2018 Operating Budget Process
6. Email of 9/12/16 from Linda Segal to Board of Selectmen re: Tonight's Finance Committee Warrant Article Hearing
7. Email of 9/12/16 from Katy C. Merrell, Director, The Children's Way, to Nan Balmer, Town Administrator, re: Sign for the Children's Way at Route 27
8. Memorandum of 9/12/16 from Beth R. Klein, Town Clerk, to Board of Selectmen re: Office Policy When the Town Clerk's Office is Closed to the Public
9. Monthly Report, Police Department, August 2016

**Minutes**

10. Finance Committee, August 1, 2016
11. Municipal Affordable Housing Trust Fund Board, July 6, 2016

**Region**

12. Invitation to Event, Framingham Commuter Rail Station, MetroWest Regional Transit Authority, with Governor Baker and Transportation Secretary Pollack, October 5, 2016

**State**

13. Invitation from the Massachusetts Municipal Association, 9/7/16, re: Fall Legislative Breakfast Meetings
14. Letter of 9/2/16 from Public Records Division to Paul Stein, Ed.D., Superintendent of Schools, re: Determination, SPR 16/459
15. Letters of 9/7/16 from Department of Environmental Protection and the Office of the Governor re: Award of Recycling Dividends Program Grant
16. Letter of 9/8/16 from Massachusetts Historical Commission to Department of the Interior re: Nomination of Reeves Tavern, 126 Old Connecticut Path, to National Register
17. Letter of 9/15/16 from Commissioner of Education, to Minuteman Regional School re: Calculation and Approval of a Capital Construction and Renovation Increment to Support Minuteman's Proposed New Building Project

COMPARISION BETWEEN A TYPICAL COMMON DRIVEWAY AND A TYPICAL PRIVATE ROADWAY WHERE THE ABUTTERS HAVE DEEDED RIGHTS OF ACCESS IN WAYLAND, MASSACHUSETTS

	<u>Common Driveway</u>	<u>Private Roadway</u>
1. Is the Way a Separate Parcel of Land ?	No	Yes
2. Are the Sidelines of the Way Property Lines ?	No	Yes
3. Do Abutters Own to the Centerline ?	No	Yes
4. Can Abutters Install Utilities ?	No	Yes
5. Can the Area of Land within the Way be Included in the Lot for Zoning Purposes ?	Yes	No
6. Can the Way Serve as a Street to Meet Minimum Lot Frontage Zoning Requirements ?	No	Yes, if open to public
7. Can Abutters Make Repairs and Maintain the Way ?	No, unless agreement allows it	Yes
8. How are the Sidelines of the Way Shown on a Plan ?	Dashed or Hyphenated Line	Solid or Unbroken Line
9. May Town Remove Snow and Ice ?	No	Yes, if open to public
10. Police and Fire Access in Emergencies ?	Yes	Yes
11. Has a Name with a Street Sign ?	No	Yes

PROVIDED BY TOWN COUNSEL TO BOPW



RECEIVED

SEP 14 2016

Board of Selectmen  
Town of Wayland

August 31, 2016

Wayland Board of Public Works  
Chris Brown, Chairman

Town of Wayland  
Nan Balmer, Town Administrator  
41 Cochituate Rd  
Wayland, MA 01778

We are writing to express our gratitude for the actions taken by Michael Lindeman. Mike arranged for Town's tree service to remove multiple trees that toppled onto and over the roof of the Scout House on Parkland Drive early on August 15, 2016. The trees were much too large for Troop 1 parents or the Department of Public Works staff to safely take down.




Mike was very responsive to our requests for assistance and made arrangements for the tree service to safely remove the trees. Troop 1 was able to have our carpenter and roofer repair the damage to the roof prior to any rain storm.

Thanks to Mike Lindeman and the Town of Wayland for the quick response to this event.

Yours in Scouting,

  
Juliette Fay  
President  
Wayland Scouters, Inc.

  
Matt Karpacz  
Troop Committee Chair  
Troop 1

  
Tom Kemper  
Scoutmaster  
Troop 1

*Wayland Scouters Inc. is a civic based, chartered organization supporting Scouting in Wayland, Massachusetts. All are welcome to participate in our programs. We are a non-profit, tax-exempt charitable organization under Section 501(c)(3) of the Internal Revenue Code. Donations are tax-deductible as allowed by law.*



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

**BOARD OF SELECTMEN**

LEA T. ANDERSON  
MARY M. ANTES  
LOUIS M. JURIST  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

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

September 8, 2016

**BY ELECTRONIC MAIL: [gwatson@masshousing.com](mailto:gwatson@masshousing.com)  
AND FIRST CLASS MAIL**

Greg Watson, Manager  
Comprehensive Permit Programs  
MassHousing  
One Beacon Street  
Boston MA 02108

Re: Comprehensive Permit Cost Certifications: Post Road Village (137 Boston Post Road, Wayland) and "Wayland Commons" (Old Sudbury Road, Wayland)

Dear Mr. Watson:

I am writing on behalf of the Wayland Board of Selectmen to inquire as to the status of the cost certification review of the two Chapter 40B projects referenced above. It has come to our attention that the developers of these projects have not filed cost certification reports with MassHousing as they should have under their respective regulatory agreements. This matter was brought to the attention of the various affordable housing groups when meeting together to better coordinate their activities. The Committee is comprised of representatives of the Town's Housing Authority, Housing Partnership, Housing Trust and Planning Board.

The regulatory agreements for these projects provide that upon "substantial completion" of the project, the developer must commission a "cost certification," prepared by an independent certified public accountant, attesting to the costs and income from the project, which certification must then be filed with the respective project's "monitoring agent" for review. The purpose of the cost certification is to determine whether there are any excess profits from the project.

Noncompliance with the regulatory agreements governing the Post Road Village and Wayland Commons projects is a serious concern to the Town of Wayland, in that these

Greg Watson, Manager  
September 8, 2016

Page Two

projects could have realized profits above the 20% profit cap, and these excess profits would have been owed to the Town of Wayland upon completion of the projects. The Joint Affordable Housing Committee and its member boards have been busy conceiving ideas for the creation of new affordable housing opportunities in Wayland, all of which would benefit from the investment of public funds. Excess profits from these projects could contribute to making these initiatives financially feasible.

The Board would greatly appreciate your cooperation in seeing that these cost certifications are submitted, and thoroughly vetted, without any further delay. We would also appreciate an opportunity to review MassHousing's examination and report before it is finalized, in order to provide comment as contemplated by your cost certification guidelines.

Thank you for your cooperation and support of the Town's affordable housing initiatives.

Very truly yours,



Nan Balmer  
Town Administrator

cc: Joint Affordable Housing Committee



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

# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

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LOUIS M. JURIST  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

September 8, 2016

**BY ELECTRONIC MAIL: CMarine@chapa.org  
AND FIRST CLASS MAIL**

Ms. Carol Marine  
Senior Program Manager  
Citizens' Housing and Planning Association  
18 Tremont Street  
Boston MA 02108

Re: Comprehensive Permit Cost Certification: Wayland Gardens Condominium  
(336 Commonwealth Road, Wayland)

Dear Ms. Marine:

I am writing on behalf of the Wayland Board of Selectmen to inquire as to the status of the cost certification review of the Chapter 40B project referenced above. It has come to our attention that the developer of this project filed its cost certification report with CHAPA in November, 2012, but that CHAPA has not yet completed its review of the cost certification as contemplated under the regulatory agreement and monitoring services agreement governing this project. This matter was brought to the attention of the various affordable housing groups when meeting together to better coordinate their activities. The Committee is comprised of representatives of the Town's Housing Authority, Housing Partnership, Housing Trust and Planning Board.

The delay in reviewing the developer's cost certification is a serious concern to the Town of Wayland, in that this project could have realized profits above the 20% profit cap, which would have been owed to the Town of Wayland upon completion of the project. The Joint Affordable Housing Committee and its member boards have been busy conceiving ideas for the creation of new affordable housing opportunities in Wayland, all of which would benefit from the investment of public funds. Excess profits from this project could contribute to making these initiatives financially feasible.

Ms. Carol Marine  
September 8, 2016

Page Two

The Board would greatly appreciate your cooperation in completing the review of this cost certification without any further delay. We would also appreciate an opportunity to review your examination and report before it is finalized, including the Developer's CPA's work papers and the developer's financial records, in order to provide comment as contemplated by MassHousing's revised guidelines governing cost certifications of New England Fund projects.

Thank you for your cooperation and support of the Town's affordable housing initiatives.

Very truly yours,



Nan Balmer  
Town Administrator

cc: Joint Affordable Housing Committee





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

# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

LEA T. ANDERSON  
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JOSEPH F. NOLAN

September 8, 2016

### BY FIRST CLASS MAIL

Ms. Chrystal Kornegay  
Undersecretary of Housing and Community Development  
Department of Housing & Community Development  
100 Cambridge Street  
Boston MA 02114

Re: Comprehensive Permit Cost Certification: 89 Oxbow Road 40B Project  
(89 Oxbow Road, Wayland)

Dear Ms. Kornegay:

I am writing on behalf of the Wayland Board of Selectmen to inquire as to the status of the cost certification review of the Chapter 40B project referenced above. It has come to our attention that the developer of this project filed its cost certification report with CHAPA in December, 2009, but that DHCD has not yet completed its review of the cost certification as contemplated under the regulatory agreement governing this project. This matter was brought to the attention of the various affordable housing groups when meeting together to better coordinate their activities. The Committee is comprised of representatives of the Town's Housing Authority, Housing Partnership, Housing Trust and Planning Board.

This project is one of four Chapter 40B projects completed in Wayland within the last eight years, none of which have had cost certification reviews completed. The delay in reviewing these cost certifications is a serious concern to the Town of Wayland, in that these projects could have realized profits above the 20% profit cap, which would have been owed to the Town of Wayland upon completion of the projects. The Joint Affordable Housing Committee and its member boards have been busy conceiving ideas for the creation of new affordable housing opportunities in Wayland, all of which would benefit from the investment of public funds. Excess profits from these projects could contribute to making these initiatives financially feasible.

Ms. Chrystal Kornegay  
September 8, 2016

Page Two

The Board would greatly appreciate your cooperation in completing the review of this cost certification. We would also appreciate an opportunity to review your examination and report before it is finalized, including the Developer's CPA's work papers and the developer's financial records, in order to provide comment as contemplated by MassHousing's revised guidelines governing cost certifications, which we understand DHCD has accepted.

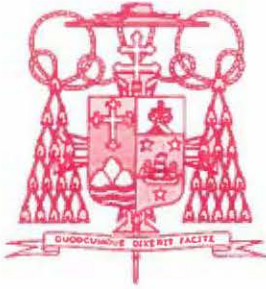
Thank you for your cooperation and support of the Town's affordable housing initiatives.

Very truly yours,



Nan Balmer  
Town Administrator

cc: Joint Affordable Housing Committee



CARDINAL'S OFFICE  
66 BROOKS DRIVE  
BRAintree, MASSACHUSETTS 02184-3839  
617-782-2544

RECEIVED  
SEP 12 2016  
Board of Selectmen  
Town of Wayland

September 8, 2016

Board of Selectman  
41 Cochituate Rd  
Wayland, MA 01778

Dear Sir or Madam,

It gives me great pleasure to invite you to join me on October 9th for a special Mass in thanksgiving to God for all the men and women who serve our communities as public safety personnel. This Mass will take place at 11:30 a.m. on Sunday, October 9, 2016, at the Cathedral of the Holy Cross in Boston.

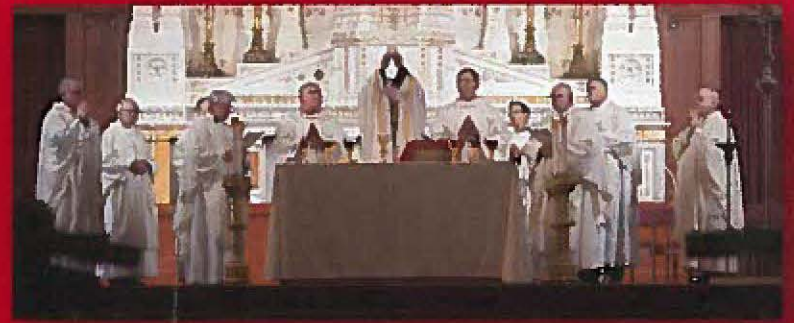
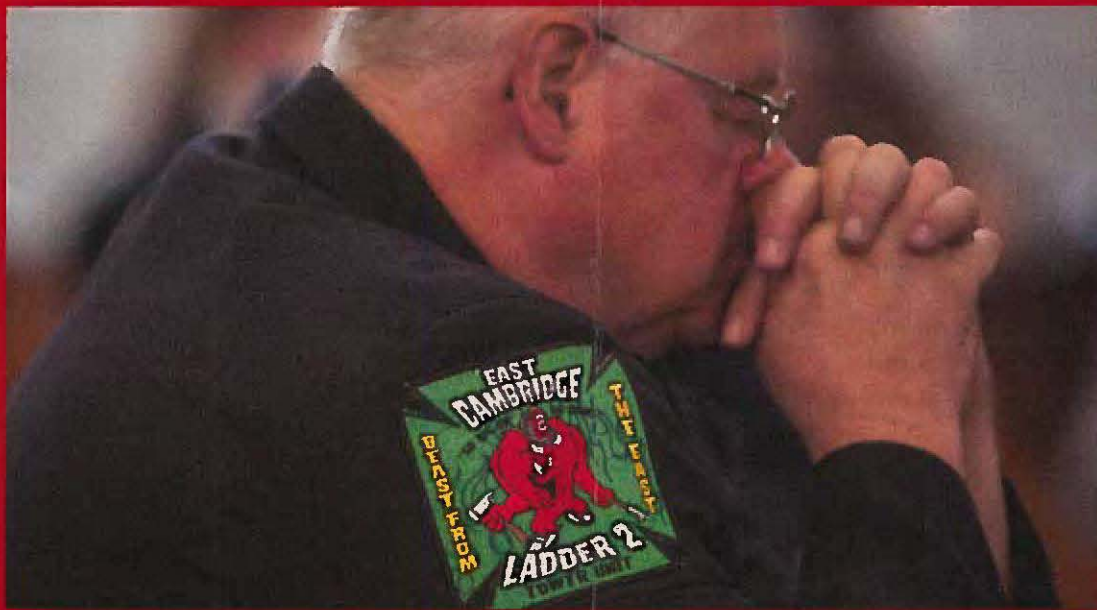
Invitations have been sent to hundreds of agencies throughout the Archdiocese of Boston, which comprises one hundred forty four cities and towns in Eastern Massachusetts, and we encourage all public safety personnel and their families, regardless of their faith, to be part of this special Mass. It is important to show these men and women, as well as their families, that we support them and pray for them. They are our heroes and heroines, and we wish to pay tribute to them and ask for God's blessings upon them.

During this Mass we also wish to remember those who have died in the line of duty and to honor their families. Your presence at this Mass will be an honor for those who have made the ultimate sacrifice for our safety and security. In order to plan accordingly, I would kindly ask you to respond using the enclosed R.S.V.P. card no later than Friday, September 30th.

Allow me this moment to thank you again for your continued service to the public, and to assure you of my prayers for you and all those who serve along with you. Looking forward to thanking you in person at the Public Safety Mass, I am

Sincerely yours in Christ,

Archbishop of Boston



ALL ARE WELCOME



## Mass for Public Safety Personnel and Families

For more information  
please visit :

[http://www.bostoncatholic.org/  
PublicSafetyMass/](http://www.bostoncatholic.org/PublicSafetyMass/)

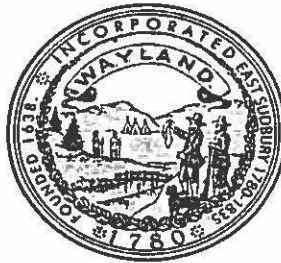
His Eminence  
Seán P. Cardinal O'Malley, OFM Cap.  
Archbishop of Boston,  
Main Celebrant

**Sunday**  
**October 9, 2016**  
**11:30 AM**

**Cathedral of the Holy  
Cross, Boston**

Photos by George Martell





MEMORANDUM

**TO:** All Department Heads, Town Boards, Officers and Committees charged with the expenditure of Town money

**FROM:** Dave Watkins  
Finance Committee Chair

**DATE:** September 12, 2016

**SUBJECT:** FY 2018 Operating Budget Process

Per Town Bylaw 19-4, all Town boards, officers and committees charged with the expenditure of Town money must provide the Finance Committee with detailed estimates of the amounts you deem necessary for the administration of your respective board, office or committee for FY 2017, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in FY 2016. You must also file estimates of all probable items of income which may be received during FY 2017 in connection with the administration of your board, office or committee.

As always in preparing your proposed FY18 budget please strive to be as accurate as possible and identify and present efficiencies. Our overall goal, as a Town, is for a lesser than 2.5% Total General Operating budget increase. Due to expected limited growth in non-taxation revenue and anticipated fixed costs, the dependency on taxation to fund the budget will need to be allocated conservatively to support an overall budget increase greater than 2.5%.

We anticipate that most Departments will require few, if any, changes to their overall budgets. The Finance Committee understands that Departments need to meet their mandated and contractual obligations to present a budget that meets the needs of their constituents. Please be innovative as to how your budget, on a long term basis, can help us be efficient and effective in meeting our goal.

We hope that your department will continue to explore creative ways to gain efficiencies and cost savings, as well as explore innovations and take on new initiatives as appropriate. In general, we are aware that the bulk of most departmental expense consists of salary and therefore, difficult to reduce. As a consequence, it may be difficult to achieve large reductions in your budget. We request that you keep in mind the desire for innovation with the goal to control costs and seek efficiencies this year and in the future.

As in past years, budget meetings with the Finance Committee will be scheduled during evenings in January. The dates and specific times for these budget meetings will be distributed later.

Lastly, please provide sufficient detail so that the Finance Committee can most effectively review your budget for potential recommendation to the Town at ATM. Insufficient detail regarding personnel, needs etc. will result in process delays or our inability to recommend your budget.

We thank you in advance for your assistance in the FY 2018 operating budget process.

**Attachments**

1. Finance Committee Liaison Assignments
2. Board of Selectmen Liaison Assignments



 @waylandfincom

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS  
01778

## FINANCE COMMITTEE

GORDON CLIFF  
NANCY FUNKHOUSER  
JEN GORKE  
CAROL MARTIN (Vice Chair)  
KLAUS SHIGLEY  
GEORGE UVEGES  
DAVE WATKINS (Chair)

## FINANCE COMMITTEE FY18 LIAISON ASSIGNMENTS

No	Subject	Organization	FY18 Primary/Backup
1.)	Governance	Board of Selectman	Watkins / Martin
		Town Administrator	Watkins / Martin
2.)	General Government	Town Clerk	Gorke/Funkhouser
		Information Technology	Watkins
		Personnel Board	Gorke/Funkhouser
		Historical Commission	Gorke/Funkhouser
		Historical District Commission	Gorke/Funkhouser
		Public Ceremonies Committee	Gorke/Funkhouser
		3.)	Finance
		Treasurer's Office	Uveges/Shigley
		Commissioner of Trust Funds/Trustee of the Allen Fund	Uveges/Shigley
		OPEB Advisory Committee	Uveges/Shigley
4.)	Education & Library	School Committee	Martin/Funkhouser
		Board of Library Trusteed	Martin/Funkhouser
5.)	Planning & Natural Resources	Conservation Commission	Shigley/Funkhouser
		Community Preservation Committee	Shigley/Funkhouser
		Sudbury, Assabet and Concord River Stewardship Council	Shigley/Funkhouser
		Planning Board	Shigley/Funkhouser
		Town Surveyor	Shigley/Funkhouser
		Zoning Board of Appeals	Shigley/Funkhouser
		Permanent Municipal Building Advisory Committee	Shigley/Funkhouser
		Energy Initiatives Advisory Committee	Shigley/Funkhouser
6.)	Public Services	Board of Health	Cliff
		Inspection/Building Department	Cliff
		Department of Public Works	Cliff
		Surface Water Quality Committee	Cliff
		Recreation Commission	Cliff/Martin
		Wastewater Management District Commission	Cliff



 @waylandfincom

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS  
01778

FINANCE COMMITTEE  
GORDON CLIFF  
NANCY FUNKHOUSER  
JEN GORKE  
CAROL MARTIN (Vice Chair)  
KLAUS SHIGLEY  
GEORGE UVEGES  
DAVE WATKINS (Chair)

## FINANCE COMMITTEE FY18 LIAISON ASSIGNMENTS

No	Subject	Organization	FY18 Primary/Backup
7.)	Public Safety	Fire Department	Funkhouser
		Police Department	Funkhouser
		Auxiliary Police	Funkhouser
		Local Emergency Planning Committee	Funkhouser
		Dog Control Officer	Funkhouser
8.)	Community Services	Council on Aging	Cliff/Martin
		Senior Tax Relief Committee	Cliff
		Wayland Community Fund	Cliff
		Veteran's Agent	Cliff
		Youth Advisory Committee	Cliff
		Cultural Council	Cliff



**Board of Selectmen Portfolio Assignments for April 2016 through April 2017**

**Mary Antes - term expires 2018**

Conservation Commission  
Community Preservation Committee  
Council on Aging, Senior Property Tax Relief Committee  
Council on Aging/Community Center Project  
Historical Commission  
Historic District Commission  
Housing: Housing Authority, Housing Partnership, Affordable Housing, 40B projects  
River's Edge Advisory Committee  
Wayland Real Asset Planning Committee

**Lea Anderson - term expires 2018**

Board of Assessors; Overlay Estimate; Tax Classification/ Tax Rate Hearing  
Emergency Preparedness  
Regular Session Minutes  
Minuteman Regional Vocational Technical School  
Planning Board and Zoning Board of Appeals  
Public Safety Issues (Police, Fire, Including Ambulance, ALS Committee, Paramedic Services)  
Open Meeting Law/Town Clerk

**Cherry Karlson - term expires 2017**

Audit Committee  
Economic Development Committee  
Energy Initiatives Advisory Committee  
Executive Session Minutes  
Finance Committee, Fiscal/Budget Strategy; Capital Planning  
Personnel Board, Collective Bargaining, Negotiation Strategy; Health Insurance  
Town Counsel and Legal Services

**Joe Nolan - term expires 2017**

Board of Public Works  
Library Board of Trustees  
MetroWest 495 Partnership, MetroWest Regional Collaborative  
Permanent Municipal Building Committee  
Town Center, Town Green, Municipal Parcel  
Transportation Issues (Rail Trail, Canoe Launch, Senior/Disabled Transit, TIP Projects/Funding, RTA)  
Wastewater Management District Commission

**Louis Jurist - term expires 2019**

Board of Health  
Recreation Commission  
Schools  
Technology Planning, Electronic Communication and Improvements to Town Website  
WayCAM Public Access Corporation; Cable Television Advisory Committee  
Youth Advisory Committee

6

**From:** Linda Segal [mailto:lm|segal@comcast.net]

**Sent:** Monday, September 12, 2016 2:07 PM

**To:** David Watkins; [carolbmartin@verizon.net](mailto:carolbmartin@verizon.net); Nancy Funkhouser; Gordon Cliff; George Uveges; Klaus Shigley; Jen Gorke; Keveny, Brian

**Cc:** Karlson, Cherry; Anderson, Lea; Antes, Mary; Jurist, Louis; Nolan, Joseph F.; Balmer, Nan; Linda L. Segal

**Subject:** tonight's FinCom warrant article workshop

Good afternoon, Wayland Finance Committee and Board of Selectmen.

Mindful of this evening's Finance Committee workshop for fall town meeting warrant articles, I am attaching a courtesy copy of an Open Meeting Law complaint I filed this morning regarding the "Street Acceptance" warrant article submitted by the Planning Board.

The narrative on pages 4-5 provides information prompted by the official AGO form, including requested remedial actions.

The Planning Board chairman promptly acknowledged receipt and said it will be on the agenda for their next meeting.

Regards,  
Linda



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Linda Last Name: Segal

Address: 9 Aqueduct Road

City: Wayland State: MA Zip Code: 01778

Phone Number: +1 (508) 655-0724 Ext. \_\_\_\_\_

Email: lmlsegal@comcast.net

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

2016 SEP 12 AM 8:51  
TOWN CLERK

## Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): Wayland Planning Board

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: August 22, 2016

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Wayland Planning Board violated the Open Meeting Law M.G.L. c. 30A, §§ 18-25 at its August 22, 2016 meeting by discussing and voting on a substantive matter of town business not mentioned on its posted meeting agenda. The Board therefore failed to provide the public with prior notification as required by the Open Meeting Law.

Please see the attached two-page narrative and six exhibits.

*(16 total pages)*

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see requested remedial actions on page 2 of the attached narrative.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: *Kinda L. Scovel*

Date: *Sept. 12, 2016*

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail, by electronic mail, or by hand:

Office of the Attorney General  
Division of Open Government  
One Ashburton Place  
Boston, MA 02108  
OpenMeeting@State.MA.US

The Wayland Planning Board and the Wayland Town Planner violated the Open Meeting Law, G.L. c. 30A, §§ 18-25, by discussing and taking voted action on a significant matter of public safety that was not listed on the Board's posted August 22, 2016 meeting agendas.

The August 22, 2016 Planning Board meeting was advertised to include a public hearing for five amendments to the Zoning Bylaw proposed for the November 15, 2016 Special Town Meeting.

Later that evening, after midnight, after the departure of the Board's special legal counsel (hired to assist with zoning articles), board chairman Andrew Reck, and most of the audience, the remaining four Board members were asked by Town Planner Sarkis Sarkisian to approve submitting a warrant article to accept four streets as Town ways.

That subject matter was not mentioned on the Board's original or revised August 22, 2016 meeting agendas filed with and posted by the Wayland Town Clerk. The Board voted (4-0) to approve submitting a "Streets Acceptance" warrant article (see exhibit 1).

#### **Two Agenda Postings**

The Planning Board's original meeting agenda was posted with the Town Clerk on August 3, 2016 (see exhibit 2). It was also posted on the town website: [http://www.wayland.ma.us/Pages/WaylandMA\\_MeetingsCal/S02482E0B-02482E12.0/AgendaPB08222016.pdf](http://www.wayland.ma.us/Pages/WaylandMA_MeetingsCal/S02482E0B-02482E12.0/AgendaPB08222016.pdf)

A two-page "Revised Agenda" was posted by the Town Clerk's office two weeks later (see exhibit 3). When I inquired about the missing official date stamp, the assistant town clerk verified having received the revised agenda by email on August 17 (see exhibit 4).

#### **August 22, 2016 Planning Board meeting**

The same "revised agenda" reduced to fit onto one page became the cover sheet of a packet of documents distributed at the August 22 Planning Board meeting (see exhibit 5).

That meeting was recorded by our local cable TV station. See WayCAM videos "on demand," scrolling to the right to find the August 22 Planning Board meeting recording: <http://www.waycam.tv/#!government-on-demand/apn36>

Using Google Chrome browser, fast forward the recording to elapsed time 6 minutes. The Town Planner explained the information packet, including a draft Planning Board report about the proposed zoning bylaw amendments (see exhibit 6).

A former Road Commissioner seated in the audience front row noticed there was a sixth warrant article listed at the end of that draft report, titled "Acceptance of Streets," which is not a zoning bylaw amendment. She questioned its inclusion at about 7 minutes into the recording and received no explanation.

More than four hours later, at about 269 minutes into that recording, acting chair Kevin Murphy (Board member since 2007) asked if there was any more business. Mr. Sarkisian asked the Board to act on submitting an "Acceptance of Streets" article. The video recording shows that the members present discussed the topic and voted 4-0 to submit the article.

The public and Wayland town officials (e.g. Board of Public Works) were given no prior agenda notification that a warrant article recommending town meeting acceptance of four Wayland roadways would be proposed and acted upon during the Planning Board's August 22, 2016 meeting. The Board therefore failed to comply with M.G.L. c. 30A, Section 20.

### **Requested Remedial Actions**

I respectfully request that the Planning Board take the following remedial actions:

- 1) acknowledge that the Board violated the Open Meeting Law by voting to submit a warrant article titled "Acceptance of Streets" that was not listed on its August 22, 2016 meeting agendas.
- 2) reaffirm the Board's commitment to and future compliance with the Open Meeting Law.
- 3) publish approved meeting minutes for the August 22, 2016 Planning Board meeting.
- 4) vote at its next meeting (currently scheduled for Sept. 19, 2016) to rescind approval of the "Acceptance of Streets" warrant article and to ask the Board of Selectmen to remove it from the Nov. 15, 2016 Special Town Meeting warrant.
- 5) acknowledge in approved meeting minutes that the Planning Board, not staff, is responsible for the content of its posted meeting agendas to ensure the public is properly informed.



ARTICLE FOR SPECIAL TOWN MEETING

RECEIVED

AUG 22 2016

SPONSOR:

Planning Board

DATE RECEIVED:

~~Board of Selectmen~~

CONTACT PERSON:

Sarkis Sarkisian

TELEPHONE/Day:

508-358-3778

~~Town of Weymouth~~

TELEPHONE Evening:

BOARD VOTE:

5-0

DATE OF VOTE:

August 22, 2016

TITLE:

Street Acceptance

COST:

NO COST:

COST ESTIMATE AVAILABLE ON:

TEXT:

To determine whether the Town will vote to accept as a town ways the following streets laid out by the Board of Road Commissioners, Department of Public Works, Board of Selectmen:

- Greenways
- Summer Lane
- Dylan Circle
- Spencer Circle



**TOWN OF WAYLAND - TOWN CLERK'S OFFICE  
NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS**

Posted in accordance with the provisions of the Open Meeting Law  
PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: **Wayland Planning Board**  
FILED BY: **Sarkis Sarkisian, Town Planner**  
DATE OF MEETING: **August 22, 2016**  
TIME OF MEETING: **7:30 P.M.**  
PLACE OF MEETING: **Town Building, 41 Cochituate Road**

2016 AUG -3 PH 3:23  
FILED  
TOWN OF WAYLAND  
TOWN CLERK

NOTE. Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time

**AGENDA**

*Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.*

**7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting**

**LEGAL NOTICE**

**TOWN OF WAYLAND**

**PLANNING BOARD**

**PUBLIC HEARING RE: ZONING BY-LAW AMENDMENTS**

The Wayland Planning Board will hold a public hearing on Monday, August 22, 2016 at 7:35 p.m. in the Planning Board Office, Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, 01778. The subject of this hearing will be

proposed amendments to the Wayland Zoning Bylaw, which will be considered at the 2016 Wayland Special Fall Town Meeting. The text of these amendments and maps can be viewed at the Planning Board Office and outside the Building Department Office at the Wayland Town Building (8:30 AM to 4:00 PM during normal work days), Reasonable accommodations and audio-visual aids and services will be available upon request. The proposed amendments and subject matter to the Wayland Zoning Bylaws are summarized as follows:

1. Insert a new section regarding landscaping in parking areas abutting residential property inserting a minimum 10' landscape buffer.
2. New definition regarding Home Occupation Customary (customary home occupation)
3. Conservation Cluster Developments regarding, open space requirements, total number of dwelling units on the tract of land and affordable units required.
4. New definition regarding Building Height.
5. New requirements for Assisted/Independent Living, Nursing Homes in residential districts.

8:45 P.M. Adjourn

**TOWN OF WAYLAND - TOWN CLERK'S OFFICE  
NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS**

Posted in accordance with the provisions of the Open Meeting Law  
PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: **Wayland Planning Board**  
FILED BY: Sarkis Sarkisian, Town Planner  
DATE OF MEETING: **August 22, 2016**  
TIME OF MEETING: **7:30 P.M.**  
PLACE OF MEETING: **Town Building, 41 Cochituate Road**

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

**AGENDAREvised**

*Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.*

**7:30 P.M. Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated By the Chair 48 Hours In Advance Of the Meeting**

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**PLANNING BOARD**

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2. **New definition regarding Home Occupation Customary (customary home occupation)**
3. **Conservation Cluster Developments regarding, open space requirements, total number of dwelling units on the tract of land and affordable units required.**
4. **New definition regarding Building Height.**
5. **New requirements for Assisted/Independent Living, Nursing Homes in residential districts.**

**8:40 P.M. Vote and approve Housing Production Plan 2016**

**9:00 P.M. Vote and approve recommendations and conditions regarding the Carroll School 39/45 Waltham Road for the Wayland Building Commissioner.**

**9:30 P.M. Approve minutes for July 26, 2016 and August 16, 2016**

**9:45 P.M. Adjourn**

**Linda Segal**

---

**From:** Gorham, Diane <dgorham@wayland.ma.us>  
**Sent:** Wednesday, August 24, 2016 8:56 AM  
**To:** Linda Segal  
**Subject:** RE: public record request

Sure, I will forward it to you.

**From:** Linda Segal [mailto:lmsegal@comcast.net]  
**Sent:** Tuesday, August 23, 2016 5:03 PM  
**To:** Gorham, Diane  
**Cc:** Klein, Beth; Linda L. Segal  
**Subject:** public record request

Diane,

Thanks for looking further.

Please copy me on the 8/17/16 email you describe below, with the attached revised agenda.

Thanks again,  
Linda

**From:** Gorham, Diane [mailto:dgorham@wayland.ma.us]  
**Sent:** Tuesday, August 23, 2016 4:00 PM  
**To:** Linda Segal (lmsegal@comcast.net)  
**Cc:** Klein, Beth  
**Subject:** Regarding Planning Revised Agenda 08.22.2016

Linda,

I looked again in my email and did find the revised agenda was sent on August 17, 2016. I did not time stamp the agenda before I posted it.

Diane

**Linda Segal**

---

**From:** Gorham, Diane <dgorham@wayland.ma.us>  
**Sent:** Wednesday, August 24, 2016 8:57 AM  
**To:** Linda Segal (lmlsegal@comcast.net)  
**Subject:** FW:  
**Attachments:** RevAgendaplanningbd08222016.doc

**From:** Sarkisian, Sarkis  
**Sent:** Wednesday, August 17, 2016 11:51 AM  
**To:** Gorham, Diane; Klein, Beth  
**Subject:**

Please post Thank you

TOWN OF WAYLAND - TOWN CLERK'S OFFICE  
NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS  
Posted in accordance with the provisions of the Open Meeting Law  
PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: Wayland Planning Board  
FILED BY: Sarkis Sarkisian, Town Planner  
DATE OF MEETING: August 22, 2016  
TIME OF MEETING: 7:30 P.M.  
PLACE OF MEETING: Town Building, 41 Cochituate Road

NOTE. Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time

AGENDAREvised

*Note: Items may not be discussed in the order listed or at the specific time estimated. Times are fluid given unpredictable duration of time.*

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**PUBLIC HEARING RE: ZONING BY-LAW AMENDMENTS**

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**9:00 P.M. Vote and approve recommendations and conditions regarding the Carroll School 39/45 Waltham Road for the Wayland Building Commissioner.**

**9:30 P.M. Approve minutes for July 26, 2016 and August 16, 2016**  
**9:45 P.M. Adjourn**



Sarkis Sarkisian  
Wayland Town Planner

**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**PLANNING DEPARTMENT**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE (508) 358-3615  
FAX (508) 358-4036

**Planning Board Report**

The following zoning and general articles were submitted for the 2016 Fall Special Town Meeting. Pursuant to Massachusetts General Laws Chapter 40A, Section 5, the Planning Board held a public hearing to discuss the proposed amendments to the Town's Zoning By-Laws on August 22, 2016.

**Article 1- Landscaping in parking areas.**

This amendment makes for clearer and more consistent language and provides proper guidance to zoning bodies, town departments and developers with regards to business district parking lots that abuts residential land. The current Zoning Bylaw does not have a minimum standard, and the proposed 10' buffer in this amendment would provide room for proper plant material and fencing as may be required by the Special Permit Granting Authority and the Site Plan Approval Authority. Planning Board believes this standard will improve sound, screening and safety concerns of residential districts that are adjacent to commercial districts.

**The Planning Board voted unanimously in favor of this article:  
Vote: 0 - 0.**

**Article 2 - Home Occupation**

This article amends the Zoning By-Law by removing the Home Occupation definition and referring it to the Home Occupation sections in our Bylaw. The Town of Wayland has two types of "Home Occupation, customary home occupation". The zoning bylaw allows certain businesses and occupations to be conducted in a dwelling unit as of right as long as a number of limitations are met as shown in section 901.1.1. If you do not meet these limitations then it requires a Special Permit from the Zoning Board of Appeals as outlined in section 901.1.2. Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated



in a residential neighborhood; The Customary Home Occupation shall not generate more than 150% of the total number of vehicle trips that the principal residential use of the lot generates on a daily basis.

The Planning Board voted unanimously in favor of this article:  
Vote: 0 - 0.

#### **Article 3 - Conservation Cluster Bylaw.**

The proposed amendments are intended to clarify the total number of dwelling units on a tract of land, including any affordable units as required in Section 2204. The Bylaw amendment also has new language that defines "open land" and requires that the open land has to maintain a lot width equal to at least the minimum frontage of the underlying zoning district and may not contain Wetlands.

The Planning Board voted unanimously in favor of this article:  
Vote: 0 - 0.

#### **Article 4 - New definition of Building Height.**

The purpose of this Article is to provide a clearer definition to measure building height from existing grade. The current definition measures building height against whatever the "finish grade" is on a house lot. The advantage for using existing grade is that it puts an actual limit on how tall a building can be on an existing lot.

The Planning Board voted unanimously in favor of this article:  
Vote: 0 - 0.

#### **Article 5 - Assisted/Independent Living and Nursing Home**

This article requests that Town Meeting amend the Zoning By-Laws by not allowing Assisted/Independent and Nursing Homes to be allowed in residential districts. Buildings of this type of scale with no density standard do not meet the intent of the residential districts and may be detrimental to the residential or natural environment of a neighborhood.

The Planning Board voted unanimously in favor of this article:  
Vote: 0 - 0.

**Article 6 Street Acceptance.**

To determine whether the Town will vote to accept as a town ways the following streets laid out by the Board of Road Commissioners, Department of Public Works, and Board of Selectmen:

Greenways  
Summer Lane  
Dylan Circle  
Spencer Circle

**DiNapoli, MaryAnn**

---

**From:** Kathleen Merrell <kathleen\_merrell@wayland.k12.ma.us>  
**Sent:** Monday, September 12, 2016 12:07 PM  
**To:** Balmer, Nan; DiNapoli, MaryAnn  
**Cc:** Gretchen Schuler  
**Subject:** Sign for the Children's Way @ Rt. 27

Dear Nan- I have not had the chance to meet you yet, but I am the new director of The Children's Way (starting my second year). I would love to get a tasteful sign for the Rt. 27 entrance. When I came to interview it was a challenge to find the school, and I often have prospective parents, specialists coming to meet and/or work at school, and delivery people, who all have the same challenge. I did a bit of leg work last year with Ben Keefe and he shared with me that the land out in front where the current town building sign has been placed is historic land.

I spoke with Gretchen Schuler this morning and she was very helpful in walking me through the application process. I would need to fill out an application by September 29th in preparation for the next Historic Commission meeting, which is scheduled for October 20th. She also shared with me that the selectman own the land and I would need your signature, or one of the selectman/women (?) on this application in order to move this process forward. I understand that you have a meeting scheduled for this evening and wondered if I could impose of you to quickly run this by this by selectmen? Please call me if you have any questions. Thanks and best regards- Katy

--  
**Katy C. Merrell**  
 Director  
 The Children's Way  
 Wayland Public Schools  
 508-358-7072



# TOWN OF WAYLAND

MASSACHUSETTS  
01778

TOWN CLERK  
Beth R. Klein  
[Bklein@wayland.ma.us](mailto:Bklein@wayland.ma.us)

ASSISTANT TOWN CLERK  
Diane M. Gorham  
[dgorham@wayland.ma.us](mailto:dgorham@wayland.ma.us)

TOWN BUILDING  
41 COCHITUATE ROAD

TEL: 508-358-3630  
508-358-3631  
[www.wayland.ma.us](http://www.wayland.ma.us)

**TO: Board of Selectman, Town of Wayland**

**From: Beth R. Klein, Town Clerk**

**Date: September 9, 2016**

**Re: Office Policy when the Town Clerk's Office is closed to the Public**

First I would like to address the comments made at the September 6, 2016 meeting of the Board of Selectmen. What follows is a chronology of the notices I provided regarding the temporary closing of the Town Clerk's office on August 17, 2016.

- 1) An email was sent from the Town Clerk to Town Administrator on August 16, 2016 explaining that the Town Clerk's office would be closed on August 17<sup>th</sup> from 8am to 1:30pm in order to attend a training sponsored by the MA. Secretary of State on Early Voting. A copy of said email attached hereto.
- 2) A notice was posted on the Town Clerk's webpage informing the public that the office would reopen at 1:30pm on August 17<sup>th</sup>.
- 3) A notice was posted on the Town Clerk's window that the office would open at 1:30pm on August 17<sup>th</sup>.
- 4) The office reopened at 1:30pm on that day and was open on August 18<sup>th</sup> when an appeal regarding 150 Main Street could have still been timely filed.
- 5) Unfortunately neither the Town Administrators office nor the Building Department notified the Town Clerk's Office that a Petitioner had tried to file an appeal until after the deadline had expired.

Further, the Town Clerk was reachable by cellphone or email on August 17<sup>th</sup>. The Town Administrator has the personal cell phone number of the Town Clerk and has used it in the past to discuss official town business.

### Future Mitigation

On occasion the Town Clerk's Office may be closed during town business hours. This may be due to participating in offsite training, election activity, Town Meeting or for unexpected personal reasons. What follows are procedures which could be put into place to ensure a satisfactory level of customer service when the office is closed.

1. Advance notice to the Public of when the office may be closed. This information will be available on the on the town calendar and Clerk webpage.
2. Advance email notice to the Town Administrator, Department heads, Board and Committee Chairs, that the Town Clerk's office will be closed and alternate arrangements to be followed for filings. (currently in place)
3. Placing a statement on the Town Clerk webpage that during busy times i.e. elections, Town Meeting, it may be helpful to call ahead to make sure there is someone there to assist them. (has been done)
4. Develop a protocol with the Town Administrator that if the Town Clerk's Office is closed during regular business hours, the Town Administrator will contact the Town Clerk for authorization to stamp a document with the Town Clerks time stamp.
5. Authorize additional budget to allow for substitute coverage when necessary, if the Town desires 100% office coverage.
6. Have Department Heads provide annual training to staff on proper procedures related to petitioner filings.
7. Enhance communications between the Town Administrator, Department Heads, and Town Clerk to ensure that the Public is properly served at all times.

**Klein, Beth**

---

**From:** Klein, Beth  
**Sent:** Tuesday, August 16, 2016 9:13 AM  
**To:** Balmer, Nan  
**Cc:** Gorham, Diane  
**Subject:** August 17, 2016

Nan,  
Diane and I will be attending a meeting tomorrow on Early Voting in Westford. The office will be closed until 1:30 tomorrow. We have put a notice on our website and will put it up on the window.

*Beth R. Klein*  
Town Clerk  
Town of Wayland  
41 Cochituate Road,  
Wayland, MA 01778  
508-358-3631



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

## Monthly Update

RECEIVED

SEP 13 2016

## August 2016

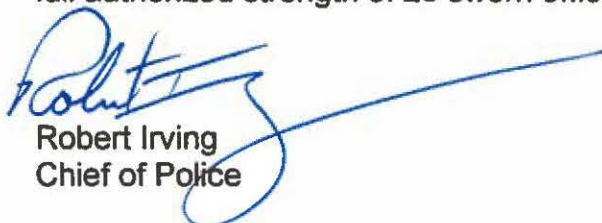
Board of Selectmen  
Town of Wayland

During the month of August the Wayland Police Department participated in the "Drive Sober or Get Pulled Over" drunk driving reduction campaign. Extra officers were on patrol in an effort to aggressively enforce drunk driving laws. This program is sponsored and paid for by the National Traffic Highway Safety Administration. In addition, the department promoted a public service announcement, "Reflections from Inside" which was produced by the national highway safety advocates, "We Save Lives".

Two people were arrested for Operating Under the Influence of Alcohol during the month. On August 8<sup>th</sup>, a Boston man was arrested for O.U.I. after he was observed operating erratically in Lincoln. The vehicle was located in Wayland a short time later and the operator failed the field sobriety tests. On August 11<sup>th</sup>, a Waltham man was arrested for O.U.I. after he was stopped for a marked lanes violation on Boston Post Road.

Twelve people have registered for the Wayland Citizen Police Academy that is scheduled to begin in September. The Citizen Police Academy is an eight week program designed to teach interested Wayland residents about the various tasks that are performed by Wayland police officers in the community. Participants will be exposed to topics such as; powers of arrest, O.U.I. enforcement, motor vehicle law, domestic violence, the court process, detective services and patrol procedures. As part of the course each student will "ride-along" for part of a shift with a Wayland police officer. The course is designed to give interested citizens a better understanding of police operations in Wayland and the value of the investment made in public safety.

Our new police recruit, Kenneth Davis, has completed orientation and is set to begin the Reading Municipal Police Training Academy commencing on September 12<sup>th</sup>. The hiring of Mr. Davis will bring the department back up to its full authorized strength of 23 sworn officers.

  
Robert Irving  
Chief of Police

# Memorandum

8/26/2016

**To: Dispatcher Courtney Philbrick, Dispatcher Bill Reed**

**From: Robert Irving, Chief of Police**

**Subject: Commendation**

---

I recently received the following documentation from Dispatcher Coordinator Rich Freni:

“I wanted to advise you that while all your dispatchers have been working an usually busy work schedule. Two of them have stepped up time and time again to help fill the open shifts. Dispatchers Philbrick and Reed have gone above and beyond what should be expected of them in doing what was needed to fill the shifts. I bring this to your attention (although I’m sure you already knew) because it was very difficult to fill all the open shifts and it quickly became apparent to me that I would be able to count on these two individuals to help out.”

Both of you went beyond the call off duty in keeping the Joint Communications Center staffed during a time when we were short 2 dispatchers. This is especially appreciated because it came during the summer months when many replacements are required due to vacations.

I thank you both for your commitment to the JCC.

cc: Sgt. Sean Gibbons  
Dispatcher Coordinator Rich Freni  
Chief David Houghton, WFD  
Files



**Wayland Police Department Detective Division Report for August 2016**

**INVESTIGATIONS**

Larceny from building, Forgery – Wallace Road  
Narcotic Investigation – Main Street  
Residential Burglary, Larceny – West Plain Street  
Residential Burglary – Ellen Mary Lane  
Residential Burglary – Forty Acres Drive  
Larceny over \$250 – Boston Post Road

**MEETINGS/TRAININGS**

District Court electronic paperwork training  
Acton area detective meeting

**MISCELLANEOUS**

Bright Horizons “Touch a cruiser”  
Superior Court – Grand Jury  
Tobacco Compliance checks  
Council on aging – Prescription drug take back  
Evidence Audit



# Town of Wayland Massachusetts

## Finance Committee

- David Watkins (Chair)
- Gordon Cliff
- Nancy Funkhouser
- Jen Gorke
- Carol Martin
- Klaus Shigley
- George Uveges

## Finance Committee

### Minutes

August 1, 2016

Attendance: D. Watkins, G. Cliff, C. Shigley, J. Gorke, G. Uveges, C. Martin and B. Keveny (Finance Director). N. Funkhouser participated remotely from 8:04 until adjournment.

**Call to Order:** The meeting was called to order by Chair David Watkins in the Selectmen’s Meeting Room at the Town Building at 7:00pm. Mr. Watkins reviewed the agenda items to be discussed, indicated the meeting was being recorded by WayCam and that Ms. Funkhouser would be participating remotely due to geographic distance .

**Public Comment:** None

**Committee’s Response to Public Comment:** N/A

**Review Issues & Actions List:** Chair Watkins distributed an action/issues list of items as an example of how the FinCom could track ongoing projects/efforts. A brief discussion ensued during which it was suggested a due date column be added and the list refined to include only on-going projects.

Returning to the list, Mr. Watkins distributed copies of the request forms for New and Modified Positions for review. After a brief discussion, the committee suggested the impact of FTE status be included on the modified position request form. Mr. Watkins also distributed the Outstanding & Authorized/Unissued Debt Schedule dated 4/10/16 that has been recently posted to Treasurer’s website for possible discussion at the 8/29th meeting.

**Review Dates for Annual Schedule:** Chair Watkins asked members to alert him of any schedule conflicts. Ms. Martin suggested the October schedule be revisited to avoid conflicts with October holidays.

**Review Budget Schedule to be distributed to Department Heads, Town Administrator (Nan Balmer):** Town Administrator Nan Balmer distributed and discussed her memo to Department Heads concerning the FY18 Budget Schedule as well as a summary of Budget Duties under Town Code and by Job Description. Ms. Balmer indicated she would be meeting with Department Heads to discuss the FY18

budget cycle, including operating budget, capital budget and potential new positions. The Committee thanked Ms. Balmer for such a thorough document.

Concerning the Town Administrator's review of capital projects, Ms. Martin asked what set of criteria were being used to approved capital projects. Ms. Balmer indicated that she would be evaluating capital projects to ensure appropriateness. Mr. Cliff queried if the schedule presented included the School capital requests. Ms. Balmer indicated her review would include capital requests from the Facilities Department which oversees school projects.

**Review Final Capital Memo and Deadlines:** Finance Director Brian Keveny indicated the capital memo as approved by the Finance Committee was sent to Department Heads. Chair Watkins reiterated the FinCom hopes to close the capital budget by December 5th and vote a draft capital budget by December 15th. The Committee recognizes this timeline represents a departure from prior years and agreed to be diligent in communicating these deadlines. Mr. Watkins stated it is a role of the liaisons to work with the department heads to ensure the FinCom has all the information it needs in order to conduct timely capital and budget reviews.

A discussion ensued regarding the role of the FinCom liaison. Chair Watkin stated FinCom members are available to each board and department head to ensure and enhance communication concerning operating budgets, capital budgets and to assist in article write up. For all other questions and issues, Ms. Balmer stated that in order to avoid several members asking staff members similar questions, that all questions be presented at meetings and/or to the Chair. It was noted that in all other matters, the Chair is the voice of the FinCom and that individual members do not represent the Committee.

**Review of outstanding Capital Projects (CM):** As a follow up concerning the scope of the capital projects to be reviewed and possibly closed on September 30th, Ms. Martin indicated there are 38 outstanding capital projects that were approved prior to or in FY14, representing approximately \$6.5-7M of appropriations. The Committee asked Ms. Martin to continue to work with Mr. Keveny and make interim reports on the status of these projects. Mr. Cliff inquired if this project overlapped the FY18 Capital process. The Committee felt overlap, if any, was only in regards to these 38 projects which should be sorted out prior to the Committee's review of the FY18 capital requests.

**Special Assignment Discussion - Website Review (GC):** Mr. Cliff stated he has been working on this project with Mr. Keveny and recommended this discussion be tabled until Mr. Keveny was present. He explained that the proposed web page headers are centered around the major duties/responsibilities of the Finance Committee. He added that a secondary goal was to develop an archive or communication tool. Mr. Watkins asked member to review the suggested web page titles prior to next meeting.

**Special Discussion: Committee Protocols (DW):** Chair Watkins distributed the Draft: Governance Guidelines for Finance Committee, indicating it was a starting point. Mr. Uveges inquired if the Board of Selectmen (BOS) also had governance guidelines. Ms. Balmer replied the BoS would most likely have a similar set of guidelines as being presented to the Fincom Com but no formal vote has taken place. She added if so, it would probably be in the form of a handbook.

Mr. Watkins did a quick run through the various topics including Open Meeting Law, Minutes, use of email to Conduct Town Business, Code of Ethics and Code of Conduct. He asked Committee Members to review the materials for discussion at a future meeting. Mr. Shigley stated as a new member this was a

helpful resource.

**Writing & Presentation Assignment Review (DW) - Including Review Draft Mission, Goal & Objectives, Town Annual Report FY17 STM Material, FY18 ATM Material, Warrant Hearings (STM & ATM):** Mr. Watkins led the Committee in a discussion of the written documents the Committee is responsible for each year including the ATM Warrant/Annual Report and Mission statement. He suggested the Committee take a broad view of these items and determine how much of this writing could be done in advance rather than during budget season.

A discussion ensued concerning potential differences between the Report of the Finance Committee that appears in the Annual Warrant and the FinCom's Annual Report. It was agreed Annual Reports are archived and at the minimum should be the report submitted for the Annual Warrant. It was noted the the Annual Reports should also contain "forward" information and related implications. Ms. Martin volunteered to follow up concerning a submission to the Annual Report.

Discussing the other FinCom reports, a brief discussion ensued which resulted in the follow assignments: Mr. Cliff will tackle updating the Report of the Finance Committee. Ms. Martin will work with Mr. Keveny to submit and write any potential FinCom articles for the upcoming Special Town Meeting including Current Year transfers and Prior Year unpaid bills. Ms. Gorke will review the Mission Statement. Mr. Uveges, Ms. Gorke and Mr. Cliff will collaborate and submit a draft of Member Responsibilities. Mr. Shigley volunteered to work on Financial Strategy.

**Members' reports, concerns and topics for future meetings:** Mr. Shigley indicated that he ran some debt service to budget ratios using the information on the Treasurer's website. He further stated he had several debt related questions and was looking forward to hearing from the Treasurer and Financial Analyst at a future meeting. Ms. Funkhouser wondered if the Committee felt serving as the Police Liaison would be a conflict of interest due to her position as Crossing Guard. Mr. Cliff wondered if having his daughter work as summer/seasonal Recreation employee would be viewed as a conflict of interest. Both were urged to file Appearance of Conflict of Interest forms and abstain from voting on issues from which they would derive or potentially derive a direct benefit.

**Chair's update:** Mr. Watkins stated the next meeting is 8/29th at which the Town Administrator and Finance Director would present their FY18 budget guideline recommendation.

**Topics Not reasonably anticipated by the Chair 48 hours in advance of meeting:** None

**Meeting Minutes Review:** The Committee reviewed the Minutes of January 28 and July 18, 2016. Ms. Martin moved the Minutes of July 18th be approved as amended. Motion seconded by Uveges. Motion Passed: 7-0. Roll Call vote was:

Funkhouser	Yes	Shigley	Yes	Gorke	Yes		
Uveges	Yes	Watkins	Yes	Cliff	Yes	Martin	Yes

Ms. Martin moved the Minutes of January 28th be approved as amended. Mr. Cliff seconded. Chair Watkins indicated that only those who were members on 1/28th could vote. Motion Passed 4-0-3. Roll Call vote was:

Funkhouser	Yes	Shigley	Abstain	Gorke	Abstain		
Uveges	Abstain		Watkins	Yes	Cliff	Yes	Martin Yes

**Adjourn:** Mr. Cliff moved to adjourn at 9:55pm. Ms. Martin seconded. Roll call vote: 7-0 as follows:

Funkhouser	Yes	Shigley	Yes	Gorke	Yes			
Uveges	Yes	Watkins	Yes	Cliff	Yes	Martin	Yes	

Respectfully Submitted,

Carol Martin

**Documents:**

Source D. Watkins:

Issue/Action List dated 7/18/2016

New Position Request Form

Position Modification Request Form

Outstanding & Authorized/Unissued Debt dated 4/10/16

Proposed/draft Schedule & Milestones dated 8/1/16

FY18 Meeting Minutes Assignments

Draft: Governance Guidelines for Finance Committee

Outline of Written Materials

Copy of Mission Statement and Mission

Copy Board of Selectmen's 2015 Annual Report

Memo: Department Head Budget Schedule/Summary of Budget Duties under Town Code and by Job Description (source Nan Balmer)

Source: B. Keveny

Current Finance Committee Website title page

Proposed Finance Committee Website title page

Draft Minutes: January 28, 2016

**Municipal Affordable Housing Trust Fund (MAHTF)  
Meeting Minutes – July 6, 2016**

**Attendance:** Mary Antes; Stephen Greenbaum; Brian O’Herlihy; and Susan Weinstein.

**Absent:** Kevin Murphy and Jennifer Steel

**Others in attendance:** Brian Boggia, Executive Director – Wayland Housing Authority.

**Open Meeting:** M. Antes called the meeting to order at 7:33 P.M. at the Wayland Town Building. B. O’Herlihy kept the minutes of the meeting.

**Public Comment:** None.

**Previous Minutes:** June 1, 2016 and June 21, 2016.

**Materials Discussed/Distributed:** Memo dated 7/6/16 from the Wayland Town Administrator; proposal dated 6/27/16 from Karen Sunnarborg, housing consultant, to the Wayland Town Planner; and MAHTF financial statements (unaudited) as of June 30, 2016.

**Notes:**

- 1) M. Antes noted that the Town Administrator was unable to attend the meeting to discuss her recommendation for the evaluation of planning and administration of the Town’s affordable housing programs. M. Antes read a memo dated 7/6/16 from the Town Administrator to the Trustees. In her memo, the Town Administrator noted that she planned to discuss with the Board of Selectmen her recommendation that the Town contract for a consultant review of the administration of affordable housing matters in Wayland. The Trustees assumed that the proposal from K. Sunnarborg had been solicited by the Town Planner at the request of the Town Administrator. The Trustees generally had no issue with the Town Administrator’s recommendation, although at least one Trustee didn’t think a study was needed. The Trustees also agreed that the cost of the study should be borne by the Town and not the Trust. M. Antes agreed to invite the Town Administrator to a future Trust meeting to discuss the study and other affordable housing matters.
- 2) The Trustees had a discussion with B. Boggia regarding opportunities to create affordable rental housing given the general lack of support among the Trustees to use the Trust’s funds to “buy down” the purchase prices of market rate housing so that it could be acquired by qualifying affordable home buyers. B. Boggia noted that an affordable unit at The Residences at 89 Oxbow was currently being marketed for sale to qualifying affordable home buyers and, to the extent a qualifying affordable home buyer could not be identified within the allotted timeframe, the Town might want to consider exercising its option to buy the unit (through the Trust) and convert it to an affordable rental unit (possibly using Section 8 vouchers from the Wayland Housing Authority). M. Antes and B. Boggia also discussed an opportunity that might exist with respect to a “tax title” property located on King Street in Wayland. The Trustees agreed to monitor both of these situations and to evaluate how the Trust might be able to acquire one or both of these properties (or other properties) and lease them on a long-term basis to the Wayland Housing Authority so that it, in turn, could rent the properties to qualifying affordable renters using the Section 8 voucher program.

- 3) The Trustees reviewed the draft minutes for the meetings held on June 1, 2016 and June 21, 2016. S. Weinstein moved approval of the minutes. S. Greenbaum seconded. Motion approved 4-0.
- 4) B. O’Herlihy provided the report of the Treasurer which included a review of the MAHTF financial statements (unaudited) as of June 30, 2016. He noted that the sales of the remaining two units at River Trail Place, the 42-unit, market rate residential condominium development project located in the Town Center had been closed, and upon receipt of the gift funds related to these two units from the developer, no further payments would be due to the Trust with respect to the project. The Treasurer also provided the Trustees with an update on the current investment returns available on certificates of deposit at The Village Bank and recommended that the Trust not invest any more of its cash until the Trustees have completed their evaluation of near term opportunities to create and/or preserve affordable housing. The Trustees agreed with the Treasurer’s recommendation.
- 5) S. Weinstein provided an update on the review, completion and submission of the Town’s housing production plan and indicated that work on the draft plan was almost completed, although certain data contained in the plan still required updating before it could be submitted to the Department of Community Housing and Development.
- 6) M. Antes indicated she had a conflict on August 3, 2016 and the Trustees agreed to move their next scheduled meeting to August 2, 2016 at 7:30 P.M. at the Wayland Town Building. The Trustees discussed the tentative agenda, including having update discussions on the web site project, additional affordable units at Town Center and the River’s Edge project.

Adjourn: S. Weinstein moved to adjourn the meeting at approximately 8:50 P.M. S. Greenbaum seconded. Motion approved 4-0.

Respectfully submitted,

Brian T. O’Herlihy

12

RECEIVED

SEP 12 2016

BOARD OF SUPERVISORS  
TOWN OF WAYLAND

# JOIN US



with  
*Governor Baker*  
&  
*Transportation*  
*Secretary Pollack*

*As we acknowledge the ongoing partnership  
between public transportation agencies to  
enhance the customer experience at the  
Framingham Intermodal Center.*



**WHERE:** Banana Lot at the

Framingham Commuter Rail Station



**WHEN:** Wednesday, October 5th at 4:00 PM

**METROWEST REGIONAL TRANSIT AUTHORITY**

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**PLEASE SIGN UP FOR THE MMA'S FALL LEGISLATIVE BREAKFAST MEETINGS**

September 7, 2016

Dear Local Official,

The Massachusetts Municipal Association is pleased to announce its **Fall 2016 schedule of legislative breakfast meetings** hosted in cities and towns across the state. We hope you can join us at a meeting near you and be part of a lively discussion on the local government issues of the day. The dates are September 30, October 7 or October 14, all Friday mornings at 8:00 a.m.

The Fall round of breakfast meetings will come at an important time when state officials finally report on the challenging close to fiscal 2016 (whether there will be any money left to supplement the CPA match), take a first good look at the stability of the fiscal 2017 budget adopted in July (whether there will be another shortfall), and start thinking about next year's budget and local aid plan due in January – there are a lot of budget issues to talk about at both the state and local level.

The gatherings will also be an opportunity to talk about the many helpful provisions in the municipal modernization act, the new economic development act, and the small bridges and transportation bond act, all signed by the Governor in August, and to discuss the impact on local government of two ballot questions that will be decided at the November 8 election (legalization of recreational marijuana and expansion of charter schools). Another important topic to take up will be the new public records law that will take effect on January 1. Draft regulations should be released in time for these meetings. Looking forward to next year, MMA wants to hear from you and other city and town officials on ideas for the MMA's 2017 legislative package, and on topics for another round of municipal "best practices."

These breakfast meetings will provide an excellent forum to meet with fellow municipal officials from your area, local legislators (they've all been invited) and MMA staff. Please plan on attending a meeting near you, and please bring your best questions and advice to help us move forward.

**PLEASE SIGN UP TODAY!** You can register on the MMA website at [www.mma.org](http://www.mma.org) or by contacting Vanessa Calaban at [vcalaban@mma.org](mailto:vcalaban@mma.org) or 617-426-7272, ext. 121.

Thank you very much!

Sincerely,

Geoffrey C. Beckwith  
Executive Director & CEO

Enclosure

**RECEIVED**

**SEP 12 2016**

Board of Selectmen  
Town of Wayland



**2016 Fall Legislative Breakfast Meetings  
Please Register Now!**

**Please register online at [www.mma.org](http://www.mma.org) or complete this registration form and send it to:  
Vanessa Calaban, Massachusetts Municipal Association, One Winthrop Square, Boston, MA  
02110, or by Fax to: 617-695-1314, or by Email to [vcalaban@mma.org](mailto:vcalaban@mma.org)**

Registrant's Name: \_\_\_\_\_

Municipality: \_\_\_\_\_

Job Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Breakfast Location (Please check the meeting you will attend):

**September 30th**

- Amherst**, Town Hall, 4 Boltwood Avenue
- Boxborough**, Sargent Memorial Library, 427 Massachusetts Avenue
- Sutton**, Town Hall, 4 Uxbridge Road

**October 7th**

- Bridgewater**, Olde Scotland Links, 695 Pine Street
- Gardner**, Gardner Town Library, 55 West Lynde Street
- Wellesley**, Wellesley Free Library, 530 Washington Street

**October 14th**

- Amesbury**, Chestnut Innovation Center, 11 Chestnut Street
- Fairhaven**, Town Hall, 40 Center Street
- North Adams**, Center for Science and Innovation, 75 Blackinton Street

While the meetings are free, attendees are asked to pre-register so the planners can have an accurate count. All legislative breakfast meetings will begin at **8:00 a.m.** and end by **10:00 a.m.**

**THANK YOU FOR REGISTERING – WE LOOK FORWARD TO SEEING YOU THERE!**



14

Received  
SEP 8 2016  
Superintendent's Office

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Shawn A. Williams  
Supervisor of Records

September 2, 2016  
SPR16/459

Mr. Paul Stein, Ed.D.  
Superintendent of Schools  
Town of Wayland Public Schools  
41 Cochituate Road  
P.O. Box 408  
Wayland, MA 01778

Dear Dr. Stein:

I have received the petition of Linda L. Segal seeking further consideration of my previous written determination regarding the Town of Wayland – Public Schools' (Schools) response to a request for public records. See SPR16/314 Determination of the Supervisor of Records (May 24, 2016); SPR16/459 Determination of the Supervisor of Records (July 14, 2016). Specifically, Ms. Segal requested copies of invoices for legal expenses charged to the Schools in the FY15 and FY16 Town budgets from May 1, 2015 related to a particular incident.

***Previous determinations***

In my July 14 determination I ordered the Schools and Town to provide Ms. Segal with certain responsive portions of the requested legal invoices. The Schools and Town responded to this order in a letter dated August 1, 2016 in which Attorney Mark Lanza, Town Counsel, indicated *in camera* review of the responsive records may be appropriate. I agree.

***In camera inspection of records***

Upon further consideration of Ms. Segal's petition, it is the finding of this office that an *in camera* review of an unredacted copy of the responsive records would facilitate a determination as to the applicability of any exemption claims made by the School and Town. See 950 C.M.R. 32.08(6). After I complete my review of the document, I will return the record to your custody and issue an opinion on the public or exempt nature of the record.

The authority to require the submission of records for an *in camera* inspection emanates from the Code of Massachusetts Regulations. 950 C.M.R. 32.08(6); see also G.L. c. 66, § 1. This office interprets the *in camera* inspection process to be analogous to that utilized by the

Dr. Paul Stein  
Page 2  
September 2, 2016

SPR16/459

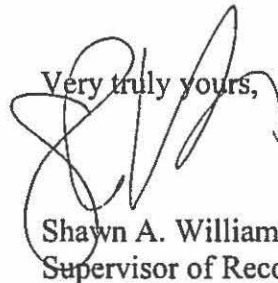
judicial system. See Rock v. Massachusetts Comm'n Against Discrimination, 384 Mass. 198, 206 (1981) (administrative agency entitled deference in the interpretation of its own regulations). Records are not voluntarily submitted, but rather are submitted pursuant to an order by this office that an *in camera* inspection is necessary to make a proper finding.

Records are submitted for the limited purpose of review. This office is not the custodian of records examined *in camera*, therefore, any request made to this office for records being reviewed *in camera* will be denied. See 950 C.M.R. 32.03 (defining "custodian" as the government employee who in the normal course of her duties has access to or control over records).

This office has a long history of cooperation with governmental agencies with respect to *in camera* inspection. Custodians submit copies of the relevant records to this office upon a promise of confidentiality. This office does not release records reviewed *in camera* to anyone under any circumstances. Upon a determination of the public record status, records reviewed *in camera* are promptly returned to the custodian. To operate in any other fashion would seriously impede our ability to function and would certainly affect our credibility within the legal community.

Accordingly, you are hereby ordered to provide this office with an unredacted copy of the responsive records without delay. The Schools and Town may provide this office with an explanation of its position regarding the applicability of an exemption to the responsive records. Please be advised that, unlike the materials provided for *in camera* review, any such additional correspondence would be placed in the file for this appeal and would be subject to public disclosure as a public record.

Very truly yours,



Shawn A. Williams  
Supervisor of Records

cc: Ms. Linda Segal  
Mr. Mark Lanza, Esq.  
Ms. Nan Balmer, Town Administrator



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

**Department of Environmental Protection**  
One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

September 7, 2016

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SEP 12 2016

Board of Selectmen  
Town of Wayland

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

Dear Ms. Balmer,

**Congratulations!** It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the Town of Wayland Recycling Dividends funds and Small-Scale Initiative funds under the Sustainable Materials Recovery Program. The Town of Wayland has earned 9 points and will receive \$3,600.

Please note, awards for the following grant categories are being evaluated (Mattress Recycling Initiative, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance, Waste Reduction Enforcement Coordinator, Waste Reduction Projects, Organics Capacity Projects) and will be announced separately.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

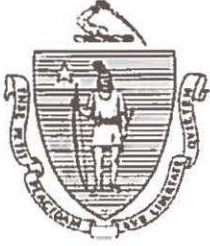
The key dates and deadlines specific to your award are summarized in the enclosed Checklist. The detailed terms and conditions are specified in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at 617-292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

Martin Suuberg  
Commissioner

cc: Daniel Cabral, DPW Office Coordinator-Administrator



OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

September 7, 2016

Dear Ms. Nan Balmer,

Congratulations! I am pleased to notify you that the Town of Wayland has been awarded a Recycling Dividends Program grant of \$3,600 through the Sustainable Materials Recovery Program. I want to thank you for your commitment to reducing waste and increasing recycling for the benefit of our communities and the environment.

Enclosed you will find further instructions from the Department of Environmental Protection on next steps. Please feel free to contact Tina Klein if you have any questions.

Governor Charles D. Baker

Lt. Governor Karyn E. Polito

A handwritten signature in blue ink that reads "Charles Baker".

A handwritten signature in blue ink that reads "Karyn Polito".

**RECEIVED**

SEP 12 2016

Board of Selectmen  
Town of Wayland



16

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

September 8, 2016

Mr. J. Paul Loether, Chief  
National Register of Historic Places  
Department of the Interior  
National Park Service  
1201 Eye Street, NW 8<sup>th</sup> floor  
Washington, DC 20005

Dear Mr. Loether:

Enclosed please find the following nomination form:

Reeves Tavern, 126 Old Connecticut Path, Wayland (Middlesex), MA

The nomination has been voted eligible by the State Review Board and has been signed by the State Historic Preservation Officer. The owners of the property were notified of pending State Review Board consideration 30 to 45 days before the meeting and were afforded the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Friedberg".

Betsy Friedberg  
National Register Director  
Massachusetts Historical Commission

Enclosure

cc: ✓ Cherry Karlson, Wayland Board of Selectmen  
Elisa Scolia, Wayland Historical Commission  
Andrew Reck, Wayland Planning Board

**RECEIVED**

**SEP 12 2016**

**Board of Selectmen  
Town of Wayland**

**From:** Rozan, Elizabeth [<mailto:e.rozan@minuteman.org>]  
**Sent:** Thursday, September 15, 2016 2:30 PM  
**To:** Rozan, Elizabeth  
**Subject:** Non-resident capital increment

SENT TO MINUTEMAN SCHOOL COMMITTEE, SCHOOL BUILDING COMMITTEE, DISTRICT BOARDS OF SELECMEN, AND LEGISLATIVE DELEGATION ON BEHALF OF ED BOUQUILLON, SUPERINTENDENT-DIRECTOR:

Attached, please find a letter received today from Commissioner of Education, Mitchell D. Chester. This letter provides the calculation and approval of a capital construction and renovation increment to support Minuteman's proposed new building project. This letter outlines how a capital construction and renovation increment will be calculated to support Minuteman's proposed new building project, states that Minuteman is eligible for the increment, and states that the increment will remain in effect for the life of the debt service payments, provided the building stays in use for career and technical education. It also includes an estimate of the increment for the Minuteman project, in an effort to provide additional information in advance of the upcoming District Wide Ballot Election.

This letter documents the implementation of the capital fee (now termed an increment) for the District in certain terms.

Should you have any questions, please feel free to contact me.

Sincerely,

Ed

**Edward A. Bouquillon, PhD**  
*Superintendent-Director*

**Minuteman High School**  
758 Marrett Road, Lexington, MA 02421  
T 781.861.6500 x 7301  
F 781.863.1747  
C 413.537.6451  
[www.minuteman.org](http://www.minuteman.org)

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# Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4908

Telephone: (781) 338-3000  
TTY: N.E.T. Relay 1-800-439-2370

Mitchell D. Chester, Ed.D.  
Commissioner

September 15, 2016

Superintendent Edward Bouquillon  
Minuteman Regional Vocational Technical School District  
758 Marrett Road  
Lexington, MA 02421

Dear Superintendent Bouquillon:

I am writing in response to your letter requesting the calculation and approval of a capital construction and renovation increment ("increment") to support Minuteman's proposed new building project. The Board of Elementary and Secondary Education's regulations on career and technical education provide the authority for this increment. The relevant regulatory language reads as follows:

*603 CMR 4.03(6)(b)(4). In instances where there is no tuition agreement in place between sending and receiving districts, the commissioner shall establish tuitions rates for the purposes of M.G.L. c.74, s.7C. In calculating and establishing said tuition rates the commissioner: ... (c) May, in instances where the receiving district has been authorized to operate a facility that serves a high percentage of non-resident students, establish a capital construction and renovation increment to be added to the tuitions paid on behalf of non-resident students attending the school. In calculating any such increments, the Commissioner shall use the actual expenditures for this purpose, as reported by the district for the year for which the non-resident tuition was calculated, divided by the total school enrollment. Students who reside in a city or town that is a member of a district which offers at least five approved vocational technical programs shall not be required to pay more than 75% of the calculated per pupil amount. The capital construction and renovation increment shall not be subject to the cap established in pursuant to 603 CMR 4.03 (6)(b)4.b.*

An approved increment is added to the regular tuition rate for non-resident students admitted under the provisions of G.L. c.74, s.7.

This regulation was adopted in response to a growing demand for high quality career and technical education programs for high school students. There are many such programs currently being offered in comprehensive high schools and regional career and technical high schools, but

because towns are not required to offer career and technical education classes, there are many students who do not have access to a full range of program offerings in their town's high schools. The high cost of building and operating career and technical education facilities; the need for a critical mass of students to efficiently operate many career and technical programs; and the political barriers to the expansion of regional career and technical schools are among the factors that inhibit the growth of quality career and technical programs.

We proposed the capital construction and renovation increment as one possible tool to increase the availability of career and technical programs. The Commonwealth provides significant financial support for the construction and renovation of school buildings through the school building assistance program administered by the Massachusetts School Building Authority (MSBA). In most cases, MSBA projects are sized to accommodate only the expected enrollment from the city or town (in the case of municipal schools) or from the member cities and towns (in the case of regional schools). As a result, most schools can accept only a small number of non-resident students, who occupy empty seats created by normal enrollment fluctuations over time.

We believe that there are some circumstances when it would make sense for a career and technical program to serve a larger geographic area than just the cities and towns comprising its membership. Our current system of school funding discourages such innovative approaches, because the local share of the capital cost is borne entirely by the member towns. The increment is intended to redress that inequity. If we decide that it is in the public interest to build a larger school to accommodate a significant number of non-resident career and technical students – a decision that must be ratified by the district, by the MSBA, and by this Department – then the capital construction and renovation increment provides a mechanism for the non-member municipalities to pay their fair share of the costs.

To be clear, the application of this regulation is intended to be extremely narrow. It does not apply to every school that enrolls some non-resident students and undertakes ordinary building maintenance and improvement projects. It is only relevant in cases where a district undergoes a major new building construction or addition/renovation project *and* is specifically sized to accommodate a *significant* number of non-resident students. As I had previously written to you, I have determined that the proposed Minuteman building project meets this threshold requirement and is eligible for an increment.

Because this is the first project for which an increment has been authorized, I would like to set out the parameters which will govern the calculation of the increment:

- The increment will take effect in the fiscal year in which the new school opens.
- The increment will remain in effect for the duration of the debt service payments, provided that the building remains in use for career and technical education.
- The increment will be calculated for each fiscal year based on the district's scheduled debt service payment for the project for that year. The debt service payment in turn will

depend on the actual amount borrowed for the local share of the project and on the terms of the securities issued for the project.

- The enrollment data used to calculate each fiscal year's increment will be based on the prior year's October 1<sup>st</sup> SIMS report. For the purpose of this calculation, the non-resident enrollment shall only include students admitted pursuant to G.L. c.74, s.7.
- The full increment applies to students from municipalities that do not offer, either in a local high school or through membership in a regional career and technical district or collaborative, at least five approved chapter 74 programs (referred to as "Type A"). Municipalities that do offer at least five approved chapter 74 programs will be charged 75% of the full increment ("Type B").
- The increment is calculated using the following formula:

$$I = D / (R + N_A + .75N_B)$$

where I = full increment

D = annual debt service

R = number of resident students

N<sub>A</sub> = number of non-resident students from Type A municipalities

N<sub>B</sub> = number of non-resident students from Type B municipalities

- The receiving district shall, no later than March 1<sup>st</sup> of each year, submit to the Department its proposed increment calculation for the following fiscal year. The district shall notify all prospective sending municipalities of the amount of the increment no later than one week following the Department's approval of the increment calculation.

As noted above, this calculation will be based on the final borrowing costs for the project as well as the actual enrollment figures reported each year. For this reason, I am unable to definitively say what the increment will be for your project. However, in an effort to provide some additional information in advance of the district vote scheduled for later this month, I have made an *estimate* of the increment based on current project plans and enrollment patterns.

Assuming:

Annual debt service	\$3,450,188
Total school enrollment	624
Number of resident students	371
Number of non-resident students (type A)	75
Number of non-resident students (type B)	178

Then the increment would be:

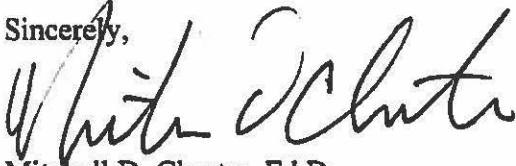
\$5,953 for students from type A municipalities

\$4,465 for students from type B municipalities (75% of the type A increment)

Readers are cautioned that the final calculation will likely vary from this estimate after the project is completed.

I hope this information is helpful to you and to the members of the Minuteman community. If you have any additional questions, please contact me or Deputy Commissioner Jeff Wulfson. I would also appreciate it if you would forward copies of this letter to the members of your school committee and to the boards of selectmen of your member towns. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell D. Chester". The signature is written in a cursive style with a large, prominent initial "M".

Mitchell D. Chester, Ed.D.  
Commissioner