

PACKET

OCT 5

2016



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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
Wednesday, October 5, 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)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes, Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), regarding a Discussion of Strategy with Respect To Health Insurance with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, WTA, WESA and Food Service Unions, and for a Discussion of Strategy with Respect to Collective Bargaining with the School Custodians Union, and for a Discussion of Collective Bargaining Strategy Pertaining to the OPEB Recommendation, and a Discussion of Strategy Relating to a Step 3 Police Grievance:
- APPROVE: November 16, 2015, May 16, 2016, June 27, 2016, and September 6, 2016
- APPROVE WITH REDACTIONS: February 3, 2015, May 18, 2015, February 22, 2016, April 11, 2016, May 2, 2016, June 6, 2016, June 13, 2016, July 13, 2016, July 25, 2016, and September 19, 2016
- 7:20 pm 2.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 7:22 pm 3.) Public Comment
- 7:30 pm 4.) Discuss Special Town Meeting Articles Including:
- Vote to Take Position to Co-Sponsor or to Withdraw Articles
 - Vote to Order Articles
- 8:00 pm 5.) Town Administrator Evaluation: Receive Cumulative Evaluation
- 8:15 pm 6.) Meet with Representatives of Energy Initiatives Advisory Committee to Discuss Community Event Celebrating New Solar Energy Facilities
- 8:25 pm 7.) Review and Vote to Approve Minutes of September 19, 2016
- 8:30 pm 8.) Review and Approve Consent Calendar (See Separate Sheet)

BOARD OF SELECTMEN
Wednesday, October 5, 2016
Wayland Town Building
Selectmen's Meeting Room
Proposed Agenda Page Two

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|---------|------|---|
| 8:35 pm | 9.) | Review Correspondence (See Separate Index Sheet) |
| 8:45 pm | 10.) | Report of the Town Administrator |
| 8:55 pm | 11.) | Selectmen's Reports and Concerns |
| 9:05 pm | 12.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:10 pm | 13.) | Adjourn |

ARTICLE LIST FOR NOVEMBER 15, 2016 SPECIAL TOWN MEETING

Article	November 2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
1	Municipal Field Irrigation Waiver Bylaw Change	Board of Public Works	J. Nolan	J. Gorke	5-0	
2	Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials	Board of Selectmen	C. Karlson	J. Gorke	5-0	
3	Landscaping in Parking Areas Zoning Bylaw	Planning Board	L. Anderson	K. Shigley		6-1
4	Conservation Cluster Developments	Planning Board	L. Anderson	G. Uveges		
5	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	5-0	
6	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	5-0	
7	Amend FY2017 Capital Budget to Eliminate Funding for Stonebridge Water Access Road and Water Main	Petitioners	M. Antes	N. Funkhouser	0-5	
8	Appropriate Funds to Purchase 107 Old Sudbury Road for Water Resources Protection	Board of Public Works	J. Nolan	C. Martin		4-2-1

ARTICLE LIST FOR NOVEMBER 15, 2016 SPECIAL TOWN MEETING

Article	November 2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
9	Appropriate Funds to Purchase 8 Glezen Lane for Water Resources Protection	Board of Public Works	J. Nolan	C. Martin		
10	Assisted/Independent Living and Nursing Home	Planning Board	L. Anderson	G. Uveges		
11	Home Occupation	Planning Board	L. Anderson	K. Shigley		
12	Town Wide Recreation Facilities Strategic Plan	Recreation Commission	L. Jurist	G. Cliff	5-0	
13	Middle School Field Feasibility Study	Recreation Commission	L. Jurist	G. Cliff		
14	Pay Previous Fiscal Year Unpaid Bills	Town Clerk and Board of Selectmen	C. Karlson	D. Watkins	5-0	
	Current Year Transfers	Town Clerk	C. Karlson	D. Watkins		
	Street Acceptance	Planning Board	J. Nolan	K. Shigley		

DATE: OCTOBER 3, 2016
TO: BOARD OF SELECTMEN
RE: AGENDA ITEM 4, SPECIAL TOWN MEETING WARRANT

Following is the current text of the articles for the November 15, 2016, Special Town Meeting, in draft order. The comments of the Town Counsel have been incorporated.

ARTICLE 1: MUNICIPAL FIELD IRRIGATION WAIVER BYLAW CHANGE

Sponsored by: Board of Public Works and Recreation Commission

To determine whether the Town will vote to amend Section 191-6 of the Code of the Town of Wayland relative to types of applications for lawn irrigation systems by adding thereto the following new paragraph:

"C. 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 bylaw shall limit the authority of the Board of Public Works to implement water restrictions, including for municipal irrigation systems."

For more information about this article, contact Jessica Brodie, Recreation Director, at 508-358-3662, or jbrodie@wayland.ma.us

ARTICLE 2: 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.

For more information about this article, contact Nan Balmer, Town Administrator, at 508-358-3620, or nbalmer@wayland.ma.us

ARTICLE 3: 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 thereto:

Replace the existing section 506.8.1 to read as follows:

"506.8. Landscaping in parking facilities.

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 facilities.

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.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 4: 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 thereto:

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

1803.1 After notice and public hearing in accordance with law, 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 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 consider.

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 site 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 15 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]

~~1803.1.8.2~~ Conveyance of the ~~open~~ Open land Land.

~~1803.1.8.12.1~~ The Open land 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.

~~1803.1.8.22.2~~ 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 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 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 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 residential 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 residential 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.

§ 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 § 198-1803.4-92.3 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 cash performance bond in an amount sufficient in the judgment of the Planning Board 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 first 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.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 5: 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.

For more information about this article, contact Nan Balmer, Town Administrator, at 508-358-3620, or nbalmer@wayland.ma.us.

ARTICLE 6: 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:

- 1.) 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 (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;
- 2.) 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;
- 3.) 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
- 4.) 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 the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services LAND Grant Program.

For more information about this article, contact Gretchen Schuler, Chair, Community Preservation Committee, at ggschuler@verizon.net

ARTICLE 7: 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."

PETITIONERS' COMMENTS: At last town meeting nearly 1 million dollars from our water budget was allocated to build a new access road to the Happy Hollow well. The justification presented for this spending was that it will save water budget money by allowing 18 wheeler trucks to deliver the well chemicals. The delivery charge for the chemicals will be lower with the larger trucks.

Saving money on our water bills is a good thing.

However, there are two ways to enable this delivery savings:

- 1) Enhance the existing delivery route by the High School to allow larger trucks to use it.
cost ~\$40k payback period: ~about 2 months
- 2) Build new access road and associated infrastructure
cost: ~\$930k payback period: ~4.5 years

There is no need for the town to choose the expensive option.

There is no need to wait an additional four years before the saving start appearing on our water bills.

For more information, contact petitioner Duane Galbi.

ARTICLE 8: APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD FOR WATER RESOURCES PROTECTION

Sponsored by: Board of Public Works

Estimated Cost: \$500,000

To determine whether the Town will vote to:

- a.) authorize the Board of 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 the parcel of land and the structures thereon located at 107 Old Sudbury Road, Wayland, Massachusetts, containing 2.06 acres, more or less, and shown as Lot 17-022 on the Town of Wayland Assessors' Map;
- b.) appropriate a sum of money for the acquisition of said parcel of land with the structures thereon for water purposes, the demolition and removal of said structures and site work, for water purposes, the fee or any lesser interest in the parcel;
- c.) determine whether said appropriation shall be provided by transfer from the Water Enterprise Fund, borrowing or by grants; and
- d.) authorize the Board of Public Works to apply for and accept a grant under the Massachusetts

Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection Program and funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of said grant program.

For more information about this article, contact Chris Brown, Chair, Board of Public Works, at cbrown93@comcast.net.

ARTICLE 9: APPROPRIATE FUNDS TO PURCHASE 8 GLEZEN LANE FOR WATER RESOURCE PROTECTION

Sponsored by: Board of Public Works

Estimated Cost: \$1,225,000

To determine whether the Town will vote to:

- e.) authorize the Board of 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 the parcel of land and the structures thereon at 8 Glezen Lane, Wayland, Massachusetts, containing 1.82 acres, more or less, and shown as Lot 18-014 on the Town of Wayland Assessors' Map;
- f.) appropriate a sum of money for the acquisition of said parcel of land with the structures thereon for water purposes, the demolition and removal of said structures and site work;
- g.) determine whether said appropriation shall be provided by transfer from the Water Enterprise Fund, borrowing or by grants; and
- h.) authorize the Board of Public Works to apply for and accept a grant under the Massachusetts Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection Program and funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of said grant program.

For more information about this article, contact Chris Brown, Chair, Board of Public Works, at cbrown93@comcast.net.

ARTICLE 10 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 thereto:

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.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 11: 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 thereto:

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

"In Section 198-104:

Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or an accessory structure. ~~Said occupation to include but are not necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter.~~ Where customary home occupations are permitted by the Table of Accessory Uses § 198-804, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § 198-203.

[Added 4-30-2001 ATM by Art. 25; amended 4-7-2011 ATM by Art. 19]

901.1.1.

A customary home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met:

[Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25]

901.1.1.1.

The customary home occupation occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, of the dwelling unit or accessory building on the lot.

901.1.1.2.

There are no employees;

901.1.1.3.

No business is conducted on the lot with any client or customer physically present;

901.1.1.4.

There are no signs or other external evidence of nonresidential use; and

901.1.1.5.

No hazard or nuisance, including offensive noise, vibrations, smoke, dust or other particulate matter, odors, heat, glare, humidity, and noxious fumes, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.

901.1.2.

A customary home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met:

[Added 4-30-2001 ATM Art. 25]

901.1.2.1.

The use of the dwelling unit, or an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross

floor area of the dwelling unit or 500 square feet, whichever is less, within the dwelling unit or accessory structure on the premises;
[Amended 5-6-2004 ATM by Art. 21]

901.1.2.2.

No more than one nonresident employee shall be permitted on the lot;

901.1.2.3.

There is no change in the outside appearance of the building, structure, or lot or any visible or audible evidence detectable from the property line of the conduct of such business except that one sign not larger than two square feet in area bearing only the name of the practitioner and occupation shall be permitted (words only). The sign shall be flush-mounted to the dwelling unit and shall not be illuminated.

901.1.2.4.

~~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 ten additional vehicle trips per day, as is predicted by the Institute of Transportation Engineers (ITE) trip generation manual or other competent evidence.

901.1.2.5.

No hazard or nuisance, including offensive noise, smoke, dust, odors, heat, glare, noxious fumes or vibrations, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;

901.1.2.6.

There shall be no display of goods or outside storage;

901.1.2.7.

Parking for the customary home occupation shall be provided on the lot.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 12: TOWN WIDE RECREATION FACILITIES STRATEGIC PLAN

Sponsored by: Recreation Commission

Estimated Cost: \$60,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Recreation Commission for a Town Wide Recreation Facilities Strategic Plan; and to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

For more information about this article, contact Jessica Brodie, Recreation Director, at 508-358-3662, or jbrodie@wayland.ma.us

ARTICLE 13: MIDDLE SCHOOL FIELD FEASIBILITY STUDY

Sponsored by: Recreation Commission

Estimated Cost: \$30,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Recreation Commission for a feasibility study to investigate the construction of:

- a.) a potential new multi-purpose, rectangular, natural grass field at 207 and 195 Main Street in

conjunction with the design of a potential new town library; and

- b.) a potential new multi-purpose, rectangular, artificial turf field where the current Middle School soccer/lacrosse field is situated at the 207 and 195 Main Street sites, if found to be a feasible option, and
- c.) to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

For more information about this article, contact Jessica Brodie, Recreation Director, at 508-358-3662, or jbrodie@wayland.ma.us

ARTICLE 14: PAY PREVIOUS FISCAL YEAR UPPAID BILLS

Sponsored by: Town Clerk and Board of Selectmen

Estimated Cost: \$900.00

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.

Fiscal 2017 liabilities to be paid using Fiscal 2016 appropriations;

1) The Bank of New York Mellon Invoice 252-1929247	\$300.00	Selectmen
2) The Bank of New York Mellon Invoice 252-1930724	\$300.00	Selectmen
3) The Bank of New York Mellon Invoice 252-1930725	\$300.00	Selectmen

For more information about this article, contact Nan Balmer, Town Administrator, at (508) 358-3620, or nbalmer@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

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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Board of Selectmen Meeting Minutes September 19, 2016

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

A1. 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 C. Karlson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building. At 7:00 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 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. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining or negotiating 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 members of the Finance Committee, members of the School Committee, members of the Personnel Board, Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School Superintendent Dr. Paul Stein, Assistant School Superintendent Brad Crozier, Finance Director Brian Keveny, School Business Administrator Susan Bottan, Administrative Assistant to the Superintendent of Schools Diane Marobella, and Human Resources Assistant Katelyn O'Brien. The Board will reconvene in open session in approximately forty-five minutes.

A2. Leave Selectmen's Meeting Room and Reconvene in School Committee Room to Join Executive Session with Finance Committee, Personnel Board, and School Committee At 7:01 p.m., the Board left the Selectmen's Meeting Room to join the executive session with the Finance Committee, School Committee, and Personnel Board in the School Committee Room.

The Board returned to open session at 7:05 pm, C. Karlson moved to amend the motion read earlier to enter into executive session to include School Business Administrator Susan Bottan, seconded by J. Nolan. YEA:

L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board returned to open session at 7:53 p.m.

A3. Return to Selectmen's Meeting Room and Call to Order by Chair The Board reconvened in the Selectmen's Meeting Room. C. Karlson called the open meeting of the Board of Selectmen to order at 7:53 p.m. C. Karlson reviewed the agenda and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

L. Anderson announced that the special election on the bonding for the Minuteman Vocational Technical High School is tomorrow, September 20, 2016. M Antes announced that the Domestic Violence Roundtable forum hosted by the Wayland and Sudbury Leagues of Women Voters and by a community-based organization called LIPSTICK will also be held September 20, 2016. M. Antes stated that on Thursday September 22, 2016 the Wayland and Sudbury Leagues of Women Voters are sponsoring a forum on marijuana for the upcoming ballot question. She also stated that on Sunday, September 25, 2016 Wayland COA will be having their annual Lobster Fest. L Anderson mentioned that the Wayland Library forum scheduled for Wednesday September 21, 2016 will be rescheduled.

A4. Public Comment There was no public comment.

A5. Review Proposed Plan for Moving DPW Functions and School Bus Parking from River's Edge Site to Alternative Town Locations N. Balmer stated to the Board that there needs to be a plan to move the DPW functions and to provide a location for school bus parking in order to provide the developer with full access to the site. Members of the Board of Public Works C. Brown and M. Lowrie addressed the Board. C. Brown told the Board that they use the River's Edge site every day as a laydown area and a snow storage area in the winter. C. Brown explained to the Board that the plan right now is to quarter off twenty percent of the site where the DPW can temporarily do operations while the developer conducts soil testing on the site. Eventually DPW's plan is to move to another area. That area will need to go through conservation approval, which could take up to six months. C. Brown said the move will be a tight squeeze and when approved there will likely be ongoing costs involved, like for snow storage. C. Brown said DPW has included in their capital budget a snow melter and money for gas to run it. C. Brown and M. Lowrie said there is nowhere else in town for snow storage. The Board mentioned that there are still options like using parking lots for snow storage, a subject that hasn't been exhausted yet. J. Nolan stated that there may be other options like industrial lots instead of incurring ongoing costs of a snow melter. The Board agreed that they need to better understand the costs and revenue of the River's Edge project.

The Board invited Facilities Director Ben Keefe to discuss the possible relocation of 21 school buses. B. Keefe stated that Wayland's contract with the bus provider says that the town will provide space for buses, an office, spaces for drivers, and electricity. B. Keefe said he is looking at alternative lots. One lot in particular is adjacent to the Middle School. He said it's not the best option because it currently has a lot of trees that would have to come down. Another possibility is the north side of the entrance road to the Middle School. B. Keefe stated that there is no other unused one acre lot available in town. J. Nolan mentioned that there will be residential concerns with either site. B. Keefe stated that the town should also consider the option of paying extra to have the bus company keep the buses at an out-of-town location.

N Balmer told the Board she expects a decision from The River's Edge Advisory Committee by October 5th

A6. Special Town Meeting Articles: Vote to Take Position to Co-Sponsor or to Withdraw Articles

The Board met with Representatives from the Board of Public Works Chris Brown and Mike Lowrie to discuss articles "107 Old Sudbury Road" and "8 Glezen Lane". C. Brown stated that he's in contact with B. Doucette and N. Balmer regarding the procurement process for both properties. C. Brown brought a map of the land near 107 Old Sudbury Road, in which it has been determined that the property falls into a "unique category" in which it doesn't need to be advertised. C. Brown stated that 8 Glezen Lane will need to be advertised.

The Board asked if the information will be ready for the articles by October 5th so all of the voters have the information in the warrant. M. Lowrie stated that he believes both of the articles will be ready. J. Nolan agreed that both articles are in good shape and ready to go to the Finance Committee. C. Brown stated that B. Doucette found a state grant that the town can apply for.

C. Karlson asked C. Brown and M. Lowrie if this is what the Board of Public Works wants to do with their money. C. Brown also stated to the board that properties like 8 Glezen Lane don't come along very often and if the wells get damaged the town is in trouble. C. Brown also explained to the Board that there is a failed septic system at the property now. The Board said they will try to take a position before the warrant goes to print when they get more information or they might have to hold off taking a position until town meeting.

The Board then discussed the "Municipal Field Irrigation" article. C. Brown explained that the town has 16 fields of which 9 are irrigated and 7 are not. The Board of Public Works would like a way to irrigate the other 7 fields as well as other fields in the future. C. Brown stated that it's a good way to ensure that fields can remain playable as well as establishing new ones. M. Lowrie also added that this is a useful way to convince Recreation to use better methods of irrigation.

J. Nolan brought up the Planning Board article "Street Acceptance," which will be pulled tonight due to an Open Meeting Law challenge. The Board agreed that coordination needs to start now for the article if it is to be taken up at the spring Annual Town Meeting.

The Board agreed to hold off on voting until the October 5, 2016 meeting on the "107 Old Sudbury Road" and "8 Glezen Lane" articles until they get more information on appraisals. The Board felt comfortable voting on the "Municipal Field Irrigation" article tonight.

M. Antes moved, seconded by J. Nolan, to recommend to Special Town Meeting the approval of the article, "Municipal Field Irrigation." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

J. Nolan moved, seconded by L. Anderson, to pull the article, "Current Year Transfers." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

M. Antes moved, seconded by J. Nolan, to pull the article, "Street Acceptance." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

L. Anderson moved, seconded by M. Antes, to cosponsor the article, "Pay Previous Fiscal Year Unpaid Bills." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

The Board met with Recreation Director J. Brodie and representatives of the Recreation Commission (Chair Asa Foster, Brud Wright, Heidi Seaborg, and Frank Krasin) to discuss articles for Special Town Meeting. L. Jurist stated that there are facilities in town that are in need of major work, like the High School athletic complex. He suggested that they fast-track planning to concentrate on those first. J. Brodie stated that they are ready to engage with Weston & Sampson on the projects needing attention for safety reasons.

C. Karlson asked the Rec Commission if they acknowledge in the article that money is already being spent in other articles and they are now asking to do a big study in this article. C. Karlson stated that work on the High School has already started and it seems out of order. J. Brodie said that things need to happen now along with renovations. C. Karlson asked J. Brodie and the Recreation Commission to think about it.

A. Foster stated that some things need to be done in terms of safety. J. Nolan stated that the town needs to seriously look at having an actual recreation facility. He said that should be part of the equation because peer towns have them and they are big parts of the community. J. Nolan stated that he has talked to the next generation and they are excited about the potential of a facility. J. Brodie noted that an idea of sharing an outdoor center with Conservation has been discussed in the past and that Recreation is open to the idea.

A. Foster told the Board that there has been collaboration between the Schools, Library and Recreation. L. Anderson asked if there is any logic to delaying this article to Annual Town Meeting in the spring so it would not jeopardize what's going on with the library. L. Jurist stated that the timing is not right for this right now.

C. Karlson asked the Commission if there has been any new information regarding any negative effects of a turf field. A. Foster said that the same people will maintain the same attitude towards turf fields. He stated that there has been no correlation between rubber and cancer. J. Brodie said they will investigate more on the subject. They also stated they would be open to looking at materials and technologies other than rubber. L. Jurist asked the Commission if they need a feasibility study in the article and instead make this an article about a study for a turf field.

The Board is concerned that Recreation might not have enough time to spend the money. C. Karlson challenged the Recreation Commission to think about it more and reminded them that everyone is working together to try to get the same things done. J. Nolan stated that this is a great opportunity to make the property something nice for Cochrane and a turf field would change the whole concept.

L. Anderson moved, seconded by L. Jurist, to recommend to the Special Town Meeting the approval of the article, "Pay Previous Year Unpaid Bills." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

J. Nolan moved, seconded by M. Antes, to recommend to the Special Town Meeting the approval of the article, "...Attendance and Participation of Nonresident Town Officials" YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

L. Anderson moved, seconded by M. Antes, to recommend to the Special Town Meeting the approval of the article, "...Remove all Police Personnel from the Provisions of Civil Service..." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

M. Antes moved, seconded by L. Jurist, to recommend to the Special Town Meeting the approval of the article, "Authorize LAND Grant Program Funding for Mainstone." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

The Board decided that it will wait until it receives more information to vote on the article, "MS Turf Feasibility Study."

J. Nolan moved, seconded by L. Jurist, to recommend to Special Town Meeting the approval of the article, "Rec Strategic Plan." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0.

The Board stated that Duane Galbi, 190 Stonebridge Road, will come to the meeting next week to discuss the Petitioners' article, "Amend FY17 Capital Budget."

A7. Review and Approve Minutes of September 6, 2016, and Vote to Approve and Release Redacted Executive Session Minutes of September 6, 2016 L. Anderson moved, seconded by J. Nolan, to approve the minutes of September 6, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. Absent: none. Abstain: none. Adopted 5-0. M. Antes moved, seconded by L. Anderson, to approve and release the redacted executive session minutes of September 6, 2016. YEA: M. Antes, L. Anderson, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board commented that the document provided by Town Counsel comparing common driveways and private roadways was very interesting. N. Balmer stated that she had C. Brown forward the document to an interested resident. C. Karlson noted that Finance Committee sent out the FY18 Operating Budget Process. The Board noted that Katy Merrell will come to a future meeting to discuss what she has in mind for a sign for the Children's Way at Route 27. J. Nolan stated that he will be attending the MetroWest Regional Transit Authority event at the Framingham Commuter Rail Station on October 5, 2016. Gov. Baker and Transportation Sec. Pollack are scheduled to attend as well. One of MMA's fall legislative breakfast meeting will be held in Wellesley on October 7, 2016 and L. Anderson, M. Antes and C. Karlson expressed interest in attending.

A10. Report of the Town Administrator N. Balmer asked the Board for their consensus on a no cost clean energy contract and the Board agreed. N. Balmer stated that she is currently working on department budgets and town meeting articles.

A11. Selectmen's Reports and Concerns J. Nolan announced that the RTA (Regional Transit Authority) will take over the Framingham Commuter Rail Station and will be holding an event October 5, 2016 and the Board is invited. J. Nolan also announced that Sen. Richard Ross will be making a brief presentation to the Board on October 24 at 7 p.m. The Board would also like to extend an invitation to Rep. Carmine Gentile and Rep. Alice Peisch. to come to the meeting October 24, 2016. L. Anderson announced she distributed a draft of the Board of Selectmen's Annual Report at tonight's meeting. L. Anderson stated that it will not be discussed tonight, it will be in the packet next week on the agenda. C Karlson reported that she had a great meeting with the chairs of the boards working on plans for the land at 207/195 Main St. and the Middle School; it was very productive.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Chair said, "I know of none."

A13. Adjourn There being no further business before the Board, L. Jurist moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 9:37 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted +0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 19, 2016

1. Draft Annual Report for the Board of Selectmen

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
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**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING SEPTEMBER 30, 2016**

STM ARTICLES: PURCHASE OF PROPERTY FOR WATER PROTECTION:

107 Old Sudbury (Unique property, not subject to public procurement): The appraisal is underway.

8 Glezen Lane (Zone 1 property subject to procurement): The Financial Analyst received 2 inquiries from properties in the Baldwin Pond Zone 1 (400' radius). Proposals are due Friday October 21, 2016 and can be considered through Annual Town Meeting. The owner of 8 Glezen Lane was sent a certified letter requesting access to the property for the purpose of appraisal.

The Finance Director, with the help of the Financial Advisor and Treasurer, prepared an analysis of the Water Enterprise Fund to determine the ability of the Water Enterprise Fund to support existing and new water debt. A meeting will be held Tuesday 10/4 with a representative of the BOPW before providing the financial analysis to the Selectmen and Finance Committee as part of the consideration of these articles.

STM ARTICLE: ZONING ARTICLES

The Planning Board will complete its public hearing on the articles on Tuesday 10/4 and provide the Board a report at the 10/5 meeting.

STM ARTICLES: RECREATION PLANS

Town Counsel advised that the "Town Wide Recreation Facilities Strategic Plan" article is written broadly enough to encompass the "Middle School Feasibility Study" article. The Recreation Commission will meet Thursday night after the Selectmen take final votes on the warrant articles and might come to the conclusion to recommend passing over the Middle School Study article.

HOUSING ORGANIZATIONAL STUDY

The Housing Organizational Study is attached and will be distributed to the Affordable Housing Trust, Housing Partnership, and Housing Authority. These boards will be invited to a presentation and discussion with Housing Consultant Karen Sunnarborg and the Board of Selectmen on October 24th.

RIVER'S EDGE

As you know, the last hurdles on the Rivers Edge project are: 1) re-locating the school buses by September 2017 from the River's Edge site to a new location, 2) Creating alternative DPW "laydown" site, and 4) Planning for the construction of a loop in the water distribution system as required by town regulations to support fire suppression and insure there are no dead ends.

The Board of Selectmen asked me to quantify costs, facilitate problem solving with the the Schools and Board of Public Works / DPW, and quantify the benefits to the Town of the River's Edge project. Given the scope of the assignment, I recommended to the Board the selection of an independent contractor. I received several names of individuals and firms who do this work.

After consideration, I suggest we first focus on problem solving with the Schools and BOPW / DPW. After a plan for the school buses and laydown area is adopted by the School Committee and BOPW, and the Selectmen receives the Rivers Edge Committee recommendation, the Selectmen will be better positioned to

consider whether a new cost benefit analysis for Rivers Edge is required for the Board to move forward with a contract with a developer.

The following is an update:

School Buses:

We expect to know after a 10/5 School Committee meeting with a landscape architect whether the WPS 21 school buses / administrative trailer can be accommodated temporarily at the old DPW site and then permanently on the green space across the access road.

Laydown Area / Snow Storage:

DPW will not be able to move from the Rivers Edge entirely until, and unless, there is an alternate location for a laydown area. During "due diligence" for soil testing, the developer could be asked by the Selectmen to agree to allow DPW to continue use of a cordoned off section of the Rivers Edge site for its operation.

There is a ¾ acre triangular piece of land near DPW that is under consideration for a new laydown site. There is disagreement about whether the site is viable on a practical or environmental basis. An environmental consultant will review the site from a conservation perspective after which an engineering firm may be asked by BOPW to review the site from an engineering and operational perspective.

Other alternative lay down areas were reviewed and found not to be feasible included: the Transfer Station, the old dump on Route 20, School site on Orchard Lane, and Lakeview Cemetery.

Alternatives not considered to be realistic in the near term include: Acquiring new property and closing the Transfer Station / Creating curbside trash and recycling pick-up.

The green space across the Middle School access road is a snow storage area with the intent to continue its use until the land is transferred for another use. Based on the snow regulations we should be able to use the beach parking lot for the snow storage area if surface water quality, conservation, BOPW and recreation commission agree.

Water Loop:

The developer's proposal will need to be evaluated by the Selectmen to be sure the proposal meets the town's requirements for the construction of a water loop.

Town of Wayland Housing Organizational Structure

Purpose of Project

This report provides a summary of the respective roles and responsibilities of existing housing-related entities in Wayland, also noting where there is some lack of clarity, confusion or duplication of functions. It is important that the Board of Selectmen not only relies on a clear and viable framework for implementing its local housing agenda, but also integrates the administrative capacity for coordinating the actual work. Planning for and establishment of an organizational structure to promote affordable housing are the responsibilities of the Board of Selectmen and Town Meeting acting under any requirements of the Town Code and state law. This report further makes recommendations to enhance the Town's organizational capacity to promote affordable housing, building on the accomplishments to date such as the production of 200 affordable units, including the well-recognized Oxbow development; adoption of CPA and inclusionary zoning; and establishment of the Affordable Housing Trust for example.

Existing Organizational Structure

It is clear that the Town of Wayland has a cadre of extremely dedicated and knowledgeable volunteers to advocate and pursue affordable housing opportunities. Quite a few of these local leaders serve on multiple housing boards, others bring meaningful professional expertise to their roles in the community, and still others are drawn to housing because of their belief in social justice and interest in serving the community. The Town is also fortunate to have committed and experienced staff to support housing work as well as funding to bring on additional capacity.

It appears that there is a general community inclination towards collegial decision-making with respect to housing among multiple entities. This orientation is suggested by the participation of any number of housing advocates among several boards beyond the focus on just one, and the formation of what has been called the Joint Affordable Housing Committee which has been creating a context which promotes coordination and communication regarding housing activities among boards. The Joint Affordable Housing Committee, however, is not a formal committee but scheduled joint meetings of several local entities with some role in affordable housing.

However, the existence of multiple housing entities, each with input into housing issues, can also complicate and confuse actual decision-making, raising the question of who's really in charge of what? There has been a desire to "stay on the same page" instead of working in cross purposes, although because so many are asked to weigh-in on housing activities, it is not surprising that consensus is not always possible. While this approach is preferable to the dynamic in other communities where municipal boards become silos for decision-making with little cross communication, the push towards broad community support can also blur distinctions among entities and challenge the political process. This is particularly tricky when there is no general alignment on basic local housing goals and priorities with so many organizations responsible for furthering the Town's unclear housing agenda.

For a relatively small community, the Town can count more than a dozen entities that have some role in local housing issues as described below.

- ***Board of Selectmen/Town Administrator***

Primary Role: Manager of local government

As detailed in the Board of Selectmen’s Mission Statement, the “Wayland Board of Selectmen has broad authority over matters not delegated by statutes or bylaw to another town government entity. The Board of Selectmen, through the Town Administrator, is responsible for operations of several departments and activities, including building, facilities management, police, fire, finance, treasurer, legal matters, disposition of real property, human resources, and collective bargaining matters,” and is advised by other appointed committees. While Town Meeting holds the ultimate authority for local budgets and regulatory changes, it is the Board of Selectmen that is responsible for day to day decisions regarding authorized responsibilities and what is ultimately included in the Warrant Articles for Town Meeting. This authority includes sign-off on resources and regulations with respect to housing.

The Board of Selectmen can be considered to “call the shots” with guidance from Town departments, boards and committees. Also, other governmental entities, such as the state, typically direct their correspondence to the Board of Selectmen/Town Administrator who in turn needs to have a clear idea as to where to delegate responsibility for further action.

With respect to affordable housing, the Board of Selectmen have the following primary functions:

- Ultimately to insure that all laws, regulations, guidelines, etc. are followed by the Town in regard to any locally-permitted housing development or governmentally-funded activity;
- To insure that all affordable housing units are preserved as affordable, continuing to meet all government requirements;
- To hire and supervise all staff and consultants involved in coordinating the implementation of the local housing agenda including planning, monitoring and other staffing responsibilities;
- To provide municipal input with respect to state inquiries regarding the appropriateness of Chapter 40B applications as input into state project eligibility determinations, considering recommendations from the Housing Partnership;
- In addition to the Planning Board, to approve the Housing Production Plan; and
- To authorize the inclusion of items in the Warrant Articles for Town Meeting approval including zoning changes, the conveyance of Town-owned property, or the allocation of subsidies related to affordable housing.

It is also important for the Board of Selectmen to have a clear understanding as to the authority and mission of each housing-related entity and then to consider recommendations from these entities with respect to their particular roles as identified below.

- ***Housing Partnership***

Primary Role: Housing policy maker and preliminary negotiating entity on affordable housing proposals

The Wayland Housing Partnership was established in 1984 primarily to review Chapter 40B proposals. As outlined in its Mission Statement, the Housing Partnership has been delegated two (2) major responsibilities that include:

- Acting as the Town's initial contact with developers of proposed affordable residential housing projects that are site-specific and for which the developer has indicated an intention to request an increase in the allowed density or other variances in return for said provision of affordable housing.
- Initiate action intended to create affordable residential housing projects consistent with Town policy.

In fulfillment of these basic responsibilities, the Partnership is to provide specific preliminary recommendations and conclusions to a number of specified boards (Board of Selectmen, Town Administrator, Housing Authority, Zoning Board of Appeals, Planning Board, Conservation Commission, and other applicable Town boards, commissions and committees) and receive comments. Following this review process, the Partnership is directed to issue specific recommendations to the Board of Selectmen for action.

The Board of Selectmen expanded the Partnership's role in 2004, charging them with leading and supporting efforts to address housing needs and recommending procedures for the implementation of local housing policy. These broadened responsibilities include:

- Develop affordable housing action plans based on housing needs studies;
- Establish criteria to evaluate affordable housing proposals;
- Make recommendations on the pros and cons of particular housing proposals;
- Identify local, state and federal housing resources to further development;
- Locate available land suitable for development;
- Review land use regulations and zoning bylaws;
- Work with developers of affordable housing (does not specify how); and
- Increase public awareness through forums and other public events.

These additional duties suggest that the Housing Partnership should be leading the local charge on housing planning and community education in addition to weighing in on any housing development proposals and new regulations.

- **Affordable Housing Trust**

Primary Role: Fiscal manager of Housing Trust Fund

The state enacted the Municipal Affordable Housing Trust Fund Act on June 7, 2005, which simplified the process of establishing funds that are dedicated to subsidizing affordable housing. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds.

Unlike the approved bylaws or Declaration of Trust of most Housing Trusts, the Wayland Housing Trust is restricted to purchasing or developing no more than two (2) dwelling units without the approval of the Board of Selectmen and Planning Board. The Trust nevertheless has almost \$1 million in its Housing Trust Fund and is in the process of trying to establish priorities

for its investment. Some of this discussion is part of Joint Affordable Housing Committee deliberations and should ultimately be reflected in the HPP.

While the Housing Trust envisions being more than a bank, it will be important to clarify any responsibilities beyond the investment of Housing Trust Funds with those of the Housing Partnership to avoid confusion and duplication of efforts.

- **Wayland Housing Authority (WHA)**

Primary Role: Property owner and manager of subsidized housing, including rental subsidies

The Wayland Housing Authority (WHA) is a quasi-public agency that was established by the state and Town of Wayland to produce housing that is affordable to low- and moderate-income residents, authorized as a public authority under Massachusetts General Laws Chapter 121B. Since 1970 WHA has been the most active producer and manager of affordable housing in the community with an important inventory of 137 public housing units (112 units for seniors and younger persons with disabilities and an additional 25 scattered-site units for families), representing more than two-thirds of the Town's current Subsidized Housing Inventory (SHI). WHA also administers 78 Section 8 Housing Choice Vouchers,¹ manages the Family Self Sufficiency Program (helps tenants receiving federal rental assistance to move to economic independence), and coordinates other activities such as affordable housing monitoring.

In 1994, WHA created a non-profit subsidiary organization, Wayland Housing Associates, Inc. (WHAII), to develop small-scale housing opportunities. Projects included two (2) affordable units on Millbrook Road and another on Plain Road that WHA continues to manage as rentals.

Besides its oversight of public housing and rental assistance, it will be important to differentiate WHA responsibility for any affordable housing-related activity vis a vis the Housing Partnership and Housing Trust.

- **Community Preservation Committee (CPC)**

Primary Role: Local funder

The Town adopted the Community Preservation Act (CPA) in 2002, which has been an important local resource for supporting affordable housing in addition to open space preservation, some recreational activities, and historic preservation. At least 10% of the annual CPA allocation, including the local surcharge and state matching funds, must be committed to community housing initiatives. About 29% of CPA funds, or about \$1.75 million, has been directed to housing thus far, including \$1.5 million for the Oxbow development and the remaining amount to a range of other housing activities. *The Community Preservation Committee's primary role is that of local funder and as such plays a pivotal role in making recommendations to the Board of Selectmen and ultimately Town Meeting on what housing initiatives get funded and at what amounts.*

- **Planning Board**

Primary Role: Regulatory oversight

The Planning Board is the permitting body for housing (and other) development. It provides approvals for subdivisions and plans that conform to zoning. It works to protect, and where

¹ Section 8 rental assistance is only eligible for inclusion in the Subsidized Housing Inventory (SHI) if it is project-based as part of a particular development and thus mobile vouchers cannot be counted.

possible, enhance local natural resources and preserve the quality of life for the citizens of Wayland.

The state directs planning boards to develop master plans that, among a variety of components, should include a housing element, which “identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens.”²

The Planning Board takes the lead as Special Permit Granting Authority to issue special permits and conduct site plan review as regulated in Wayland’s Zoning Bylaw. This includes affordable housing projects that involve special zoning (not Chapter 40B), such as the River’s Edge development where a special overlay district was created, or those processed through the inclusionary zoning bylaw for example.

Besides being responsible for any zoning that involves affordable housing, the Planning Board, along with the Board of Selectmen, is responsible for approving the Housing Production Plan before it can be submitted to DHCD for state approval and for also approving Housing Trust projects that involve more than two units.

- **Zoning Board of Appeals**

Primary Role: Permitting agent

The ZBA provides permits for a substitution, an extension or alteration to an existing building, whether conforming or non-conforming. It also considers and grants special permits, including comprehensive permits under Chapter 40B.³

- **River’s Edge Advisory Committee**

Primary Role: Advisors to the Board of Selectmen on a Town-sponsored development

The River’s Edge Advisory Committee was created to provide guidance to the Town of Wayland on the development of the River’s Edge project, a Town-sponsored development. Members of the Committee include a representative from the Board of Selectmen, Finance Committee, Economic Development Committee (EDC), Department of Public Works, Planning Board, Design Review Board, the Housing Partnership, and two at-large members.

The EDC initially identified the site, which is owned by the Town, in an effort to support the Town’s economic development agenda that included the benefits of selling the land, increasing the tax base, and diversifying the housing stock by providing market rentals that are needed in the community as well as some affordable housing. The Committee also prepared special zoning that established the parameters of the development, with staff support from the Town Planner and the services of a consultant. Because 25% of the units will be affordable and included in the state’s Local Initiative Program (LIP) as Local Action Units (LAUs), all units will count as part of the Subsidized Housing Inventory, likely doubling the percentage of affordable housing from 4% to 7.9%. The Town issued an RFP in May and received several responses which

² Background Information for January 20, 2015 Wayland, MA Meeting on Housing, Compiled by Rachel G. Bratt, Chair, Wayland Housing Partnership (with input and assistance from: Mary Antes, Brian Boggia, Sarkis Sarkissian, Gretchen Schuler, Colleen Sheehan, Susan Weinstein).

³ Ibid.

the Advisory Committee is currently reviewing. *While there is a precedence for such an advisory committee in Wayland, as one was established for the former NIKE site, most communities use existing committees to oversee Town-sponsored development, most likely the Housing Trust in the case of Wayland's current organizational structure despite the project's initiation under the EDC.*

- ***Joint Affordable Housing Committee***

Primary Role: Convener on affordable housing issues

The Joint Affordable Housing Committee was convened in late 2015 to provide a forum for representatives of various housing entities – including the Housing Partnership, Planning Board, Housing Trust and Housing Authority – to discuss and come to some agreement regarding key housing issues. Members were divided into three (3) working groups, each with a designated staff person, including:

- Visions group (chaired by Kathleen Provost of WHA)
- Monitoring group (chaired by Brian Boggia of WHA)
- Zoning group (chaired by Sarki Sarkissian, Town Planner)

There have subsequently been several meetings with each group about ready to issue a paper providing the results of their discussion for review and comment by the whole group. It is anticipated that these papers will provide the context for actions to be taken during the next several years involving affordable housing.

The Joint Affordable Housing Committee is not a formal committee but should be considered a Housing Summit or Forum that provides opportunities for the various housing entities to have input into local housing policy. The members plan to hold two (2) of these meetings each year as a forum for discussion of housing issues as they arise, including implementation efforts of the Housing Production Plan.

- ***Assessors***

Primary Role: Assessment of property taxes

While the Town Assessor's Office is not typically directly involved in affordable housing issues, it is nevertheless tangentially involved by *assessing affordable housing units properly and following specific Affordable Housing Restrictions*. This is particularly important when affordable units initially come on to the tax rolls and upon any turnover of ownership. Several problems have arisen recently, and it is important for the Assessor's Office to have a clear understanding of where to go for technical support.

- ***Wayland Real Asset Planning (WRAP) Committee***

Primary Role: Research and analysis of municipal properties and long-range Town needs

The WRAP Committee has been "developing an accurate GIS inventory of all Town-owned parcels identifying custodial entity, size, deed and/or land restrictions, current uses, and other critical information."⁴ They have focused on the largest/most significant parcels and have held a couple of community forums to obtain local input. The Committee is particularly focused on municipal facility needs and expects to provide important input into long-range planning for the use of Town-owned property, working across stakeholder departments. *It should be noted that the missions of both the Housing Partnership and Housing Trust include identifying development*

⁴ WRAP Committee presentation at the Community Forums, May 11 and 16, 2016.

opportunities, and housing uses of municipal property should be prominent on the WRAP Committee's radar.

- ***Fair Housing Committee***

Wayland established a Fair Housing Committee to promote equal and fair housing in Wayland regardless of race, color, age, sex, religion, national origin, sexual orientation, veteran status, disability, welfare status, or children. The Committee was also charged with oversight of any discrimination complaints. The HPP has the Housing Partnership assuming these responsibilities.

- ***Wayland Council on Aging***

The Wayland Council on Aging provides a wide range of services to support the needs of the community's seniors, helping them remain active and independent. While not a housing entity, the Council on Aging provides important information and referrals to older adults in Wayland related to housing.

Major Recommendations

The following recommendations, based largely on written materials, interviews and the experience of other communities, are offered to build the Town's capacity to move its housing agenda forward:

Clarify housing responsibilities for BOS/Town Administrator delegation

As noted above, the Board of Selectmen, as staffed by the Town Administrator, ultimately bears the burden for insuring that all laws, regulations, guidelines, etc. are followed by the municipality in regard to any locally-permitted housing development or governmentally-funded housing activity. As such, it is essential that there be clear direction on housing issues that flow in and out of Board of Selectmen/Town Administrator's oversight. For example, it is important for the Board of Selectmen/Town Administrator to receive annual reports from Monitoring Agents on the continued affordability of SHI units. Similarly, when a subsidizing agency (DHCD, MassHousing, etc.) reaches out to the municipality, it is usually directed to the Board of Selectmen/Town Administrator. Obtaining comments related to a Chapter 40B application for project eligibility or the biennial review of the Subsidized Housing Inventory (SHI) are just two examples.

It will be important for the Town Administrator to know where to officially delegate the oversight and coordination of these and other housing issues as they arise. Certainly the recommendation of bringing on additional professional support for housing functions would help considerably in this regard.

Better define respective responsibilities of housing entities

The purposes of the Wayland Housing Trust and Housing Authority both specify "providing housing for low- and moderate-income households" with the Housing Partnership just a bit more general as "working with the community to lead and support efforts to meet the affordable housing needs of the Town." What are each specifically charged with to accomplish these missions?

First and perhaps easiest to address is the *Wayland Housing Authority*. As noted above, the WHA is effectively affiliated with the state and is not technically a part of local government. Given its long-standing position in housing for almost a half century, it has generally been considered the "go to" entity

when housing issues arise. This is likely due to the fact that it has professional staff available to address questions as they arise.

The Authority stepped outside of the typical public housing realm by creating a non-profit organization, the Wayland Housing Associates, Inc. (WHA) to develop some small-scale housing opportunities. Moreover, as mentioned above, the WHA also manages rental vouchers and special programs, including the monitoring of affordability restrictions for a number of projects. This report recommends formalizing these monitoring functions for all developments (see below).

The next issue is to clarify the responsibilities of the Housing Partnership and Housing Trust, attempting to limit duplication in their respective charges. A review of their missions, as summarized above, and the responsibilities outlined in the HPP suggest some confusion about who's in charge of what.

While the *Housing Trust* is interested in expanding its role beyond that of fiscal agent for the Affordable Housing Trust Fund, the list of powers, as approved by Town Meeting in 2014, limits its role to those included in MGL Chapter 44, Section 55C, largely involving accepting funds from various sources such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing. As noted above, Town Meeting approval actually eclipsed some of the powers included in MGL Chapter 44, Section 55C by limiting purchase and/or development to no more than two (2) units at a time unless the Trust receives Board of Selectmen and Planning Board approval. This may not be much of a constraint if the Housing Trust acknowledges that the most effective and efficient way for localities to promote affordable housing, besides local zoning, is to work in partnership with developers who can take advantage of economies of scale and leverage other public and private funding to maximize project affordability. The local Housing Trust effectively becomes a "gap filler" in this scenario, providing the final resource that makes the development feasible. For example, this was accomplished with CPA funding in the case of the successful Oxbow project.

The buy-down approach of acquiring one or two properties is particularly challenging in communities with high property values that widen the affordability gap beyond even \$300,000 per unit when you add in needed improvements and other soft costs. The community should question whether this amount of per unit subsidy and associated administrative burden reflects sound housing policy.

As an alternative, the Housing Trust could also invest in a Housing Rehabilitation Program or Emergency/Small Grants Program that could address some likely unmet local housing needs on a much more reasonable amount per unit for qualifying households. Another option might be a Rental Assistance Program that mimics the Section 8 Program. There are many good community models available on which to base such programs, and still the current funding available in the Housing Trust is significantly more than what would be needed for each of these initiatives.

The HPP has the Housing Trust taking the lead on a number of strategies that are included in the charge of the Housing Partnership's and typically under the purview of Housing Partnerships. These include actions to promote community outreach and education (website and Resource Manual) as well as identifying land that might be suitable for development which overlaps a major element of the Housing Trust's mission as mentioned above.

To add some further confusion, the HPP also indicates that the Planning Board should take the lead in preparing local 40B guidelines and a standard practice for LIP "friendly 40B" projects. In these cases the lead entity should be the Housing Partnership which has been formally charged with *the initial review of*

development proposals that involve affordable housing, including Chapter 40B projects. It would also be useful for the Housing Partnership to touch base with the Zoning Board of Appeals, the actual permitting entity for 40B's, when developing these guidelines and protocols.

Specific Recommendations

WHA

Except for those functions for which WHA is specifically responsible, the Town should rely solely on housing recommendations that emanate from its municipal housing entities, the Housing Partnership and Housing Trust, both of which have important WHA representation.

Housing Partnership and Housing Trust

This report provides several options for reducing confusion between Housing Partnership and Housing Trust responsibilities including:

- **Option 1: Status Quo**

The Town could maintain the long-standing responsibilities of the Housing Partnership, holding the Partnership accountable for fulfilling them. In order to this, the Partnership must continue to attract members who will be able to make important contributions and bring on professional support to build its capacity (see separate recommendation below).

The Housing Trust would then focus its efforts on strategically investing its Housing Trust Fund to fulfill local goals and priorities, which should also be addressed in funding guidelines and an action plan to be adopted by the Trust. As with the Housing Partnership, this report highly recommends adding the support of a shared housing professional (see recommendation below) to enable the Trust to effectively fulfill its functions.

- **Option 2: Adopt Bedford model over time**

Wayland is well acquainted with the overlap of board members among its housing entities, and it might be useful over time to move towards an organizational model that was adopted in Bedford. This involves having a substantial overlap of members on both the Housing Partnership and Housing Trust with both entities meeting on the same evening. Both have separate agendas, and when the first meeting is adjourned the other is opened. This process has worked effectively in Bedford for more than 16 years. In Bedford's case, professional support to staff both entities is provided by the Regional Housing Services Office (RHSO) with a representative attending both meetings but not having to venture out to two separate meetings each month. Before bringing on RHSO, both Boards were staffed by a part-time housing consultant.

In Bedford, the division of responsibilities between the Housing Partnership and Housing Trust is fairly standard with the Housing Trust managing the Housing Trust Fund, in effect serving as a "housing bank"; and the Housing Partnership in charge of local advocacy, outreach and education, policy development, housing planning, and the review of development proposals. Because there is some overlap of development skills needed on both the Housing Partnership and Housing Trust (the Partnership in its review of development proposals and the Trust's work

with developers on housing development opportunities), this model with overlapping members has worked quite well on that score.

- **Option 3: Adopt Weston model over time**

Many communities have decided to maintain a single housing board or committee to oversee housing-related projects and issues, including the implementation of a Housing Production Plan. Some have found that it has been challenging to attract the necessary interest and expertise to two separate housing entities and have preferred to concentrate on developing the appropriate capacity on a single board, typically a Housing Trust that brings with it the advantage of a number of additional statutory powers (I often refer to them as Housing Partnerships on steroids). This Trust then serves as the single municipal entity responsible for housing. Other anticipated advantages of a single entity include greater accountability and improved coordination of housing activities.

The turnover of key Housing Partnership/Trust members in the future may present a compelling rationale to explore such a consolidation of entities in Wayland. The most important consideration is that the members have the requisite expertise and interest to make important contributions to an enhanced Housing Trust, even integrating key Housing Partnership members into the Trust. Important Housing Partnership activities such as advocacy, education, review of development proposals, etc. would be added to the charge of the Housing Trust.

As noted above, as the Housing Trust gains more experience in dealing with housing development projects, this expertise may duplicate that which is needed for the review of development proposals by the Housing Partnership. A single board would reduce this duplication of skill sets across boards.

Weston in fact decided to adopt a recommendation in its Housing Production Plan to fold the Housing Partnership and its responsibilities into an expanded Housing Trust that then becomes responsible for the oversight of affordable housing activities in town, particularly the implementation of the HPP. With approval from the Board of Selectmen, the Housing Partnership disbanded this past summer after several decades of excellent service to the Weston community.

The table below summarizes the organizational configurations for a number of communities in the area, ranging from no municipal housing entities in Dedham and Needham at this time to several entities in Lincoln. Most of the communities have a single entity, typically a Housing Trust or Housing Development Corporation.

Housing Entities in Nearby Communities

Community	Housing Entity
Acton	Acton Housing Development Corporation ⁵
Bedford	Housing Partnership and Housing Trust with many

⁵ The Acton Community Housing Corporation was created in 1996 by a home rule petition to serve as the Town’s initial contact with developers of affordable housing projects, providing early input on proposals and monitoring the affordability of units once produced. Other Housing Development Corporations were created as subsidiaries of public housing agencies (such as the Wayland Housing Development Corporation) or as a separate 501(c)(3) tax-exempt non-profit organization prior to the passage of the Municipal Affordable Housing Trust statute.

	overlapping members (the entities meet consecutively on the same date)
Belmont	Housing Trust
Carlisle	Housing Trust
Concord	Concord Housing Development Corporation
Dedham	Nothing besides the Housing Authority
Dover	Housing Partnership
Lexington	Housing Partnership and LexHAB (development entity)
Lincoln	Affordable Housing Coalition made up of Housing Commission, Housing Trust and Lincoln Foundation
Needham	Nothing besides the Housing Authority but considering a Housing Trust
Stow	Housing Trust with an Inactive Housing Partnership
Sudbury	Housing Trust
Wellesley	Housing Development Corporation
Weston	Housing Partnership recently disbanded and folded into the Housing Trust; also has an Elderly Housing Committee that owns and manages senior housing
Winchester	Housing Partnership

Secure sufficient professional support

If the Board of Selectmen expects to fulfill its duties in effectively complying with all laws, regulations, guidelines, etc. in regard to any locally-permitted housing development or governmentally-funded housing activities, it needs to bring on additional professional capacity and expertise. Moreover, assuming a more proactive role in promoting affordable housing and effectively implementing actions included in its Housing Production Plan or through deliberations of the Joint Affordable Housing Committee, will require increased professional support.

Both the Housing Partnership and Housing Trust would benefit considerably from the availability of a housing professional to staff their work. There has already been some precedence for hiring the Regional Housing Services Office (RHSO) on specific tasks including help in dealing with foreclosures on affordable homeownership units and recent problems related to deeds on Habitat units.

The Town Planner already has a full-time position staffing the Planning Board and has limited capacity to assume significant additional responsibilities although he has attempted to do so when called upon. Moreover, WHA staff persons have been immensely helpful in supporting Town housing activities but are unlikely to be able to do more without more formalized arrangements and compensation.

Those communities that have made notable progress in implementing their housing agendas have largely done so with ongoing professional support, however municipalities have handled this need differently as described below. Most of these communities are accessing CPA funding to support these positions, but Housing Trust Funds could also be used.

Community Models for Securing Professional Expertise
<ul style="list-style-type: none"> The communities of Acton, Bedford, Burlington, Concord, Lexington, Sudbury, and Weston are collaborating through the operations of the Regional Housing Services Office (with Concord as the Host Community) to provide assistance in planning, permitting, monitoring, maintaining, and increasing their inventory of affordable housing.

- Marshfield issued a Request for Proposals for a Housing Coordinator position and hired a full-time person and then split this position between two consultants.
- Bourne hired a part-time consultant and has increased the number of hours over the years as programs and responsibilities increased.
- Grafton has an Assistant Planner on board to assume many of these housing-related functions.
- Chatham has relied heavily on its effective Housing Authority for program support related to affordable housing.
- Needham brought on a part-time Housing Specialist as part of Planning and Community Development Department.

With input from the Housing Partnership and Housing Trust, the Board of Selectmen should develop a Scope of Services for a part-time housing consultant/housing coordinator and issue a Request for Proposals (RFP) to solicit interest from qualifying professionals or organizations to undertake these services. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, lawyers, etc.

The Housing Coordinator position should report directly to the Town Administrator. Because the housing entities are accountable to the Board of Selectmen, it correspondingly makes sense that a housing position would be hired and under the supervision of the Town Administrator.

Some activities that might be included in the Scope of Services include:

- Staffs the Housing Trust and Housing Partnership;
- Provides HOME Program related tasks;
- Answers housing inquiries;
- Maintains a list of those to notify when affordable housing opportunities arise;
- Conducts marketing/lottery work;
- Reviews and submits reports regarding development proposals;
- Reviews affordable housing development documents;
- Coordinates new or modifies zoning related to affordable housing, working with the Town Planner;
- Oversees HPP implementation;
- Assists in the preparation of Requests for Proposals (RFP) for housing projects;
- Provides orientation to new housing-related board members;
- Performs community outreach and education, including the preparation of materials;
- Researches funding sources available to supplement local resources;
- Drafts criteria to evaluate affordable housing proposals;
- Organizes public forums and special events, including housing summits;
- Explores development opportunities; and
- Drafts funding guidelines and the action plan for the Housing Trust.

Monitoring functions could be included in this RFP or designated separately as discussed in the above recommendation, including these activities:

- Monitors Subsidized Housing Inventory (SHI), including identification of compliance violations;
- Prepares/oversees database of affordable units/deed riders; and

- Insures the receipt of all cost examinations upon completion of Chapter 40B projects as well as annual financial reports on all 40B rental projects and annual monitoring reports; reviewing and passing them on to the subsidizing agency and Board of Selectmen (officially the Town Administrator who will share the reports with the Housing Partnership and any dedicated staff/consultant).

Formalize monitoring functions

The monitoring of the Subsidized Housing Inventory (SHI) is essential for preserving the existing supply of affordable units in town. While WHA has specific monitoring responsibilities for a number of developments in town, for which it conducts annual recertification of affordability, it has also been conducting the monitoring of other developments where the designated Monitoring Agent is not locally based (South Shore Housing, CHAPA and the Barnstable Housing Authority for example). They have been conducting this monitoring without an official designation and compensation.

This report recommends formalizing monitoring functions through the following process:

- ***Conduct outreach to existing Monitoring Agents***
The Board of Selectmen should send letters to the other identified Monitoring Agents (South Shore Housing, CHAPA, Barnstable Housing Authority, Habitat for Humanity, LDS Consulting Group) asking if they would consent to officially turning over their monitoring functions for Wayland developments to the WHA or another identified entity. They could agree to transfer just the annual recertification process and/or any potential refinancing and resale activity. These entities may want to hold onto the resale functions as they involve fees as a small percentage of the resale price. Nevertheless, the resale process is not high on many organizations' lists of favorite activities, and there may be some willingness to give up this function as well.
- ***Approve compensation for monitoring functions***
While Monitoring Agents receive a significant initial fee when they execute a Monitoring Services Agreement, additional fees are not typically forthcoming until resales arise. Consequently, annual monitoring activities typically go unfunded unless included as part of a job description for specified paid staff or a consultant. To additionally formalize these responsibilities, the Town should allocate funding through either CPA or Housing Trust Funds to compensate monitoring activities.
- ***Issue a Request for Proposals (RFP)***
The Board of Selectmen will need to prepare a Scope of Services detailing the work to be completed and issue a Request for Proposals (RFP) to satisfy Chapter 30B procurement requirements. This RFP could separately cover monitoring functions or be combined with the RFP for other professional housing services discussed in the above recommendation.
- ***Obtain official Town approval and designation as Monitoring Agent***
The selected Monitoring Agent from the RFP, should then seek official approval to assume these functions for the projects that officially designated a non-local Monitoring Agent. The Town of Needham went through this process a couple of years ago when the designated Monitoring Agents for a number of older Chapter 40B homeownership projects were either no longer operational or had little interest or capacity to fulfill these functions. The Town formally

sought approval from the Board of Selectmen to assume project monitoring with the Town Manager as point person. With this go-ahead the Zoning Board of Appeals was asked to approve amendments to the comprehensive permits, designating the Town, through the Town Manager or his/her designee, as Monitoring Agent. The Town also obtained approval from MassHousing where they were the designated Project Administrator which required that the person or firm assuming these responsibilities for the Town had appropriate experience/certification to conduct the monitoring. It will also be useful to execute a Monitoring Services Agreement with the designated Agent.

- *Monitor the monitors*

The Board of Selectmen should receive annual reports from the Monitoring Agents indicating when the monitoring occurred, project(s) involved, as well as any compliance issues. These reports should be for both ownership and rental developments. It is also important to insure that the Board of Selectmen receives the initial cost examination reports for Chapter 40B developments following project completion as well as annual financial reports for rental developments. Kudos to efforts that are currently underway in Wayland to obtain missing cost examinations for a couple of 40B developments! Nevertheless, the Board of Selectmen needs to have a formal process in place to regularly obtain all reports.

- *Engage legal help in enforcement*

There having been some compliance problems with respect to the deed restrictions, including owners of affordable units renting them out at market rates. When these owners continue to be in noncompliance after receiving warning letters about the problem, the Board of Selectmen should take legal action to enforce the deed riders. While this might involve costs, in line with the broken window theory, such action might ward off compliance problems with other units. Both CPA and Housing Trust funds could cover these legal expenses.

Continue Joint Housing Meetings/Housing Summits

The convening of all major local housing entities through the Joint Affordable Housing Committee has been a major step forward in focusing on housing issues in Wayland. While the term "Committee" has been applied, these meetings should instead be considered as "housing summits" or "housing forums". The term "Committee" further complicates Wayland's already confusing organizational structure for housing and perhaps misrepresents the intent of the meetings.

My work with communities typically includes a strong recommendation for these "housing summits" as a means for improving local communication and coordination among municipal entities that are involved in housing issues. I am therefore truly impressed by Wayland's efforts and interest in maintaining these meetings at least twice a year. As meetings continue, participants should consider the following recommendations:

- Rotate chairmanship among the four (4) leading participating entities to demonstrate equal participation and ownership in the proceedings and to minimize perceptions as a "Committee" meeting and more as a convening.
- Specify which entities are responsible for which actions as reports are issued for discussion and recommendations are made regarding policies and strategies.

- Try to reflect the results of the reports and outcomes of deliberations in the HPP as time allows, certainly in any revised HPP down the road (see recommendation below).
- Consider opening up the meeting to local residents and other local and regional stakeholders to obtain community input once a year or as a special meeting. Some communities have held housing summits that have included panel discussions of important housing issues, bringing in representatives from other towns and/or organizations. Other communities have brought in a guest speaker that attracted interest and visibility in the housing issue. Still others have had sponsored pot luck meals and then presented an update on the implementation of their HPP. Such meetings can also be helpful in providing a forum to present proposals on new housing initiatives, engaging the public in a context where all major housing entities participate.

Consider Future Amendments to the Housing Production Plan (HPP)

The Town recently submitted its Housing Production Plan to the state following local approvals by the Board of Selectmen and Planning Board. While this Plan may likely meet state requirements, it remains insufficient in documenting and prioritizing local housing needs that directly impact housing strategies. Most of the good work and discussion that is evolving as part of the Joint Affordable Housing Committee should have been informed by the HPP and vice versa.

While some might potentially perceive Housing Production Plans as just another task to meet a state requirement, communities that go through a meaningful planning process benefit by having a document that serves as a roadmap to the community's housing agenda, generated as part of good data analysis, interviews with local stakeholders, and a transparent and inclusive public process. I believe that at some point in the next several years the Town would benefit from a much more formal, rigorous and comprehensive housing planning process. This planning process would be informed by the work of the Joint Affordable Housing Committee, additional housing summits, a meaningful public process, better documentation of local housing needs and priorities, and greater clarification of respective roles and responsibilities of the various local housing entities. To do this, the Town should invest CPA or Housing Trust Funds or even obtain state funding from the Planning Assistance Toward Housing (PATH) Program to obtain the services of a qualified consultant through an RFP process. This process would result in a much more meaningful document that resonates with Wayland's unique needs, preferences and resources.

Finally, I would like to formally express my appreciation to all those who took the time to speak with me about this issue. I trust you will see your comments reflected in this report, and hope you will work with the Town Administrator to take steps toward implementing these recommendations.



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

BOARD OF SELECTMEN
Wednesday, October 5, 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 from KP Law, P.C., Statement No. 109507, for Professional Services Through August 31, 2016: \$1,575.00
3. Vote the Question of Approving the Placement of One Sandwich Board Sign for the Red Barn Halloween Open House, at Route 20 and Old Connecticut Path, from October 21-28, 2016
4. Vote the Question of Approving a One Day Liquor License for Russell's Garden Center, 397 Boston Post Road, for the Annual Fall Festival Event, Beer Tasting Only, from 11:00 a.m. to 3:00 p.m., on Saturday, October 15, 2016

KP LAW, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

STATEMENT NO. 109507

BOARD OF SELECTMEN
WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH AUGUST 31, 2016
SEPTEMBER 27, 2016

TOTAL FEES:	1,548.00
TOTAL COSTS:	<u>27.00</u>
BALANCE DUE:	<u>1,575.00</u>

DiNapoli, MaryAnn

From: Heather Borden <heather.borden@me.com>
Sent: Sunday, September 25, 2016 3:05 PM
To: DiNapoli, MaryAnn
Subject: Red Barn Sandwich Board

Hi MaryAnn,

I am the new marketing board member at Red Barn Nursery School in Weston. (You worked with Kerri Majors last year.)

I'm looking to get a sandwich board for our event at the end of October posted in Wayland on Boston Post Road. We are having a Halloween Open House (the same event as last year).

Red Barn Halloween Open House
Friday, October 28
4 pm - 6 pm
724 Boston Post Road

I'd love the sandwich board to be posted for the week before the event if possible.

Please let me know if there is anything else you need from me!

Best,
Heather



September 30, 2016

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

I am the owner of 397 Boston Post Road in Wayland , MA and give my approval for a beer tasting as one of the activities of our Annual Fall Festival event which will take place here at Russell's Garden Center on Saturday October 15, 2016 from 11 am-3 pm.

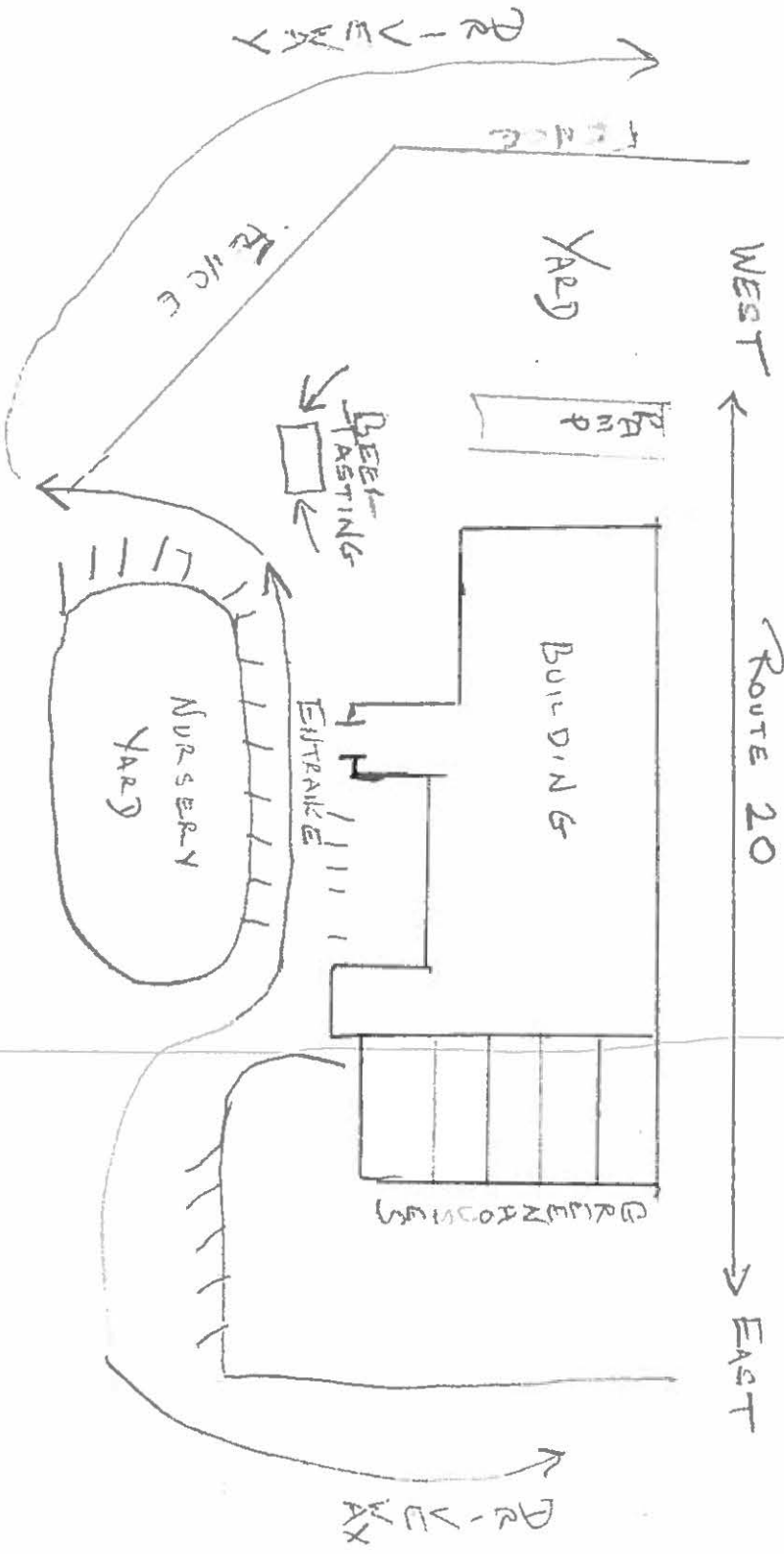
This is primarily a shopping event, customers come and go and do not stay for the entire four hours. Over the course of this four hour period we estimate, on the basis of sale transactions, that close to 500 people are in attendance.

Thank you in advance for your consideration of our request.

Timothy H Skehan

CEO

Russell's Garden Center
397 Boston Post Road
Wayland, MA 01778
508 358-2283 x 344
skehan@russellsgardencenter.com





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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM SEPTEMBER 23, 2016,
THROUGH AND INCLUDING OCTOBER 3, 2016,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR OCTOBER 5, 2016**

Items Distributed To the Board of Selectmen –September 23-October 3, 2016

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the
Meeting of September 26, 2016**

1. Press Release, 9/26/16, prepared by John Senchyshyn, Assistant Town Administrator/
Human Resources Director, re: 2016 Healthcare Agreement
2. Draft Order of Special Town Meeting Articles

**Items Included as Part of Agenda Packet for Discussion During the October 5, 2016
Board of Selectmen's Meeting**

1. List of Articles Received for the November Special Town Meeting with Article Text
2. Draft Minutes of September 19, 2016
3. Report of the Town Administrator, October 3, 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
Wednesday, October 5, 2016
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Public Comment, IT Security Upgrades
2. Email of 10/2/16 from Nan Balmer, Town Administrator, re: Response to Public Comment, 40B Development
3. Email of 10/3/16 from Julia Junghanns, Director of Public Health, to Board of Health, re: Boston Globe Article on the Church of the Holy Spirit
4. Director of Public Health Report, September 26, 2016

Minutes

5. Economic Development Committee, July 14, 2016, August 11, 2016
6. Historic District Commission, March 31, 2016, May 19, 2016
7. Personnel Board, July 18, 2016

State

8. Letter of 9/22/2016 from MassHousing to Nan Balmer, Town Administrator, re: Cost Certifications for the Post Road Village and Wayland Commons Projects
9. Letter of 9/23/2016 from MassHousing to Steven N. Zieff, Eden Management Inc., re: Brookside, 113-119 Boston Post Road Project Eligibility Certifications for the Post Road Village and Wayland Commons Projects

①



Wayland
Computer Privacy Initiative
1 Sylvan Way, Wayland, MA 01778

To: Members of the Wayland Board of Selectmen

From: Mark Hays

Cell: 508.661 9733

Email: WaylandCPI@Verizon.net

RE: Letter to Jorge Pazos

Date: 26 September, 2016

Dear members of the Wayland Board of Selectmen:

Based on Jorge Pazos' report to the BoS and his interview on Wayland Buzz, Jorge and the Wayland IT team have been making good progress on long needed infrastructure and digital security upgrades.

Attached is a copy of our letter to Jorge Pazos regarding:

1. Data encryption
2. The security audit that should have been provided to Wayland by Harris
3. The status of the Heat patch / endpoint security management system
4. Removal of Flash Player from Town and School computers

Please let me know if you have any questions.

Mark Hays



Wayland
Computer Privacy Initiative
1 Sylvan Way, Wayland, MA 01778

To: Jorge Pazos
Wayland IT Director

From: Mark Hays
Cell: 508.661 9733
Email: WaylandCPI@Verizon.net

RE: IT security upgrades

Date: 26 September, 2016

Dear Jorge:

Thanks for the update to the BoS on IT security upgrades, and your excellent presentation on Wayland Buzz. You are making good progress on long-needed infrastructure and security related upgrades.

A few notes and questions:

(1) Data encryption: In your Wayland Buzz talk, you noted that you plan to "take a step back and see what we want to achieve" with encryption. As you probably know, however, encryption for data at rest and in motion is one of the "Top 5 Quick Wins" recommended by SANS, plus the US Dept of Education and NIST standards for confidential data. So the need for encryption is not an open question. Simple steps include:

- **Disk encryption for laptops:** Turn on the free, built-in disk encryption option for all WPS Macs and any Town laptops, to protect confidential student, teacher and Town data if a laptop is stolen or lost.
- **Disk encryption for servers:** Turn on free, built-in disk encryption for all Windows servers.
- **Disk encryption for the SAN:** This is probably a built-in option, depending on the SAN system and drives you selected. Even though data is 'striped' across multiple drives in a typical RAID array, each striped block can contain dozens or hundreds of confidential records, which are easily readable.

- **Encryption for data backup:** You indicated that you are still using tape backup and may use disk and offsite backup services. All backup data should be encrypted, which is easy to implement and manage.

Why is disk encryption important for laptop, server and SAN drives? Lost, stolen and mishandled laptops, drives and tapes continue to be a common cause of confidential data loss and disclosure. Even when old drives / tapes have been turned over to a professional 'grinder' service, a number have gone missing, causing massive and costly disclosure issues. It is always better to encrypt data at rest, which also gives Wayland a regulatory 'safe harbor' in the event of a theft or loss, and protection against costly legal claims.

(2) Vendor data protection: You noted that the Town's MUNIS system has been shifted to the vendor's hosting service. Have you verified that they are encrypting Wayland's data at rest and in transit, including server drives and backup systems? Even large vendors can fail to take obvious measures. Did Harris provide a standard security audit and pen test report for your review?

(3) Policies plus technical protection: You noted that the theft of \$millions for Wayland was stopped by an alert Unibank employee who was probably following a written procedure. That said, the breach and attempted theft would never have occurred if Wayland had a standard patch and endpoint security system installed. The attack succeeded because two years of Adobe patches had not been installed on Town computers, and users had full "Administrator" rights -- two major security management failures. This highlights a question that was not covered during your interview: what is the status of the purchase and implementation of the HEAT patch and endpoint security system?

(4) Remove Flash Player from Town and School computers: Have you taken steps to remove this high risk app from all Town computers / VM instances? Have you asked Leisha Simon and WPS to review and list apps the schools are using that require the outdated and risky Flash player – and look for safe alternatives?

Please let me know if you have any questions.

Mark Hays

2

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Sunday, October 02, 2016 1:18 PM
To: tomnuspl@gmail.com
Cc: DiNapoli, MaryAnn
Subject: 40 B Development

Dear Mr. Nuspl,

I am writing in response to your e-mail correspondence that was reviewed by the Selectmen on September 26th.

The Board is very aware of the concerns you express about the this potential housing development. As you may know, the town is limited by state law in its ability to regulate 40 B Development. In order to have some relief from 40 B, the town is required to develop new affordable housing and to submit a Housing Production Plan (HPP) to the state. The Town recently submitted its HPP to the state for approval and is in the process of selecting a developer to build new affordable housing at the Rivers Edge site. We are hopeful that these actions will allow the town the ability to regulate the development.

Please feel free to call me to discuss your concerns.

Thank you!

Nan Balmer, Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3620 office
(508) 237-1330 cell



From: Junghanns, Julia
Sent: Monday, October 03, 2016 10:38 AM
To: Michael Wegerbauer; Tom Klem; Elisabeth Brewer; Elisabeth Brewer; jgschuler@yahoo.com; Brian Mcnamara
Subject: Globe article - Church of the Holy Spirit

Board members,

You may see an article in the Globe about the moving of the cremains at the Church of the Holy Spirit (which is now closed and has a different church there now). We had discussed the situation awhile back at a Board meeting. As part of the sale of the Church of the Holy Spirit, the new church required that all cremains in the memorial garden be removed. Currently, they are (through a process with Bryant Funeral Home, and handwritten permits for disinterment and reinternment (as needed) handled by our office) selectively moving cremains from the memorial garden to areas of choice (through a process with the families of the deceased). From what I understand it has become a subject of heated debate from families who do not wish to move the cremains of their family members (please know...we are not involved in requiring anything from anyone, we are just assisting to facilitate the process and ensure there is a record with the town). I just wanted to let you know what is going on.

The press had called here and I declined to speak with them about this in hopes of protecting privacy of the families involved.

Thanks
Julia

Julia Junghanns, R.S., C.H.O.
Director of Public Health
Town of Wayland
Health Department
41 Cochituate Road, 01778

508-358-3617 ph
508-358-3619 fax

email: jjunghanns@wayland.ma.us



Public Health
Prevent. Promote. Protect

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOS 4

RECEIVED

SEP 27 2016

Board of Selectmen
Town of Wayland

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

Wayland Board of Health Director's Report September 26, 2016

Septic work and building approvals- construction is busy with the fall push. Soil testing appointments have continued. We also continue to have numerous meetings with residents to provide guidance for potential home renovations/septic projects.

Ruth Mori PHN/Nurse Leader – We would like to congratulate Ruth who was inducted into the Local Public Health Institute Fellows at the Massachusetts Association of Public Health Nurses' 2016 Annual Conference. She joins 25 of her peers who have received this honor. We have seen 180 seniors for flu shots so far this fall, Community Clinics have been set for: 10/5, 10/19, 10/26. There will be no flu mist provided only injectable vaccine will be available. Department staff has been busy working on advertising PR, and preparing for flu clinics.

New process for deposits-we continue to work with IT and Treasurer's office on the new process for depositing checks. New processes and workflows are being vetted before implementation. A meeting is planned for October 3rd on workflow through town departments.

File alley cleanup-we have identified a person to run this project and will begin this week. A review of records retention and disposal/shredding will be part of this project initiative as well as reorganization.

All the schools kitchens were inspected for opening of the school year.

The Mass Health Officer's Educational Conference is coming up at the end of this month. The Inspector and I will be attending to obtain our educational credits for our licenses.

Marijuana Forum-I attended this forum in Framingham sponsored by Mass Public Health Association where there were a group of panelists speaking on the subject both pro and con with a purpose to educate the public on this ballot question.

Leadership training-I attended a full-day training in Natick on coaching and leadership skills. The program was through Fred Pryor and was excellent.

Cell tower in North Wayland-there is interest from Verizon to locate a cell tower somewhere in this area. We don't have the location yet but I have communicated to the Land Use team the BoH recommended 900 foot protective radius.

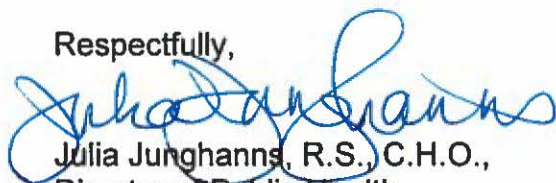
Nursing Home update – 188 Commonwealth Road –we have inquired about the pumping records and were told by Regan pumping that they pumped the tanks at the end of August and discussed a plan for pumping quarterly with the owner.

Coyotes at Heard Farm-due to several encounters that were reported, a press release on safety tips was distributed last week.

Annual Report-Office staff will be working on gathering information and numbers for the draft annual report to be reviewed by the Board in October.

First Aid/CPR training was provided by Fire Chief Houghton for our Medical Reserve Corps Volunteers. We are holding a flu clinic preparation meeting this week for MRC volunteers.

Respectfully,



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

MINUTES
Economic Development Committee
Wayland MA
July 14, 2016

Present: Doug Levine, Jim Grumbach, Becky Stanizzi, Frank Panaccio, John Pugh, Jean Milburn, Seth Roman via phone, Mary Antes-selectman

The meeting was called to order at 8:08 a.m. in the Planning Office of the Wayland Town Building. There was no public comment. The Minutes of June 9 were read. One change was made to the copy about Finnerty's on page 2. Jim Grumbach made the motion for approval as revised. Jean Milburn made the second. Minutes were approved unanimously.

Business Community Issues

Seth Roman reported on Wayland Business Assoc. activities. The first Wailin' Wednesday event had approx. 100 attendees.

Jean Milburn reported that there is no change in the status of the ACE hardware. Their traffic and sales are still low. They have not reached a sustainable level of business.

Seth mentioned that Biogen operates a bus that travels up and down Boston Post Road for their employees. They do a pick-up at Lotus Blossom in Sudbury. Perhaps they could establish a pick-up at Town Center, which might increase the number of shoppers.

John Pugh suggested that the leasing manager from the Town Center property be invited to an EDC meeting soon, so that we can discuss community concerns related to the property.

Jim Grumbach provided an update on the Finnerty's property. Due to recent court decisions, development of the property may begin. The group wondered if there might be a way to motivate the developers to retain and repair the main block of the Finnerty's building.

River's Edge

Becky Stanizzi reported that two complete applications have been received by REAC. They will have a series of meetings to assess the proposals. Assessment of the merits of the projects' designs will be considered before the financial information is disclosed. REAC hopes to have a recommendation for the BOS before the end of August. It was noted that all issues with the town of Sudbury have been resolved.

Town Center Municipal Pad

Jean Milburn reported that there is no action on the Community/Senior Center at this time. The BoS intends to call a committee to take the project further, but it appears that little will occur until the Town acquires the municipal pad. The Boat House project is also on-hold for the moment although people are thinking about possible alternate locations for it.

Items on EDC 2015/16 goals list

Seth has talked to Morgan Stanley representatives about possible interest in the Wayland Automotive site. No interest was expressed. John Pugh will pursue additional possible organizations that might have interest in the site.

Whole Foods Plaza. Whole Foods seems to be delaying its departure since there will be a long lead time for permitting and construction of a new facility in Sudbury. No details are known.

John Pugh indicated that there is no action on a co-working space at this time.

Mary Antes spoke about Sarkis Sarkisian's interaction with an expert who works on "branding" projects for neighborhoods and shopping districts. Is this an idea that Wayland might pursue to develop an identity that would attract visitors and shoppers? John Pugh mentioned that Wayland has an outstanding music program in the public schools so perhaps a music theme could be developed. The town lacks a music venue at present which might really be needed to support a music identity.

Becky Stanizzi spoke about Steven Zieff's application to the state to build a 60-unit 4-story 40B apartment building on the Mahoney's garden center site. Although Wayland still needs additional affordable housing units, the proposed density is very high.

A motion to adjourn was made at 8:56 a.m. by Jean Milburn. Second by Doug. 6-0 approval

Respectfully submitted,

Jean Milburn

**Minutes
Economic Development Committee
Town of Wayland, MA
August 11, 2016**

Present:

Committee Members: Doug Levine, Jim Grumbach, Becky Stanizzi, John Pugh, Jean Milburn, Seth Roman via conference call

Selectmen: Mary Antes, Cherry Karlson

Public: Kimberly Boyd, Lawrence Butler, Paul Grossman

Town Employees: Don Millette

The meeting was called to order at 8:11 a.m. by Becky Stanizzi in the planning office of the Wayland Town Building.

The meeting began with remarks by Paul Grossman, Vice President, Retail Brokerage, CBRE/New England. Paul is the leasing agent engaged to find occupants for the spaces in Wayland Town Center. He introduced himself and mentioned that he grew up in Sudbury and attended Shir Tikva, so he knows Wayland quite well. He spoke about the challenges related to finding tenants for the WTC. Although the property has a nice location near a major crossroads, its proximity to the Natick Mall and adjacent shopping on Routes 9 and 30 is problematic. National tenants who are located in the mall feel that WTC is too close to the mall to justify establishing a second store in Wayland. His search for tenants is focused on regional companies who have no local presence and may wish to move into MetroWest. Complicating his task are the "exclusives" that Stop and Shop negotiated for their store in the areas of floral, baked goods, and prepared foods. Committee members suggested that he consider child-related stores and sporting goods stores as well as a bike shop. Paul mentioned that, at present, 6 spaces are open, all on the ground floor, plus 2 spaces in the medical building.

Two residents of the newest condominium complex near WTC attended to hear Mr. Grossman's presentation and to make comments. The Guests were Kimberly Boyd of 10 Lillian Way and Lawrence Butler of 16 Lillian Way. Both expressed hopes that the empty spaces in the WTC could soon be filled. They shop in the existing businesses regularly and hope to have more choice available. They also hope that the grounds can be kept in better condition, mentioning the brown lawns and dying plants on the Town Green.

Don Millette, Wayland Water Director for the Dept. of Public Works, spoke about water issues in town. He was particularly interested in any plans for new developments that might be in the planning stages that might significantly increase demands for water. EDC was not aware of any projects not already reflected in the town's plans. The state regulates how much water may be pumped out of the aquifer. As they prepare a long-term water use project, DPW must always be prepared to respond if the state caps or reduces the allowed water draw amount. He is not anticipating any problems at present. In 2018, the Town is expecting to receive a new water draw permit. One cause for concern is the amount of water "lost" between the pumps at the wells and the meters at the homes of residents. At present this amount is 15% of total water pumped. Another concern is the amount of staff time consumed by the process of reading the water meters, currently 4 to 5 months of staff time is required to complete the task annually.

A motion was made to approve the minutes of the July 14, 2016 EDC meeting. Doug made the motion to approve, Jim made the second. The vote to approve was unanimous 7-0/

Wayland Business Association: Seth mentioned that the businesses at WTC are organizing Wailin' Wednesdays, a series of social and music events during the summer.

Wayland Home and Design. Jean has been following activity at the new ACE Hardware store and its associated kitchen supply store. Regrettably, the number of shoppers visiting the store is still very low.

Finnerty's Property. Jim Grumbach stated that due to recent court decisions, it is likely that construction of a new CVS store will begin.

River's Edge Apartment Building. Becky reported that REAC has interviewed the two developers who have completed bids for the land. Both are private companies with a great deal of relevant experience. The financial information will be opened on August 15.

Town Center Municipal Pad/Senior Center. Jean reported that the BOS has not convened a new committee to work on the project, although a list of the tasks to be undertaken by a future committee has been created in draft form. Jean assumes that they are waiting for the property transfer to take place before they ask volunteers to spend more time on the project.

The next meeting will be held on Sept 22 at 8 a.m.

Minutes
Wayland Historic District Commission Meeting
March 31, 2016

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Kate Finlayson, Marji Ford, Sheryl Simon, Kathie Steinberg

Others: Dan Hill (25 Bow Road), Laurie McEachern (Timothy Burke architect for 25 Bow Road)

Public Comment: There was none.

Minutes of February 18, 2016 Meeting were accepted as amended.

25 Bow Road - James Henry Small House. Construct glass conservatory on facade next to corner tower. The architect, Laurie McEachern, brought in a site plan and enlarged elevation views of the plans presented earlier. The only change to the plans was an added list of proposed materials. The conservatory will be 7.5 feet by 14.5 feet. Wood, glass, and copper are the materials to be used. The windows are divided lights within the glass and they are double-glazed. Solarban glass will be used on the roof. The hope is for construction to start this spring as soon as the owners can get the contractor on board. There was a motion to accept the application as submitted. This was followed by a unanimous vote in favor (7-0-0).

Design Review Guidelines - Review of guidelines. The following topics were reviewed and language was edited for: *modern equipment, out buildings, roofs and siding*. The guidelines will include a source list for all the references noted on one page of the document.

Other business not anticipated prior to meeting.

There is a broken Historic District sign on Route 20 near Route 27.

The crosswalk across Route 27 near Millbrook Road is missing bricks and is in need of repair.

The meeting adjourned at 8:50 pm.

Respectfully submitted,

Margery Baston

Minutes
Wayland Historic District Commission Meeting
May 19, 2016

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Marji Ford, Sheryl Simon

Others present: Mary and Brian Farley (30 Cochituate Road), Bob Mainer and Kate Jenney (representing the Historical Society Board)

Public Comment: There was none.

Minutes of March 31, 2016 Meeting were approved as amended.

7:45 pm Public Hearing. 30 Cochituate Road - Mark Sibley House.

Construct garden shed, pave driveway edged with cobblestones.

The shed is 11 feet high and will sit on a pad of crushed stone. A stockade fence will hide the shed. The only thing that possibly could be visible from the public way would be the ridge of the shed.

After talking with developers Brian and Mary decided against loose stone for their driveway and decided on asphalt with a layer of stone dust. Cobble stones will edge the driveway, but not all the way up to the house. There was a motion to approve the application as submitted; and this was followed with a unanimous vote in favor. (5-0-0)

Discussion of Rail Trail - Historic Railroad Artifacts - Parking for Library

The rail trail will be done this summer, from Russell's to the Depot. Work has been closely coordinated with DCR.

There are a number of issues concerning an expanded library in its current location -- and parking is a big issue. Gretchen reported the mistaken view that nothing could be done with the parking lot by the Freight House because of the HDC. She asked the question: "What if we were to move the freight house closer to the road but in the same relationship to the tracks?" By doing so, space might be provided for a two story (low) parking garage. Gretchen talked with some people on the Library trustees, the Historical Commission

and the Historical Society. There was general agreement on this idea which will be further discussed by the respective groups. Bob thought the new location besides becoming more visible might encourage new uses of the Freight House. Brian wondered if it could tie in with the new bike path. Gretchen reported that the architects feel that any garage needs a dedicated way in and another way out. The architects favor an entrance on Concord Road and an exit (from a garage) on Millbrook Road.

12 Cochituate Road - Grout-Heard House. Report on sign lighting as per Certificate of Appropriateness. Bob Mainer reported that Brad Keyes selected the lighting. Both the intensity and scope of the light can be adjusted. The LED lights should just hit the sign and no more. The lights will come on at dusk and go off at 10 pm.

Bob brought up the issue of the gravel driveway at the Grout-Heard House. The gravel gets pushed around by the snow plows in the winter, and then needs to be raked back onto the driveway in the spring. It is not particularly good for walking on, and difficult for a wheelchair to maneuver. This spring some of the extra gravel was spread on the entrance road to the community gardens. The GHH Museum is in an aquiver protection district (where paving is restricted), but paving still could be done from the street to the kitchen door. There will be an interest in seeing how the driveway at 30 Cochituate looks when finished -- an asphalt driveway with stone dust spread on top.

Design Review Guidelines - Review of guidelines Gretchen will send out guidelines this summer for us to review.

There will not be a HDC meeting in June or July unless there is an application and a need for a public hearing.

The meeting adjourned at 8:17 pm.

Respectfully submitted,
Margery Baston

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
July 18, 2016 7:00 pm

RECEIVED

SEP 27 2016

Board of Selectmen
Town of Wayland

7

Members Present:

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

DC called the meeting to order at 7:00 pm.

Also in attendance K. O’Brien (KO), HR Assistant

Public Comment

None

Review of Personnel Policies

JS presented edits to non-union policies from the previous meeting.

N1-1.1 Terms and Conditions of Employment – The Board reviewed their previous edits and made several additional changes.

MJ moved to approve the N1-1.1 Terms and Conditions of Employment policy as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

N1-2.1 Position Classification and Pay Rates – The Board reviewed their previous edits and made several additional changes.

MJ moved to approve the N1-2.1 Position Classification and Pay Rates policy as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

N2-2.1 Overtime – JS asked the Board to review the Overtime policy next in light of the changes to the Fair Labor Standards Act and the increase in the federal overtime threshold to \$47,526. The exempt and non-exempt positions were reviewed and discussed. Discussion moved to the application of overtime with respect to total hours worked. JS noted the AFSCME 2 collective bargaining agreement (CBA) paid overtime at 35 hours per week. Accrued paid-time-off was not excluded from the calculations, nor was it excluded in other CBAs. The AFSCME 1 CBA members were not considered to be overtime eligible by contract. Members discussed whether the overtime calculations should be changed for non-union staff to account for paid-time-off in the overtime calculations. JS noted that non-union overtime was very minimal, and he asked the Board not to make adjustment to non-union staff overtime calculations unless the goal was to change union CBAs. The Board then discussed the application of compensatory time under the policy.

MJ moved to approve the N2-2.1 Overtime policy as presented. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

N2-1.1 Work Hours – The Board reviewed the Work Hours policy. Work hours and breaks at various locations were discussed. JS explained why the hours fluctuated by location.

MJ moved to approve the N2-1.1 Work Hours policy as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Improved Board Communication/Social Media

JS referenced a 7/5/16 email from the Chair of the BOS regarding improving communications. KO shared with the members the establishment of a Town-wide Facebook page and Twitter account. She reviewed how the electronic media were being utilized to share information with the community.

FY 18 Budget Process

JS informed the Board of recent efforts to better align the FY 18 budget process with stated requirements in the Town By-laws. He shared the most recent draft of a schedule. Members discussed the value of the Personnel Board reviewing position requests following the BOS review. JS stated that he did not view the BOS review of positions under their jurisdiction any differently than personnel reviews by other independent boards. In the end, he believed the Personnel Board had the opportunity to compare and evaluate all requests and make their recommendations to the FinCom from a global perspective. JS also reviewed 2 new position request forms for the upcoming budget season. The Board concurred to move forward with the suggested process changes for FY 18 and evaluate the changes prior to the FY 19 cycle.

Review of HR Assistant Job Description

JS informed the Board that KO would be the new minute taker for the BOS. She would be compensated for this function via a stipend. Given recent issues with the Conflict of Interest law and certain employees having an "inside track" to positions, Town Counsel advised the Personnel Board to revise the HR Assistant job description. In doing so, JS stated it was also time to revise other items. JS said there is not a recommended change to the positions grade. Members reviewed the proposed changes and suggested several edits.

MJ moved to approve the HR Assistant job description as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Town Engineer

JS reviewed the background to the engineer's position from the FY 17 budget cycle. JS, the Town Administrator and the BOPW Chair had discussed the position, and while the position is within DPW, the consensus was to create the function as a Town Engineer. JS briefly reviewed the job description and members commented on the various aspects of the job description. Discussion ensued on an appropriate grade. JS referenced engineering positions' compensation in other communities. JS recommended a grade of N-9.

MJ moved to approve the Town Engineer job description as amended and establish the position as a grade N-9. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Review of the 6/13/16 Minutes

MJ moved to approve the minutes of 6/13/16. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Executive Session

DC moved the Personnel Board enter executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Strategy with respect to Collective Bargaining with Fire Union regarding Specialist Job Descriptions; AFSCME 2 Negotiations regarding the Installation of Security Cameras at the DPW Facility; AFSCME 2 Negotiations with regarding a Potential Position Elimination; a Police arbitration; and; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2) to Review and a Potential Vote to Approve Executive Session Minutes 6/13/16 as an open discussion might have a detrimental effect on the Town's bargaining position.

PS seconded the motion.

DC took a roll call vote:

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

The Board having voted 5-0 to move into Executive Session, the motion carried. DC announced that the Board would be going into Executive Session for approximately 20 minutes for the stated purposes. The Board would be returning to Open Session.

The Board entered Executive Session at approximately 9:00 pm.

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

Future Meetings

JS informed the Board that a joint meeting was being planned with the BOS, FinCom and School Committee to discuss strategy for the next round of collective bargaining. The meeting with the BOS and FinCom is required under Ch. 43-2B(3) of the Town By-laws. Proposed dates for the multi-board meeting are 9/19 or 9/26. Members indicated that both dates were acceptable.


The Board decided not to establish another meeting date until the multi-board meeting is scheduled.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance

JS stated that he received a request from the Teamsters to allow an employee-to-employee transfer of sick leave to Peter Bulkeley who is on an approved leave of absence due to his own serious health condition. Mr. Bulkeley has exhausted his accrued time. JS noted that the Board has approved this type of request in the past.

PS moved to approve allowing an employee-to-employee transfer of sick leave amongst members of the Teamster bargaining unit to a maximum of 3 days per employee. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

MJ moved to adjourn at 9:25 pm. MP seconded the motion. Five members having voted in the affirmative, the motion passed.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

July 18, 2016

Document:

Policies:

Terms and Conditions of Employment

Position Classification and Pay Rates

Work Hours

Overtime

2016-06-13 Draft Minutes

2016-07-05 Karlson Email

PB Draft Budget Process

Summary of Conflict of Interest

Draft Job Description - HR Assistant

Draft Job Description - Town Engineer

Draft Budget Forms

New Position Form

Position Modification Form

Engineer Wage Data



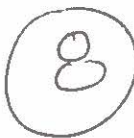
Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

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SEP 26 2016

Board of Selectmen
Town of Wayland



September 22, 2016

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

Dear Ms. Balmer:

Thank you for your recent correspondence regarding the cost certifications for the Post Road Village and Wayland Commons projects.

MassHousing shares your concern regarding the timely submission of cost certifications. In February 2008, DHCD issued Chapter 40B regulations at 760 CMR 56.00 (most recently amended April 2012) and the associated guidelines (most recently revised in December 2014). These regulations and guidelines (the "Guidelines") introduced financial surety as a means to ensure the completion of cost certifications. In accordance with the Guidelines, MassHousing required the developers for the above stated projects to provide financial surety (\$25,000 for Post Road Village and \$50,000 for Wayland Commons) to ensure completion of their cost certifications. As required by the Guidelines, prior to MassHousing issuing a final report for either of these cost certifications and releasing the developer's financial surety, we will give the Town of Wayland an opportunity to comment on our draft report, identify any issues that you might have with the content, or raise any questions that you believe should be addressed.

We have been in contact with both developers regarding their cost certifications.

Post Road Village

According to the developer, 14 of the 16 total units have been sold, with the 14th unit being sold in July 2016. The remaining two (2) unsold units, which are market rate units, are currently being rented. In accordance with the regulatory agreement, MassHousing has instructed the developer to impute a sale price for the remaining unsold units in an amount equal to the average of the last three (3) arm's-length sales of comparable units and complete the cost certification. As required by the Guidelines, the developer will be selecting a CPA firm from the 40B prequalified CPA list maintained by the Department of Housing and Community Development to complete the cost examination process. As mentioned above, when the cost certification is received, MassHousing will review the submitted materials, prepare a draft report and share our results with the Town of Wayland before issuing our final report.

Nan Balmer, Town Administrator
September 22, 2016

Page Two

Wayland Commons

MassHousing has notified the developer of its cost certification obligations under the regulatory agreement. MassHousing will not release the \$50,000 financial surety to the developer until the cost certification obligation has been met. We will keep you apprised of any changes regarding compliance with the outstanding cost certification.

If I can be of further assistance in this matter, please do not hesitate to contact me.

Very truly yours,



Gregory P. Watson
Manager, Comprehensive Permit Programs

cc: Cherry C. Karlson, Chair, Wayland Board of Selectmen
Joint Affordable Housing Committee
Daniel C. Hill, Esq.



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

September 23, 2016

Steven N. Zieff
Eden Management Inc.
80 Hope Avenue, Suite 512
Waltham, MA 02453

**Re: Brookside, 113-119 Boston Road
Project Eligibility/Site Approval
MassHousing ID No. 851**

Dear Mr. Zieff:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBB").

Eden Management Inc. has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build 60 units of rental housing (the "Project") on approximately 6.49 acres of land located on Boston Post Road (the "Site") in Wayland (the "Municipality"). The property is currently occupied by Mahoney's Garden Center, and includes several buildings and structures and a gravel parking area. In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

The Municipality was given a thirty (30) day period, in which to review the Site Approval application and submit comments to MassHousing. Cherry Karlson, Chairman of the Wayland Board of Selectmen, submitted a letter (received by MassHousing on July 26, 2016) summarizing comments from municipal officials, staff, and members of the public. Also provided with the Selectmen's letter were copies of a memo prepared by the Town Planner

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SEP 26 2016

Board of Selectmen
Town of Wayland

9

summarizing staff concerns with the Project, and a letter from the Pine Brook Neighborhood Association outlining abutting issues.

Municipal comments identified the following specific concerns:

- The Town expressed concern that the project did not conform to local planning goals as articulated in the Town's zoning by-law and draft Housing Production Plan. Specifically, the Town described ongoing efforts associated with River's Edge (a Town-sponsored, 188-unit, rental housing development proposed for an 8.4-acre parcel of town-owned land at 489-490 Boston Post Road). They expressed concern that the Brookside project, if allowed to proceed, would threaten the feasibility of the Town-sponsored project by drawing away potential residents.
- Municipal officials expressed concern with the height, mass and density of the proposed multi-family building, noting that it was out of character with the surrounding neighborhood. This concern was also noted in the letter prepared by the Pine Brook Neighborhood Association.
- The Municipality expressed concern that the Town's fire-safety equipment would not have the capacity to handle a multi-family building of this size, putting future residents and abutting properties at risk.
- Wayland public safety officials expressed concern that the Project would exacerbate risks to pedestrian safety resulting from the combined effect of the lack of sidewalks and high traffic volumes along Boston Post Road.
- The Wayland Historical Commission noted the presence of a potentially sensitive and significant archeological site near Pine Brook. They recommended an archeological survey of the Site before the site is developed.
- The Town identified concerns about the Project's potential environmental impacts. Specifically, in light of existing soil conditions in this area, staff from the Wayland Board of Health questioned the feasibility of the proposed septic system and expressed concern about potential contamination of Pine Brook, area wetlands, and local groundwater supplies. Similarly, the Conservation Administrator urged the use of local standards in the design of drainage and stormwater management facilities, citing the Site's proximity to Pine Brook.
- The Wayland Historical Commission submitted a letter, dated September 1, 2016, suggesting that the Site contain potentially significant archeological resources, and recommending that an appropriate archeological survey be performed to ensure a finding of "no impact" before development plans could proceed.

MassHousing also received a letter, dated August 18, 2016, from State Representative Carmine L. Gentile, who represents the 13th Middlesex District. Representative Gentile's letter urged MassHousing to deny the application for Brookside, reiterating Municipal concerns relative to the building's size, and non-compliance with local land use regulations. Representative Gentile emphasized recent Town actions to address local housing need, and, in particular, the ongoing efforts associated with River's Edge (a Town-sponsored, mixed income rental development) arguing that such efforts should justify the Town's insistence on compliance with the local Zoning By-law.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality, the following issues should be addressed prior to the submittal of your application for a Comprehensive Permit from the Wayland Zoning Board of Appeals (ZBA), and you should be prepared to explore them more fully in the local hearing process:

1. Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, and wastewater collection and treatment. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
2. The Applicant should be prepared to address Municipal concerns that the Project is in conflict with Wayland's planning and affordable housing goals. Additionally the Applicant should be prepared to respond to questions relative to market demand for multi-family housing in Wayland and the surrounding area, taking into account existing and proposed development, and, in particular the proposed affordable housing proposed for River's Edge.
3. The Applicant should be prepared to address Municipal concerns relative to the massing, height and density of the proposed building, and to work with the Town to mitigate or ameliorate potentially negative visual impacts to abutting properties and from Route 20. Should the Applicant apply for a Comprehensive Permit, they should provide detailed building elevations, sections and a landscape plan to facilitate this discussion.
4. The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, and to discuss appropriate mitigation. In particular, the Applicant should be prepared to address Municipal concerns relative to Project impacts on traffic volumes on Boston Post Road, and associated risks to pedestrian safety.

*Brookside, Wayland
MassHousing #851
Site Approval Letter*

5. The Applicant should address Municipal concerns relative to the feasibility of the proposed septic system and its potential impacts to the groundwater supply, and to identify appropriate mitigation.
6. The Applicant should be prepared to describe the project's potential environmental impacts on Pine Brook, and work with Town officials to identify necessary mitigation.
7. The Applicant should be prepared to respond to the concerns of the Wayland Historical Commission relative to the possible presence of archeologically significant artifacts on the Site.
8. The Municipality asked that the Applicant provide evidence of the land's value. In accordance with 40B Regulations and as a part of the Site Approval process a third-party consultant was hired by MassHousing, and has completed an appraisal of the property. A copy of this appraisal was provided to the Wayland Town Planner via email on August 15, 2016.
9. In light of the number of two and three bedroom units, the site plan should include dedicated play space for young children. The Applicant should also provide information relative to snow storage, mail delivery, and trash pick-up.

This Site Approval is expressly limited to the development of no more than 60 rental units under the terms of the Program, of which not less than 25% (15) of such units shall be restricted as affordable for low or moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing of the following: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) any appeals are filed.

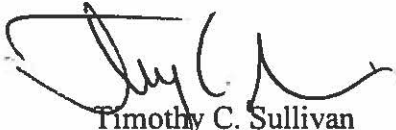
*Brookside, Wayland
MassHousing #851
Site Approval Letter*

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katy Lacy at (617) 854-1098

Sincerely,



Timothy C. Sullivan
Executive Director

*Brookside, Wayland
MassHousing #851
Site Approval Letter*

cc: Ms. Chrystal Kornegay, Undersecretary, DHCD
Cherry C. Carlson, Chairman, Board of Selectmen
Eric Goldberg, Chairman, Zoning Board of Appeals
Sarkis Sarkisian, Town Planner
Nan Balmer, Town Administrator

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

Brookside, Wayland, MA MH # 851

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Wayland is \$73,050

Proposed affordable rent levels of \$1,094 for a studio apartment, \$1,172 for a one-bedroom unit, \$1,373 for a two-bedroom unit and \$1,573 for a three-bedroom unit accurately reflect current affordable rent levels for the Worcester HMFA under the NEF Program, plus utility allowances of \$126, \$135, \$195, and \$239 for the studio, one, two- and three-bedroom units, respectively.

A letter of interest was provided by Rockland Trust, a member bank of the Federal Home Loan Bank of Boston.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development, that such use would be compatible with surrounding uses, and would directly address the local need for affordable housing. While currently occupied by a non-conforming use (Mahoney's Garden Center) the Site is zoned for single-family residential development, suggesting that it is generally appropriate for residential use, and is in close proximity to area commuter routes and services. Water, gas and electricity are currently supplied to the Site.

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality's actions intended to meet affordable housing needs. MassHousing reviewed the information provided by the Wayland Board of Selectmen in their letter dated July 26, 2016 describing previous municipal actions intended to provide affordable housing. Selectmen

summarized the steps taken to date in support of the development of the 188-unit River's Edge rental development, including the identification of Town-owned land, allocation of CPA funds for pre-development, successful passage of a new zoning district, and the near completion of the developer selection process.

While MassHousing recognizes Wayland's efforts as meaningful, municipal actions to date have not resulted in housing production of a "character and scale to create significant opportunities as-of-right to meet the municipality's need for affordable housing as measured by the Statutory Minima." According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through December, 2014, Wayland has 198 Subsidized Housing Inventory (SHI) units (3.99 % of its housing inventory). (It should be noted that according to the Town of Wayland's July 2016 Housing Production Plan, the Town currently has 258 units of affordable housing (5.2%). The additional units have recently been submitted to DHCD for inclusion in the Inventory. If these units are added to the SHI, an additional 238 would be required for Wayland to achieve the 10% threshold of 496.)

U.S. Census data from the 2010-2014 American Community Survey (ACS) further supports the need to increase the supply of affordable housing in Wayland. According to the ACS, of the 5,153 households in the Town of Wayland, approximately 42% earned less than 80% of the 2016 AMI (\$98,100), 14% earned less than 30% AMI; 20.8% earned less than 50% AMI, and 23.9% earned less than 60% AMI. Additionally, Wayland's recently updated Housing Production Plan identified a need for additional rental housing, noting an 88.7% rate of homeownership as of 2010. They identify, as a goal, "the creation of a mix of rental and homeownership opportunities," and note the Town's commitment to "work with developers to create a diversity of housing types directed to different populations." The Brookside Project directly supports this goal.

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail)

- **Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details):**

Buildings in close proximity to the Site accommodate a variety of uses (temple, assisted living facility, multi-family housing, mosque and restaurant along with more traditional single-family homes), and thus vary widely in style, size and materials. Throughout much of the rest of Wayland, however, the majority of buildings are 1-3 story, wood-frame Capes and Colonial-style single-family homes.

The proposed Project building is a four-story, wood-frames structure, and includes detailing suggestive of the Victorian Shingle-style such as clapboard siding accented with architectural shingles, high peaked dormers, and a central turret feature. The building's "T" shaped configuration, dropped roofline and articulated façade help to mitigate building mass and

height. While distinct in character from the more simple single-family residential architecture prevalent throughout Wayland, the building elevations are traditional in style, and appear to be compatible with Wayland's lower-density suburban context.

- **Relationship to adjacent streets/Integration into existing development pattern**

The proposed Project entrance is located directly across Boston Post Road from Rich Valley Road, creating a four-way, stop-controlled intersection. Sight lines appear to be sufficient in all directions.

The Site is currently occupied by Mahoney's Garden center, and the surrounding pattern of development is characterized by a mix of land uses, including small-scale multi-family housing, a large assisted living facility, a temple, a mosque, a gas station and a restaurant. The Site is also less than ½ mile from Wayland's small commercial center, which includes a modest assortment of commercial uses (bank, gas station, liquor store and eating establishments, etc.) While the majority of land in Wayland is characterized by traditional, single-family development, the introduction of a multi-family use at this particular location will be compatible within the surrounding mixed-use context.

Density

The Developer intends to build 60 homes on 6.49 acres (5.6 buildable acres). The resulting density is 10 units per buildable acre, which is at the lower range for multi-family housing in a suburban context.

- **Conceptual Site Plan**

The Site Plan concentrates development in the northeast corner, leaving the remainder of the property as open space, and effectively avoiding the more sensitive resource areas on the southern side of the Site. The site driveway enters the site at a location immediately across Route 20 from Rich Valley Road, branches off to a small, circular turn-around at the building's front entrance, continues to the garage entrance on the building's western side, and then around to the south side of the building. The bulk of the parking (seventy one parking spaces) will be located in a garage below the building, further reducing impervious surface and site disturbance. A limited amount of guest parking (approximately 20 spaces) is located in pull-in parking areas adjacent to the driveway.

Environmental Resources

The rear (southern) portion of the Site includes areas of bordering vegetated wetland and a section of the Pine Brook. The proposed building and associated infrastructure are all located in an upland area in the northeastern corner of the Site, minimizing resource impacts.

Because the Site is already occupied by Mahoney's Garden Center, Brookside is a redevelopment project that will require minimal new clearing, and will, when complete, include more undeveloped open space than it currently does. Additionally, the project narrative indicates that proposed site work includes restoration of existing wetland disturbances, though no details are provided about specific remediation actions.

Topography

The Site slopes down from its frontage along the Boston Post Road to a low point in the western corner, where the Pine Brook runs along the property's rear (southern) boundary, traversing to its southeastern corner. The proposed Project building is sited on an upland area in the northeastern corner of the Site, set back approximately 50' from the Boston Post Road and 25' from the adjacent property boundary. While the building's location will be clearly visible from the right-of-way, adjacent properties to the east are heavily screened by existing vegetation. The building's location in the northeastern corner of the Site allows for the remainder of the property (80-90%) to remain open, and the more sensitive riverfront area near the Pine Brook to remain undisturbed.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Applicant proposes 60 rental apartments to be financed under the NEF Program. There will be 45 market-rate units with proposed average rent levels of \$1,646 for the studio apartments, \$1,738-2,111 for the one bedroom units; \$2,666-2,833 for the two-bedroom units; and \$3,023 for the three-bedroom units. A&M determined that the developer's proposed affordable rents and utility costs comply with 40B Guidelines, and market rents fall well within the range of adjusted comparable market rents for all unit sizes.

MassHousing's Appraisal and Marketing Department (A&M) performed a preliminary analysis of Project feasibility based on the area's market conditions and comparable rents. In summary, A&M found that a strong demand exists for both lower income and market-rate rental units in Wayland and the surrounding communities. A&M reported that while the area's conventional apartment market has been expanding, occupancy rates have been rising.

A&M noted that the proposal does not appear to include some of amenities found at higher end comparable properties in similarly affluent communities nearby such as Lexington, Concord and Wellesley. They also noted, however, the particularly limited supply of rental housing in Wayland. A&M recommends that a full market study be conducted prior to Final Approval in order to determine the depth of the market for rental housing in this location at that time.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$980,000. A preliminary review of the Project pro-forma indicates that the per-unit construction costs are well within the normal range for similar multi-family developments in the suburban Metro Boston context. Based on a proposed investment of \$4,943,583 in private equity, the application pro forma appears to be financially feasible and within the limitations on profits and distributions.

*Brookside, Wayland
MassHousing #851
Site Approval Letter*

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

The Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the entire by virtue of a Purchase and Sale Agreement dated December 31, 2015 between Mahoney's Garden Center (Seller) and Eden Management (Buyer). The expiration date for the P&S is the July 31, 2017.