

PACKET

NOV 7

2016



NAN BALMER
TOWN ADMINISTRATOR
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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
Monday, November 7, 2016
Wayland Town Building
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

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.

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|---------|---|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none"> • Review Agenda for the Public; Announcements |
| 7:02 pm | 2.) Public Comment |
| 7:15 pm | 3.) Special Town Meeting Warrant Hearing and Review Motions |
| 7:45 pm | 4.) Town Counsel Evaluation Committee Recommendation: Interview Attorneys Carolyn Murray, Amy Kwesell and Lauren Goldberg of KP Law, Potential Vote to Appoint |
| 8:15 pm | 5.) River's Edge: <ul style="list-style-type: none"> • Discussion and Potential Vote to Request Extension of RFP Date for Notice of Award to February 1, 2017 • Meet with Representatives of River's Edge Advisory Committee to Discuss Questions on Proposals • Update from Town Administrator on DPW Issues and Updated Economic Impact Analysis |
| 8:45 pm | 6.) Discuss Special Town Meeting Articles |
| 9:00 pm | 7.) Minutes: Review and Vote to Approve Minutes of October 17, 2016 |
| 9:05 pm | 8.) Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 9:10 pm | 9.) Review Correspondence (See Separate Index Sheet) |
| 9:20 pm | 10.) Report of the Town Administrator |
| 9:30 pm | 11.) Selectmen's Reports and Concerns |
| 9:40 pm | 12.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:45 pm | 13.) Adjourn |

DATE: NOVEMBER 7, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: RECOMMENDATION OF EVALUATION COMMITTEE: TOWN COUNSEL

RECOMMENDED ACTION:

1. INTERVIEW ATTORNEYS RECOMMENDED BY EVALUATION COMMITTEE TO SERVE AS WAYLAND TOWN COUNSEL;
2. POTENTIAL VOTE TO APPOINT TOWN COUNSEL SUBJECT TO APPROVAL OF TERMS OF ENGAGEMENT.

EVALUATION COMMITTEE PROCESS:

On August 15th, the Board of Selectmen approved a schedule for a Request for Proposal to seek town legal services with a projected date for award of a contract of December 5th. The following individuals served on the Evaluation Committee:

1. Cherry Karlson, Chair of the Board of Selectmen
2. Anette Lewis, Esq., Volunteer
3. Nan Balmer, Town Administrator
4. John Senchyshyn, Assistant Town Administrator / HR Director
5. Ellen Brideau, Director of Assessing
6. Geoffrey Larsen, Building Commissioner

The Evaluation Committee provided review and comment prior to issuance of the RFP. Three law firms responded. The Committee met four times including three meetings to interview candidates.

Current Town Counsel Mark Lanza did not submit a response to the RFP. Mark has offered his strong support in a transition to any new Town Counsel the Board of Selectmen selects.

The Committee interviewed teams of attorneys with specialties in municipal law. The Committee insisted that these firms assign only one attorney to serve as the candidate for Wayland Lead Town Counsel and that the firms provide provide a second municipal law specialist to serve as backup lead counsel.

EVALUATION COMMITTEE'S RECOMMENDATION TO THE BOARD OF SELECTMEN:

Two firms, K-P law and Deutsch Williams presented the Committee with excellent, but different, plans to serve the town's legal needs. The Committee's decision was difficult.

After lengthy deliberation, the Committee recommends the Selectmen appoint Attorney Carolyn Murray and the firm of K-P Law as Town Counsel for Wayland.

Although both of the finalist firms offered a high level of expertise in municipal law, K-P Law differentiates itself by providing an organized program of training in municipal law for staff and volunteers, emphasizing open meeting law, public records law, planning and zoning and municipal finance.

NEXT STEPS:

1. Interview and consider appointment, subject to agreement on terms of engagement.
2. Consider appointment of Mark Lanza as Special Counsel for the purposes of: 1) Completion of cases that will not be transferred; 2) Provide new counsel with historical information on legal matters, 3) Other assistance required for a smooth transition. Work would be authorized on a task by task basis.

ATTACHED: 1) Resume: Attorney Murray and, 2) Draft Agreement



CAROLYN M. MURRAY

Shareholder

E-mail: cmurray@k-plaw.com

Phone: 617.556.0007

Practice Areas: General Municipal, Employment & Labor, Litigation

Experience

Attorney Carolyn Murray's practice focuses on municipal finance, labor/employment, land use, contracts, procurement, scope of municipal authority, conduct of town meeting, and compliance with state law. She serves as liaison between local officials and state officials and agencies, including Office of the Attorney General, the Alcoholic Beverages Control Commission, the Department of Revenue, the State Ethics Commission, the Inspector General, and the State Election Division.

Representative Matters

- Defend municipalities in labor issues before the Civil Service Commission, Massachusetts Commission Against Discrimination, American Arbitration Association, Board of Conciliation and Arbitration, and Department of Labor Relations.
- Represent municipalities in land use issues before Zoning Boards of Appeal, Planning Boards, Land Court, and Superior Court.
- Provide guidance to municipalities with respect to various federal laws, including Title VII of the Civil Rights Act, the Family Medical Leave Act, the Americans with Disabilities Act, Age Discrimination in Employment Act, and Uniformed Services Employment and Reemployment Act.
- Advise towns in all aspects of Town Meeting, including preparation of warrants, motions, by-law amendments, and acts of special legislation.
- Advise city councils with respect to appropriation orders, bond authorizations, ordinances and parliamentary procedure.
- Provide guidance to Charter Commissions, Government Study Committees and Transition Committees on changes to forms of government.
- Served as counsel to town transitioning to city form of government.
- Negotiate collective bargaining agreements with various unions.
- Represent municipalities in grievance, arbitration and unfair labor practice hearings.
- Conduct workplace investigations of sexual harassment, violence in the workplace, and ethics violations.
- Prosecute and act as hearing officer in employee disciplinary matters.

KP | LAW

- Advise Zoning Board of Appeals and Planning Boards on all aspects of variances, findings, nonconforming uses, the Subdivision Control Law, special permits, including preparation of decisions.
- Counsel licensing boards regarding standards and procedures for approving, denying or revoking various municipal licenses.
- Provide guidance relative to public procurement procedures and drafting contracts.
- Represent awarding authorities in bid protest hearings.
- Conduct sexual harassment training.

Prior Experience

Town of Braintree, Braintree, MA

Town Solicitor (2008-2014)

Appointed by Mayor to serve as first in-house counsel to Town transitioning to city form of government. Responsible for interpreting Town Charter, converting by-laws to ordinances, and advising Town Council on legislative procedures. Provided general advice to all Town departments on topics ranging from ordinance interpretation to procurement requirements and municipal finance issues. Drafted special legislation for Town to obtain additional liquor licenses and to design/build/operate a pool/rink facility. Acted as liaison between developers and various Town boards to navigate permitting processes and to achieve projects that balance needs of developer with best interests of community. Represented Town in all litigation, including land use issues pending with Superior Court and the Land Court, and labor issues before the Civil Service Commission, Department of Labor Relations, Board of Conciliation and Arbitration, and American Arbitration Association. Drafted all contracts to which the Town was a party.

Negotiated collective bargaining agreements with eleven unions and defended the Town in all grievance, arbitration or disciplinary hearings. Attended all meetings of and advised Zoning Board of Appeals and Board of Licensing Commissioners, prepared decisions of said boards, and defended said boards in appeals.

Kopelman and Paige, P.C., Boston, MA

Associate (2002-2003, 2004-2008)

Represented various municipalities and public entities in all aspects of municipal government, with emphasis on labor and land use issues

Massachusetts State Lottery, Braintree, MA

Executive Administrator (2003-2004)

Advised Executive Director with respect to personnel policies and issues, contract drafting and interpretation, procurement requirements, compliance with state law, budgeting, local aid, new developments in lottery business, and reports to General Court, Governor, and State Treasurer.

Representative Joseph C. Sullivan, Chairman of Transportation Committee, State House, Boston, MA

Legislative Aide/Research Assistant (2001-2002)

Researched, drafted and analyzed impacts of legislation. Served as liaison to address constituent concerns.



Town of Braintree, Braintree, MA

Paralegal (1994-2001)

Acting Executive Secretary (2000)

Recent Decisions

United States v. Clean Harbors: Represented Town and successfully intervened in environmental enforcement action to negotiate settlement that included procurement of platform ladder truck for Fire Department.

United States v. Town of Braintree: Defended Town in municipal wastewater enforcement action and negotiated settlement allowing for construction of rain garden at municipal golf course in lieu of penalty.

Erali v. Town of Orange: Federal Court defense verdict in case alleging female supervisor sexually harassed male subordinate.

Lambert v. Town of Montague: Franklin Superior Court defense verdict in wrongful termination case.

DeMco v. Braintree Building Inspector: Norfolk Superior Court granted motion to dismiss complaint seeking enforcement action.

In re: Wine Nation (Wine Nation v. Braintree Board of Licensing Commissioners): Alcoholic Beverages Control Commission upheld Town's denial of all-alcoholic liquor license under Ballarin factors.

Skrycki v. Braintree Board of Selectmen: Civil Service Commission upheld termination of police sergeant, in part based on lack of truthfulness.

Venuto v. Town of Braintree: Civil Service Commission upheld termination of police officer for violation of several department policies.

AFSCME v. Town of Braintree: Board of Conciliation and Arbitration affirmed termination of employee for violating Violence in the Workplace Policy.

AFSCME v. Town of Braintree: Board of Conciliation and Arbitration affirmed Town's by-pass of union employee to appoint non-union employee to vacant position.

Police Patrol Officers Association v. Town of Braintree: American Arbitration Association upheld discipline of police officer for pattern of sick leave abuse.

Bar & Court Admissions

- Massachusetts Bar
- U.S. District Court (Mass.)

KP | LAW

Memberships & Affiliations

- Massachusetts Bar Association Public Law Section Committee (2010-2013)

Education

New England School of Law

Juris Doctorate, *cum laude*, 2002

Full merit scholarship recipient

Smith College

Bachelor of Arts, 1990

DRAFT

TOWN OF WAYLAND, MASSACHUSETTS

AGREEMENT FOR TOWN COUNSEL SERVICES

THIS AGREEMENT made this ____ day of _____, 2016 by and between the Town of Wayland having a usual place of business at 41 Cochituate Road, Wayland, Massachusetts, 01778, hereinafter referred to as the "TOWN", and KP Law, P.C., having a usual place of business at 101 Arch Street, Boston, Massachusetts, hereinafter referred to as the "FIRM".

WITNESSETH:

Whereas, the TOWN issued a Request for Proposals for Town Counsel Services; and

WHEREAS, the FIRM submitted a response to such request offering to perform the requested legal services on behalf of the TOWN and additional information as requested by the TOWN; and

WHEREAS, the Board of Selectmen of the TOWN voted to appoint the FIRM as Town Counsel for a period beginning _____ and has decided to enter into an agreement with the FIRM to memorialize the terms and conditions governing the same.

NOW, THEREFORE, the TOWN and the FIRM agree as follows:

1. **CONTRACT DOCUMENTS.** The Contract Documents consist of this Agreement, the TOWN's Request for Proposals for Town Counsel Services (RFP), and the FIRM's September 24, 2016 Response to the RFP, as well as additional information provided to the TOWN on October 11, 2016, October 26, 2016, and October 31, 2016 at its request and in connection with the proposal, all of which are included herein by reference. The Contract Documents constitute the entire Agreement between the parties concerning the work, and all are as fully a part of this Agreement as if attached hereto.
2. **THE WORK.** The FIRM shall perform legal services for the TOWN as requested and needed and at the direction of the Town Administrator and Board of Selectmen.
3. **TERM OF CONTRACT.** This Agreement shall be in effect from _____ and shall expire on _____, unless terminated earlier pursuant to the terms hereof.
4. **COMPENSATION.**

Basic Town Counsel Services

The Firm will provide all basic and ordinary Town Counsel services to the TOWN for a yearly fixed fee of \$65,000, pro-rated, for fiscal year 2017; \$65,000 for fiscal year 2018; and \$70,000 for fiscal year 2019, which services shall be referred to as Basic Town Counsel Services, plus out of pocket expenses at cost.

The fixed annual fee for Basic Town Counsel Services covers typical town counsel services, including the following (so long as the service is not part of an excluded matter)*:

- consultation with town officials at Town hall during office hours or at our offices;
- up to three one-half days per month of office hours at Town hall;
- telephone conferences with Town officials;
- research and writing of opinion letters;
- review, interpretation, and drafting of Town bylaws;
- review and drafting of Town meeting warrant articles;
- review and drafting of Town meeting motions;
- attendance at all sessions of the annual Town meeting;
- review of contracts;
- drafting of contracts;
- review of subdivision documents, such as covenants (to the extent not paid for by the developer);
- review and drafting of planning board, board of appeals, or other town board or committee decisions;
- the first three hours of the review or drafting of routine legal instruments such as restrictive covenants, conservation restrictions, releases, and easements.

The list of services covered within Basic Town Counsel Services is not intended to be exhaustive, but merely illustrative of the Basic Town Counsel Services covered by the fixed annual fee. The fixed fee per fiscal year for Basic Town Counsel Services shall be billed in equal monthly increments, at a monthly rate of one-twelfth the yearly fixed fee. Basic Town Counsel Services would also include two free on-site seminars annually.

*Legal services described above, but paid for by third parties, including but not limited to permitting matters for which the applicant pays for legal services, street acceptances for which the developer pays for legal services, tax title matters where the property owner pays for the same, or insured claims for which fees are paid by the insurer, shall be excluded from the definition of Basic Town Counsel Services and shall be billed as Hourly Legal Services.

Hourly Legal Services

Matters outside of the retainer provided for Basic Town Counsel Services, to include litigation, real estate transactions, real estate drafting requiring more than three hours of work, Chapter 40B comprehensive permit matters including hearings, construction and building committee issues, and all adversarial matters, including those before an administrative agency are not included within the Basic Town Counsel Services, and matters for which costs for legal services are paid for by third parties, will be billed separately at the hourly rate set forth above, and are referred to herein as “Hourly Legal Services.”

Hourly Legal Services not within Basic Town Counsel Services include:

- work on litigation and adversarial matters, including appeals to administrative agencies such as the ABCC and the Appellate Tax Board;

- real estate transactions, i.e. acquisition or disposal by the town of a parcel of real estate, and any real estate-related legal services requiring more than three hours of work;
 - real estate drafting requiring more than three hours of work;
 - comprehensive permit matters, including hearings;
 - comprehensive general or zoning bylaw revision or review and charter adoption;
 - construction and building committee issues and litigation; and
 - labor and employment matters.
5. **INVOICES.** Invoices for services shall be provided in a form acceptable to the TOWN.
 6. **PAYMENT OF COMPENSATION.** The TOWN shall make payments within thirty (30) days after its receipt of invoices.
 7. **LIABILITY OF THE TOWN.** The TOWN's liability hereunder shall be to make all payments when they shall become due, and the TOWN shall be under no further obligation or liability. Nothing in this Agreement shall be construed to render the TOWN or any elected or appointed official or employee of the TOWN, or their successors in office, personally liable for any obligation under this Agreement.
 8. **INDEPENDENT CONTRACTOR.** FIRM work and services rendered pursuant to this Agreement, and shall not be considered an employee or agent of the TOWN for any purpose, or entitled any benefits.
 9. **ASSIGNMENT.** FIRM shall not assign, or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the TOWN.
 10. **CONFLICTS.** TOWN is aware that the FIRM represents other public entities. The FIRM will not undertake to represent any client in a matter that in which the TOWN has a direct and substantial interest without first seeking and obtaining the appropriate conflict waivers and consent from the TOWN and any other relevant parties, as required by and in accordance with the Rules of Professional Responsibility. If such a potential conflict is identified the FIRM will advise the TOWN immediately and if deemed necessary by the TOWN, an appropriate mechanism to address the potential conflict will be implemented.
 11. **TERMINATION FOR CONVENIENCE.** The TOWN may terminate this Agreement at any time at its will and pleasure by providing the FIRM written notice specifying therein the termination date. Upon receipt of said notice, the FIRM shall cease to incur additional expenses in connection with this Agreement. Upon such termination, the FIRM shall be entitled to compensation for all work completed prior to the termination date, and any work required or requested by the TOWN thereafter. The FIRM, at the request of the TOWN, shall stay on until a successor counsel is appointed.
 12. **SEVERABILITY.** If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent

jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby.

13. **GOVERNING LAW**. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts.

14. **ENTIRE AGREEMENT**. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

WAYLAND, by its
BOARD OF SELECTMEN

KOPELMAND AND PAIGE, PC

567887/KPL

River's Edge FAQ – Responses from River's Edge Advisory Committee (REAC) 11/3/16

Proposal Questions/Concerns

Rent

- How were the rents determined?
 - Both bidders have experience in local markets; each had a development proposal with specific rents based on their quality of buildout, level of service/amenities, and projected tenants
- Why are the rents inconsistent between the two proposals?
 - As we noted in our BOS presentation, the market will ultimately determine rents, based on demand, location and quality of product. That being said, intuitively, Wood Partners has more underground parking, which will carry a built-in premium. Wood also projected spending a higher amount on project costs, which would imply a higher level of quality, so higher rents are logical - but by no means guaranteed. The key point is that either proposal creates a substantial new revenue stream on a property that currently generates \$0, so while rents may differ, fundamentally both offer great benefit to the Town.
- Will the market drive the rents so that they are similar between the two proposals?
 - Not necessarily. Different developers will do different finishes, staffing, marketing, advertising, amenities. So they could easily be different price points based on how a developer builds and manages its property.
- The rents may be higher than what town meeting attendees anticipated when approving this project. How did that happen?
 - Rents have followed market rent growth in greater Boston over the past 2-3 years; there has been a significant escalation in the overall market since 2014. Note that both developers proposed larger units than originally estimated so the average absolute rent is higher based on more square feet as well as by market \$/sf rate. However, both developers said that they would have a range of units, such that smaller units would be less rent, and larger units more rent, so there will be a range of absolute rents to meet different residents' needs and budgets.
- How do we test the reasonableness of rents?
 - Compare to rents in the marketplace. Both estimated rents are consistent with rents in the marketplace; Wood is at the higher end and Baystone in the middle range in terms of \$/sf.
- What are the affordable rents?
 - Rents are driven by 80% of Area Median Income of the tenants - not by the market. One bedrooms regardless of size will rent at approximately \$1325 per month. Two bedrooms, approx. \$1500 per month.

Schools

- Will the rental apartments draw more school age children?
 - A tax revenue and expense study was completed by Connery Associates in 2013 (and a current update by a second firm is in process by the BOS). The 2013 study specifically documented the anticipated number of schoolchildren for the projected number of units, based on actual experience in other communities. With primarily 1 and 2 bedroom units, there were projected to be a low number of schoolchildren.
- Can we compare this project to similar ones in nearby communities for accuracy of the projections?
 - ◆ Comparative data with other communities is in the 2013 summary. Any comparison to other projects should note unit size and type; the Concord Mews had many three

bedroom and two bedroom loft units, which are more typical to families. Projects with primarily one and two bedroom units have few schoolchildren.

Proposals

- Why not accept the proposal with the higher upfront purchase price?
 - Selection was made based on quality of proposal as well as financial considerations. The strong preference based on quality of proposal was Wood Partners – and this is a strong factor since it is the front door of our Town and we all will be driving by it for decades to come, long after land revenues are gone.
 - Wood Partners' design offered higher rents on an operating basis, and therefore greater net income, which would lead to higher property tax payments to the Town, since tax revenues are based inherently on rents. So tax revenue benefits help offset (or potentially exceed) the purchase price differential.
 - Lastly, Wood Partner's net price to the Town was less than Baystone due solely to their environmental costs, which were significantly driven by the amount of soils projected to be leaving the site. Wood has agreed to revisit the site grading to be more consistent with the Design Guidelines, i.e. following the topography of the site, which would keep more soils on site. Further, both developers agreed to pass along savings to the Town. As a result, in the end, the bids may be closer in terms of pricing than they appear now, so the Town won't be "leaving value on the table."

- Will the selected developer work with the Planning Board to fully design the project to meet the desired aesthetic look? And if so, can the project reflect the more suburban nature of Wayland?
 - River's Edge zoning was specifically written for Site Plan Review, not Special Permit – and this is why it was important to see quality of proposals up front. Design guidelines were issued to guide developers to quality design. Selection was made by REAC (prior to seeing financials) to gauge which design better met the desired aesthetic look – and Wood Partners was the unanimous choice of all REAC members in this regard.

 - Both developers stated they are willing to work with the Town on the design, so neither design is written in stone. But as for "more suburban nature" this is subjective and the clear choice for Wayland by REAC was the Wood Partners proposal, which all members felt best met the suburban/semi-rural feel of Wayland.

- Does the developer Wood hold properties for the long term? This statement has been challenged.
 - Some developers build and hold for their own account. Wood Partners manages over 10,000 units; it was understood that they held these, similar to other large developers like Simpson Housing and Hanover -- however to clarify, Wood Partners has sold projects upon completion to housing REITS and funds that specialize in long-term holds, so this statement stands corrected that Wood does not build only for its own account.

Environmental [To be answered by Anderson & Krieger]

- What does an environmental indemnification give the town? [A&K]
- How do you control for environmental risk? [A&K]
- Why select the developer who did not offer indemnification?
 - As explained in the BOS recommendation, one developer offered indemnification, but it is likely an LLC based only on the property, so it's only as good as the value behind it. The other developer offered a release to the Town, although not indemnification, but they were treating the soils more conservatively, which also

serves to provide some protection to the Town. In sum, in REAC's opinion, while the Baystone proposal was slightly better in terms of providing protection to the Town, given the actual indemnification, the difference in the benefits of one position over the other was not enough to offset the other advantages offered by the Wood proposal.

- Are there other means available to get an environmental indemnification? [A&K]

>> Overall, REAC notes that the Town currently has an environmental problem at the River's Edge site. This project clears up the site with the cost being paid by the developer. If there were no River's Edge project, it is likely the Town would need to do so in the future, at a significant cost (estimated by the developers at \$1-3 million).

Overall

- What is the estimated tax revenue from the proposed project?
 - Upon completion, assuming \$17.33 mill rate:
 - Wood Partners \$940,706
 - Baystone Development \$769,896
- Does the estimated additional tax revenue offset the other municipal costs?
 - Municipal costs were estimated in 2013 for a 216-unit project to be \$229,500 (so intuitively a 188-unit project would be slightly less). This includes both public safety and school costs. So on net basis there is a significant gain for the Town with either proposal, ranging from approximately \$550,000 to \$710,000 per year net new revenues projected to the Town.
 - It should be noted that benefits to the Town are not just financial. River's Edge brings the Town's affordability levels up to 9%, nearly reaching our 10% threshold to be able to stop future 40B projects that could be detrimental to our community. It cleans up the site environmentally. It provides rental housing. It cleans up the western front door to our Town. So the significant financial benefits are complemented by a host of non-monetary benefits as well.
- Will the town update the fiscal impact study from March 2013?
 - The Town is currently anticipating completing an update to the 2013 Connery study with a third party
- How does the proposed project differ from what was presented at the 2014 Town Meeting?
 - The Wood project meets the zoning (2-4 stories) and unit count (150-190), and provides 25% senior housing and 25% affordable housing, therefore it does not differ from what was reviewed and approved at 2014 Town Meeting. No zoning change is expected to be needed.
- Does the River's Edge project require another town meeting vote?
 - No

Department of Public Works

[This is REAC's current understanding of these topics but should be confirmed with Board of Public Works and/or DPW]**

- Why does the DPW need a laydown area for its daily work? What is it used for?
 - To facilitate temporary dirt piles and materials storage for roadwork or other projects in process around Town.
- If they have to move from River's Edge, where will the laydown area be located?
 - A 3/4 acre area was identified two years ago behind the new DPW building for a new laydown area. Since an award for River's Edge is pending, DPW is pursuing final Con Comm approval for this area so it can be put into service.
- What size area is needed for a laydown area?
 - DPW has estimated two acres total. Between the 3/4 acre area, and areas near the salt shed at the DPW, a large portion of required space is accommodated. Future

space, if needed, could potentially occur at the transfer station or other town sites to get up to the estimated 2 total acres.

- Are there any additional annual costs associated with a new laydown area?
 - Geographically, the new vs old laydown areas are very close. The new laydown area is further from Rt 20, but closer to DPW equipment, so should provide similar utility. Additional costs may arise if a significant amount of road work (like this year) were completed all at once, and costs may be incurred from those projects for temporary staging, if other areas are not identified. It should be noted that permanent dirt storage should not be Town protocol going forward, as it only creates a removal headache and cost for another day (like River's Edge)
- When would the DPW need to move its operations from the River's Edge site?
 - DPW would need to move once the Land Disposition Agreement is signed with the Developer, as the Developer would then begin due diligence then and would require unencumbered access to the site, and no further changes to site conditions.
- For the proposed "triangle" laydown area, what is the approval process? And the estimated timeframe for approval and to meet any order of conditions?
 - DPW has advised 3-6 months. In this time frame, DPW anticipates that the old DPW lot could be used for interim use until this triangle is ready in the spring.
- Is there a need for an industrial zone which could also include a laydown area?
 - This is not related to River's Edge as no industrial materials are held at River's Edge
- Is the proposed road to the Transfer Station (estimated at \$2.3 million) related to River's Edge?
 - The Water Department suggested, after RFP bids were received, that a water loop be installed to connect River Road, the DPW, the Transfer Station, River's Edge and back to Town Center, thereby creating loop redundancy for all parties. At the time, the Water Department was not aware of the sensitivity of the outstanding work required on the transfer station access road. Since then, regardless of the access road, it has been determined that a better loop mechanism is to tie the Rt 20 line into Sudbury's line rather than route through a roadway that may or may not be there in the future. This connection to Sudbury for emergency purposes has been reviewed with Sudbury Water and conceptually agreed.
- What is a water loop and why does the BoPW require them?
 - A loop provides redundancy from another direction in the case of a water main failure, and to provide flowing water and no "dead-ends" that need to be monitored or serviced for water quality. It is recommended as good practice "when feasible".
- Some have mentioned other costs related to moving DPW operations from River's Edge. What are the cost estimates related to River's Edge for the following items?
 - Water loop
 - With the water connection now only to Sudbury along Rt 20, it would not trigger any landfill station access road work, and would be paid by the developer.
 - Construct new laydown area
 - Costs are estimated at \$200,000 to remove prior soils left over from the DPW and create bins/areas. Funds remain (\$250k) from the under-budget DPW facility to complete this work.
 - Annual increase in DPW operation budget
 - Ideally, this will be \$0. If additional spaces are consistently needed, these can be identified, with the goal that there is no permanent increase. NOTE the Town history of storing soils permanently should no longer be accommodated as good operating practice, so there may be increased costs there, but it avoids major restoration later, so overall this would be a wash to the Town.

School Bus Parking [Again, this is REAC's current understanding, but should be confirmed with School Committee]

- Why have the school buses been parked at the River's Edge site?
 - These were moved here upon construction of the new high school, and to remove them from a Zone 1 area. The septage facility was decommissioned, so this was a temporary location until another use was found for the site.
- The School Committee has heard from a landscape architect about parking the buses to the north of the Middle School driveway.
 - Is this a Zone 2 area? If so, what are the limitations?
 - If the buses are parked here, what is the potential impact on water quality, neighbors and potential abatement filings, bus traffic flow, and traffic?

RIVERS EDGE
TA MEMO

DATE: NOVEMBER 7, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: RIVERS EDGE

RECOMMENDED ACTION:

- 1. DISCUSS QUESTIONS ON THE RFP RESPONSES WITH RIVERS EDGE ADVISORY COMMITTEE AND DETERMINE NEXT STEPS IN THE BOARD'S DUE DILIGENCE.**
- 2. VOTE TO REQUEST THAT BOTH RESPONDENTS TO THE RIVERS EDGE RFP AGREE TO AN EXTENSION OF THE DATE FOR SELECTMEN'S NOTICE OF AWARD OF THE PROJECT TO NO LATER THAN FEBRUARY 1, 2017, SUCH EXTENSION TO BE EXECUTED BY THE BOARD AND RESPONDENTS IN A FORM AGREED TO BY THE PARTIES AND PREPARED BY SPECIAL COUNSEL TO THE TOWN.**

ACTIONS AT PRIOR MEETING:

- On October 17th, the Board of Selectmen received the recommendation of the Rivers Edge Advisory Committee to award the contract for development of River's Edge to Wood Partners.
- The Board took the recommendation under advisement. Board members were advised to review the developers' interviews with the Rivers Edge Advisory Committee and were provided links to the video and to both proposals.
- The Selectmen also agreed: 1) To employ Anderson Krieger through Phase I of the firm's proposal at a fixed fee of \$10,500 to execute a land development agreement and, 2) Update the existing economic impact analysis at a cost of \$5,500 by Fougere Planning in order to have up to date information about the projected economic impact of the project. Attached is correspondence from Anderson Krieger regarding the firm's engagement with the town on this project.

NEXT STEPS AND UPDATE ON OUTSTANDING MATTERS:

- 1. DISCUSS QUESTIONS ON THE DEVELOPERS' PROPOSALS WITH REPRESENTATIVES OF THE RIVERS EDGE ADVISORY COMMITTEE**
 - Attached is a list of questions about the project.

2. TIMETABLE FOR BOARD OF SELECTMEN TO ISSUE NOTICE OF AWARD

- BOARD DELIBERATION: Prior to the issuance of a Notice of Award, the Board will consider the developers' proposals and the Rivers Edge Advisory Committee recommendation and will have an opportunity to discuss and receive additional information on the proposal, including an updated economic analysis. The economic analysis is expected to take 6-8 weeks to complete. After funding for the economic analysis was identified, a notice to proceed was issued to Fougere Planning on Monday November 7, 2016.
- TIME FOR NOTICE OF AWARD: Special Counsel David Wiener advises that under the requirements of the Request for Proposal, the Selectmen should issue a Notice of Award by January 2, 2017 unless an extension is agreed to by both respondents to the proposal.
- TIME FOR EXECUTION OF LAND DEVELOPMENT AGREEMENT AND DEVELOPER'S DUE DILIGENCE: Notice of Award will be followed by a 30 day period to execute a land development agreement and 90 days for the developer's due diligence.
- DPW WILL MOVE LAYDOWN AREA TO 195 MAIN STREET TEMPORARILY UPON NOTICE OF AWARD: See below
- SCHOOL BUSES: School buses are likely to be allowed on the Rivers Edge site until the end of the School Year. Costs to develop a new parking area are unknown. Temporary and permanent locations for school buses are not yet determined. Depending upon whether the "triangle" DPW laydown area can be developed and permitted before next school year, there may be some room for school buses at the old DPW site.

3. PLAN TO MOVE DPW FUNCTIONS FROM RIVERS EDGE SITE TO ACCOMMODATE ENVIRONMENTAL TESTING BY DEVELOPER DURING DUE DILIGENCE PERIOD:

- BOPW requests that the Selectmen communicate with the Board when BOPW should begin to spend funds to implement its plan to develop a new laydown area. The plan is summarized as follows:
 - Ongoing: Re-organize salvageable materials and move to Transfer Station.
 - Ongoing: For current and future materials, materials will be hauled away rather than stockpiled.
 - Spring 2017: Use 195 Main St. as a temporary laydown area, continuing with current use of site. The Police Chief advises the use can be compatible with parent pick up of Middle School students.

- **Future: Using \$200,000 in remaining DPW project funds, permit and build the ¾ acre “triangle site” for a future laydown area. The interim DPW Superintendent does not believe the site provides a permanent solution given its small size.**

4. PLAN FOR WATER REDUNDANCY AND FIRE FLOWS:

- **The Wayland Water Superintendent and the Sudbury Water Superintendent have agreed to a preliminary, and mutually beneficial, plan for the developer’s water line to interconnect with Sudbury for fire flows and redundancy only. The developer will be responsible for designing and creating the interconnection. The costs for the interconnection are not yet known.**
- **This interconnection will mean Water department would not need to require a “water loop” and there will be no need to place pipes in the landfill access road. The road project, including wetlands mitigation remains a requirement of the Conservation Commission’s Order of Conditions and DEP’s superseding order related to the DPW facility building project. The road project will, however, no longer need to be done in conjunction with the River’s Edge Project.**

RIVERS EDGE
ANDERSON. KREIGER

ANDERSON KREIGER

DAVID L. WIENER
dwiener@andersonkreiger.com
T: 617-621-6570
F: 617-621-6670

November 1, 2016

BY EMAIL

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

Re: Rivers Edge

Dear Nan:

As per our discussion, and pursuant to Steve Anderson's email to you from October 19, 2016, this letter confirms that the Town of Wayland has retained Anderson & Kreiger LLP to represent the Town in connection with the negotiation and execution of the Land Disposition Agreement (LDA) and related documents with Wood Partners (or another successful bidder) concerning the sale of the Rivers Edge property.

We acknowledge that the Town has elected to proceed with "Phase 1" and "Phase 2" as described in the October 19 email, at the conditional fixed fee of \$10,500 (with respect to Phase 1) and \$18,000 (with respect to Phase 2), subject to the terms and conditions of the October 19 email. Note that, with respect to Phase 1, the preliminary matters we have discussed over the past week concerning the DPW and water line issues, among others, are outside the scope of the Phase 1 representation described in the October 19 email. Notwithstanding this, A&K will treat those hours as subject to the Phase 1 cap of 1.5x the estimate of 35 hours (rather than not subject to the cap at all), but the Town should be aware that it will likely hit the cap sooner than it might otherwise anticipate if we are asked to advise on other such matters not related to the negotiation and execution of the LDA.

Steve and I look forward to continue working with you and the Selectmen on this exciting project.

Very truly yours,



David L. Wiener

cc: Stephen D. Anderson (by email)

Balmer, Nan

From: Stephen D. Anderson <SAnderson@AndersonKreiger.com>
Sent: Wednesday, October 19, 2016 7:00 PM
To: Balmer, Nan
Cc: David Wiener
Subject: Rivers Edge

Hi Nan,

As you requested, Anderson & Kreiger is pleased to submit this proposal to continue our work for the Town of Wayland on the River's Edge project.

Scope of Work

We have divided the upcoming scope of work into three phases, as follows:

- Phase 1: Representing the Town on the negotiations and execution of the Land Disposition Agreement (LDA) and related documents with the successful bidder.
- Phase 2: Advising the Town on issues that arise after the execution of the LDA but before the closing of the sale of the Property. Given the various extension rights in the LDA, this period could be as long as three (3) years.
- Phase 3: Representing the Town on the closing of the sale of the Property to the successful bidder.

Price Proposal – Hourly Rates

Below is our Price Proposal for each phase of the work based on the same hourly rates we proposed in our initial response to the Town's RFP. The hours are necessarily an estimate only and subject to the normal caveats that they can increase or decrease based on the services required as the matter unfolds. With respect to Phase 1 in particular, the estimate of hours assumes that the negotiation of the LDA will be limited to the comments on the LDA submitted by the successful bidder with its proposal.

We are not proposing to raise our rates for the balance of 2016 or for 2017. Keeping in mind that these are the same rates that we quoted in 2015 when A&K first submitted its bid for the River's Edge project, we are essentially keeping our rates flat for a 3 year period. If, however, work for any of the Phases occurs in 2018 and thereafter (which we believe is likely, with respect to Phases 2 and 3), each quoted rate will increase by 5% annually effective 1/1/18.

We anticipate that most of the work will be handled by Stephanie Dubanowitz, an excellent senior real estate associate. We have, however, estimated some time for partner input where we believe the participation of a partner will be necessary and add value for the Town.

Phase	Services	Personnel	Rate	Hours	Total
Phase 1	Negotiation of final LDA with successful bidder	Partner	\$320	5-10	\$1,600 -
		Counsel/Associate	\$270	15-25	\$3,200
		Paralegal	\$150	0	\$4,050 -
					\$6,750
					\$0
Phase 2 (3 year period)**	Post-Execution Services, between LDA and Closing	Partner	\$320	10-20	\$3,200 -
		Counsel/Associate	\$270	20-30	\$6,400
		Paralegal	\$150	5-10	\$5,400 -
					\$8,100
					\$750 -
					\$1,500
Phase 3**	Closing	Partner	\$320	10	\$3,200
		Counsel/Associate	\$270	15	\$4,050
		Paralegal	\$150	15	\$2,250

Alternative Price Proposal – Conditional Fixed Fee

We recognize that the Town is interested in controlling legal bills, and therefore we are prepared to offer the Town an alternative, conditional fixed fee arrangement, in lieu of a standard hourly billing arrangement, as follows:

Phase	Conditional Fixed Fee	
Phase 1:	\$10,500	<ul style="list-style-type: none">• The Fixed Fee of \$10,500 is based on an estimate of 35 hours at a blended rate c• The Fixed Fee will cover up to 1.5x the estimate of 35 hours (i.e. up to 52.5 hours• If the total hours on Phase 1 exceed 1.5x the estimate of 35 hours i.e. 52.5 hours revert to hourly rate billing at the rates, including annual increases, described abo
Phase 2:	\$18,000	<ul style="list-style-type: none">• The Fixed Fee of \$18,000 is based on an estimate of 60 hours at a blended rate c• The Fixed Fee will cover up to 1.5x the estimate of 60 hours (i.e. up to 90 hours).• If the total hours on Phase 2 exceed 1.5x the estimate of 60 hours (i.e. 90 hours), above.
Phase 3:	\$12,000	<ul style="list-style-type: none">• The Fixed Fee of \$12,000 is based on an estimate of 40 hours at a blended rate c• The Fixed Fee will cover up to 1.5x the estimate of 40 hours (i.e. up to 60 hours).• If the total hours on Phase 3 exceed 1.5x the estimate of 40 hours (i.e., 60 hours)

The Conditional Fixed Fee for a particular Phase would be due and payable prior to the commencement of the work on that Phase.

Expenses

Under either billing arrangement, the Town will responsible for all reasonable expenses incurred by A&K in connection with the project.

Conclusion

A&K would very much like to continue our work for, and relationship with, the Town on this important project.

Please call David or me if you have any questions.

Steve



Stephen D. Anderson
T. 617.621.6510 | F. 617.621.6610 | M. 617-510-1159
[Anderson & Kreiger LLP](#) | 50 Milk Street, 21st Floor, Boston, MA 02109

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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

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

Board of Selectmen

Meeting Minutes

October 17, 2016

Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Civil Service with Respect to the Police Union At 6:46 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 civil service with respect to the Police Union. 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. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, and Human Resources Assistant Katelyn O'Brien. The Board will reconvene in open session in approximately fifteen minutes.

The Board returned to open session at 7:04 p.m.

A2. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:04 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

L. Anderson announced that the Wayland Police Department will participate in the Prescription Drug Takeback Day. M. Antes stated that the COA is having a prepare fair Wednesday. M. Antes also mentioned that the new Habitat House will be dedicated soon.

A3. Public Comment Housing Authority Executive Director B. Boggia delivered the Housing Authority's PILOT payment to the Board.

J. Nolan entered the meeting.

A4. Review New Position Requests with Assistant Town Administrator J. Senchyshyn stated that he received requests for 8 new positions. The Fire Department requested four new fire fighters. Police Chief R. Irving requested one new police officer. Conservation has requested a part-time assistant administrator. The Health Dept has requested a part-time senior clerk for 17 hours. Recreation has requested a recreation assistant for 19 hours. The requests total \$568,549. J. Senchyshyn stated he received 2 requests to modify positions. Conservation wants their department assistant position to go from part-time to full time for 35 hours. The health department would like the position of senior clerk to be increased from 15 to 18 hours per week. The modified positions would cost \$11,727, putting the total at \$580,276. J. Senchyshyn said he is hoping this will be a Personnel Board item in late November or early December.

A5. Special Town Meeting Articles: Discussion and Potential Vote on Any Articles Including:

Article 8: Appropriate Funds to Purchase 107 Old Sudbury Road for Water Resource Protection N. Balmer told the Board that the appraisal was completed and received. She said that going forward the water rates will have to be re-evaluated to determine what we can afford.

Article 9: Appropriate Funds to Purchase 8 Glezen Lane for Water Resource Protection

N. Balmer stated that the appraisal is due next week, and the RFP is due Oct. 21st. The Board decided to wait on making a decision due to not having the appraisal yet.

The Board suggested putting articles 8 and 9 on the agenda for Oct. 24.

Article 10: Assisted/Independent Living Nursing Home Zoning Bylaw J. Nolan asked if some small assisted living situations would be affected. S. Sarkisian said some would be grandfathered in but it's mostly aimed at large scale businesses that want to go into residential areas. J. Nolan moved, seconded by L. Anderson to support the Assisted/Independent Living Nursing home Bylaw article for Special Town Meeting. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Article 11: Home Occupation Zoning Bylaw S. Sarkisian stated that there have been a lot of questions from the public about this article. The Planning Board is going back to 10 trips per day for benchmark. S. Sarkisian said that the way the law is written now, if someone comes to your home, for example a music teacher, it requires a special permit. S. Sarkisian stated that he will go to the Planning Board and see if they want to strike that out or pass over the article all together. The Board decided to wait to take a position on Article 11 (Home Occupation Zoning Bylaw).

C. Karlson stated that the Moderator's hearing is on Nov. 1. Next week the Board will sign the warrant and it should be in residents' mailboxes around the 1st of the month. N. Balmer said the last day to register to vote for the STM is Nov. 4.

A6. Update on Rail Trail with Town Planner

L. Kiernan and S. Sarkisian updated the Board on the Rail Trail. S. Sarkisian said there are funds available through an MAPC grant program and he would like to apply. S. Sarkisian said the Rail Trail project came out to be \$75,000 above expected cost due to various circumstances. He said the groundbreaking ceremony will be announced soon. Eversource has submitted their permitting and application to Conservation. Eversource's funds are already in place; they are waiting for permit. They are still waiting for Eversource's budget for the other section of trail, as it will require more permitting. J. Nolan said that they should contact the Historical Committee to see how they want to recognize historical marks on the trail.

A7. Meet with Representatives of River's Edge Advisory Committee to Receive Recommendation on Selection of Project Developer

6 members of the River's Edge Advisory Committee joined the meeting. J. Heller and E. Stanizzi discussed the process of how the committee evaluated the 2 bids. J. Heller stated that the committee preferred the Wood Partners proposal and it was a unanimous decision. J. Heller said it was sited better and had a better identity to the street and they were savvy in following the zoning guidelines. E. Stanizzi passed out a packet of paper containing recommendations and visuals of the bids. E. Stanizzi stated that it came down to what's the best fit for Wayland and a better value for the town in aesthetics and identity. J. Heller also discussed the process once the Board awards the project. J. Nolan thanked the members of the Committee for their work.

The Board asked about the soil issue and rent issue. E. Stanizzi said that both of the bid proposals for rent reflected the market. C. Karlson asked about the difference between the affordable apartments in the two bids. E. Stanizzi said they were similar since rent is tied to incomes. They both have 188 affordable units. E. Stanizzi stated that Wood Partners doesn't have any 3 bedroom units and they would ask them to have at least one. The Board stated that the proposals are online and the town will post the committee's recommendation. J. Nolan asked if there could be more information that shows comparisons of the soil removal costs.

A8. Discuss Town Administrator Evaluation C. Karlson stated that the cumulative draft was distributed last week with no discussion and she wanted to get feedback from the Board members this week. J. Nolan said the draft was well done and it will help both N. Balmer and the Board to think about future priorities. C. Karlson noted that it is not a 360 degree evaluation since it's just the Board's perspective and doesn't include staff opinions. C. Karlson said next week the Board will look at a final document, then have a time for N. Balmer to discuss it in the future. C. Karlson told the Board members to go through and pick a few areas of the evaluation that they would like to talk about for the next meeting.

A9. Review and Approve Minutes of September 26, 2016 L. Anderson moved, seconded by M. Antes, to approve the revised minutes of September 26, 2016. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Review and Vote to Approve and Release Executive Session Minutes of November 16, 2015, and May 16, 2016; and Review and Vote to Approve and Release with Redactions the Executive Session Minutes of February 3, 2015, May 18, 2015, February 22, 2016, April 11, 2016, May 2, 2016, June 6, 2016, June 13, 2016, June 27, 2016, July 13, 2016, July 25, 2016, September 6, 2016, and September 19, 2016 J. Nolan moved, seconded by M. Antes, to approve and release the executive session minutes of November 16, 2015, and May 16, 2016. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by L. Anderson, to approve and release with redactions the executive session minutes of February 3, 2015, May 18, 2015, February 22, 2016, April 11, 2016, May 2, 2016, June 6, 2016, June 13, 2016, June 27, 2016, July 13, 2016, July 25, 2016, September 6, 2016, and September 19, 2016. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson 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.

A12. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. J. Nolan stated he hopes there will be a meeting with Twenty Wayland soon. He said that this needs to be a priority for the town. J. Nolan stated that the 365 Partnership has done a lot of groundwork for the town on applying for grants and has come to our aid in that regard. He said he appreciates the town's support for that organization. M. Antes noted that she will be attending the upcoming MAPC meeting.

A13. Report of the Town Administrator N. Balmer discussed the River's Edge information in her report. She sent a letter to Superintendent P. Stein and Chair of the Board of Public Works C. Brown requesting their plans by Oct. 24. She is asking both bodies to fully communicate their plans. N. Balmer said that Anderson & Kreiger's proposal should be in soon. She said if the Board evaluates the proposals and decides that they need a planning consultant, she knows of two potential firms available and can get proposals from them if needed. J. Nolan stated that details for zoning have to be considered when moving the buses and also

long term solutions like capping the old landfill to use in the future with the new revenue. N. Balmer stated that B. Keveny's OPEB memo explains where we are; the evaluation is coming up in January. There are new requirements this year and the town's health insurance changes will cause a slight delay. The state approved the Affordable Housing Plan. The Legal RFP interviews are under way. C. Karlson stated that the current Town Counsel M. Lanza did not submit a proposal. N. Balmer stated that there will be changes in the future with the Recreation revolving funds but it won't be until after the budget process. She said The Collins Center came to the conclusion that the Town may want to strengthen the role of the finance director and town administrator. N. Balmer stated she would like to apply for community compact grants to look at the town's finance structure. N. Balmer stated that the town has a very qualified applicant for the DPW Director position. They are close to making an offer for the clerical position in Conservation and the Conservation Administrator final interviews are next week.

A14. Selectmen's Reports and Concerns J. Nolan discussed the possibility of looking into the town's flat government structure to see if that is the most efficient. He suggested that the Board start to consider that conversation. L. Anderson stated she attended the MMA Legislative breakfast. M. Antes suggested that Camp Chickami talk with Executive Assistant M. DiNapoli about licensing. C. Karlson said the Library, Recreation and Schools are all working hard to come up with a plan for the division of the Middle School land. N. Balmer asked the Board for suggestions and edits about the volunteer packet she distributed in August. M. Antes suggested a waste water study for Route 20.

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

A16. Adjourn There being no further business before the Board, M. Antes moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 9:35 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 17, 2016

1. Email of 10/13/16 from Mass Teachers Organization to Board of Selectmen, re: Resolution Against Lifting the Cap on Commonwealth Charter Schools

Items Included as Part of Agenda Packet for Discussion During the October 17, 2016 Board of Selectmen's Meeting

1. Memorandum of 10/18/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: FY18 Personnel Requests
2. Draft Warrant November 2016 Special Town Meeting
3. Memorandum of 10/14/16 from Sarkis Sarkisian, Town Planner, to Board of Selectmen, re: Rail Trail Second Update and Grant Opportunity
4. Draft Minutes of September 26, 2016
5. Executive Session Minutes of November 16, 2015, May 16, 2016, February 3, 2015, May 18, 2015, February 22, 2016, April 11, 2016, May 2, 2016, June 6, 2016, June 13, 2016, June 27, 2016, July 13, 2016, July 25, 2016, September 6, 2016, and September 19, 2016
6. Report of the Town Administrator, October 14, 2016

TOWN ADMINISTRATOR'S REPORT

WEEK ENDING NOVEMBER 5, 2016

STM ARTICLES

ARTICLE 8: PURCHASE OF 8 GLEZEN LANE FOR WATER PROTECTION

An appraisal for \$1,050,000 was received. Based on assessed valuations, the town can only pay \$886,500. The Board of Public Works will take this new information, as well as the owner's application to improve the septic system, under advisement and reconsider its position on this article.

ARTICLE 11: HOME OCCUPATION

The Planning Board did not vote to recommend amendment to remove the language regarding trips per day. The Planning Board position is that an objective correlation/benchmark on the number of vehicle trips per dwelling unit is required.

HABITAT FOR HUMANITY: EASEMENTS

Staff met with Town Counsel and confirmed that the acquisition of any easements for town access, maintenance and repair to be acquired by the Water Department to the property off of Stone Bridge Road must wait until Annual Town Meeting. If such easements are acquired, snow plowing might be provided by the town in some future year for the Water Department to maintain the access to its property.

HOLIDAY LIGHTS:

Lights are scheduled for installation November 23rd and will be turned on in time for the Historic District Open House December 4th.

FINANCE COMMITTEE: NOTIFICATION OF PROJECTED INCREASED EXPENSES IN FY 17

Attached.

FINANCE COMMITTEE: RECOMMENDATION OF FINANCIAL ADVISOR ON FINANCIAL POLICY

Attached.

RT 27 / 30 CONSTRUCTION

Tom Lally our DOT contact reports the project is planned for completion in November of next year. The present situation of having motoring and pedestrian public on sub-base is a work in progress and is the worst the public will experience. It all should get winterized within the next 3 weeks after which everyone should be driving and walking on solid paved surfaces, and the worst of the whole project should be over with.

RAIL TRAIL / LIBRARY DRAINAGE PROJECT

Please see attached report from John Moynihan, Project Manager, with regard to the timetable for this project and expected parking disruptions over the next few weeks.

FINANCE COMMITTEE
FY 17: INCREASED COST

DATE: NOVEMBER 7, 2016
TO: FINANCE COMMITTEE
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: NOTIFICATION OF ANTICIPATED INCREASED COSTS

The following summarizes town personnel and expense costs expected to exceed budget in FY 17. Expenses will be monitored going forward and the Finance Director will advise the Finance Committee before Town Meeting of projected end-of-year total expenses.

I. 10511001 / 51126 BOARD OF HEALTH: Personnel / Substitute School Nurses:

FY 16 ACTUAL:	\$29,309
FY 17 BUDGET:	28,924
PROJECTED ADDITIONAL FY 17 COSTS:	<u>\$10,837</u>

Please see attached memo from the Director of Health explaining the need for additional nursing support, particularly at Claypit Hill School.

II. 10151002 / 52108 LEGAL EXPENSES

FY 16 ACTUAL COST:	\$160,374*
FY 17 BUDGET:	175,000
PROJECTED FY 17 MAXIMUM COST:	<u>\$221,038</u>

Additional costs are projected for 3 purposes:

1. 5 Concord Road: Library Title Research \$10,000
2. Rivers Edge: Land Development Agreement and Post LDA Execution Advice 19,500*
3. Potential New Town Counsel: Transition Costs 16,500

ESTIMATED TOTAL:	<u>\$46,000</u>
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*Until 10/31/16, Rivers Edge legal and other costs were accounted for and paid separately from a \$360,000 appropriation (\$270,000 general fund and \$90,000 CPA). \$4,105.75 in remaining CPA funds and will be applied to the costs of an updated Economic Impact Analysis for the Rivers Edge project.

Balmer, Nan

Subject: FW: Request for revision to our FY18 budget-Substitute nursing salary line item
Attachments: Report of school health room visits .pdf

From: Junghanns, Julia
Sent: Tuesday, November 01, 2016 3:36 PM
To: mwegerbauer@yahoo.com; Tom Klem; Elisabeth Brewer; 'Brewer, Elisabeth N.,M.D.'; jgschuler@yahoo.com; Brian McNamara (bmcnamara55@gmail.com) (bmcnamara55@gmail.com)
Cc: Mori, Ruth; White, Patti
Subject: Information for BoH meeting Wednesday-Subnursing line item request for FY18 increase

Board members,

After the beginning of year school push, it was brought to our attention by the Community Health Nurse, Noreen D'Amico, that the Claypit Hill school nursing office is in need of additional nursing assistance. PHN/Nurse Leader Ruth Mori and I met with Noreen to discuss the situation. At this time there are students with more complicated needs that require more of the nurse's time than other students. The busiest time where help is needed is during lunch hour when there are students that need extra attention (medications administered) and time from the nurse while other students still need attending to. Lunch hour, in general, is a busy time in the nursing office. This window of time is approximately 2 hours during the lunch time (between 11:30am and 1:30pm). Next year there is an expectation that the need will increase to approximately 4 hours per day and we want to ensure that we have adequate support for the Community Health Nurse at this school. We have advised Noreen to continue utilizing the subnursing assistance during lunch time for now and that we would do some research and review school data, and put together a long term plan for the rest of the school year and for next year.

After meeting with the Director of Student Services, School Superintendent, Personnel Director/Assistant Town Administrator, and gathering data from all schools and reviewing and comparing the data. We conclude and propose the following:

Upon doing some research we learned that the Claypit Hill School has added an Assistant Principal and a Special Education teacher this year. We are aware that Claypit Hill School has 2 additional programs that support students with more intensive educational needs that affects the health room as interventions are needed. Upon referencing the handout document, it is evident that Claypit Hill School not only has more total visits to the nursing office but has more Admin visits where medications and action is needed than any of the other schools. We recognize from this data that the Admin visits have gone up and there is a need for additional nursing support at the Claypit Hill School. At this time we feel that substitute nursing assistance will cover the need, and is less costly than utilizing a contracted service. After discussing this situation with all parties involved we propose to provide subnursing coverage during a window of time during lunch hour through the end of this school year (approx. 2 hours per day) and then a proposed 4 hour window of coverage for FY18. We want to ensure that we are not going to exhaust our subnursing salary line item as we need this support for different situations throughout the year for all the schools. Please be assured that we are very careful with utilizing this support prudently through the year yet we can never predict what will happen in the future where school nurse staff could be out on medical leave, out sick, or unexpected staff turnover/retirement.

FY18 Substitute Nursing Salary line item:

We propose an increase of: \$24,017.80 (detail: 29.29 per hour(4 hrs per day)=117.16 (5 days per week)=585.80 (41 weeks)=\$24,017.80.

Current FY18 budget request is \$28,924.00, adding in the \$24,017.80 the new total for this line item will be \$52,941.80 for FY18.

FY17 Substitute Nursing Salary line item expected shortfall:

We predict that we will be short in this line item for FY17 by \$10,837.30. Estimate beginning w/e 9/30 to 6/30 for a total of 37 weeks. 29.29 per hour(2 hrs per day)=58.58 (5 days per week)=292.90 (37 weeks)=\$10,837.00

Thank you,
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

* No staff visits on this report, student only.

Report of School Health Room Visits

Medications and action (doing things)
"Treatments"

<u>Year</u>	<u>TOTAL VISITS</u>	<u>ADMIN VISITS</u> (Subset of prior column)
<u>CLAYPT</u>	Illness, injury and "other", old injury (not something that happened onsite or not clear injury or illness)	
12-13	5020	833
13-14	3943	797
14-15	3811	1291
15-16	4239	1988

HAPPY HOLLOW

12-13	3764	363
13-14	3646	276
14-15	3349	412
15-16	3144	459

LOKER

12-13	1674	50
13-14	1507	146
14-15	2860	366
15-16	3405	790

WMS

12-13	2632	1081
13-14	3464	1276
14-15	3742	1926
15-16	3108	912

WHS

12-13	3297	1576
13-14	3201	1963
14-15	3217	1882
15-16	3096	1651

Balmer, Nan

Subject: FW: Your upcoming rating review

From: Clark Rowell [<mailto:clark.rowell@unibank.com>]

Sent: Monday, October 31, 2016 4:12 PM

To: Pierce, Zoe; Keveny, Brian

Cc: Kimberly Mooers; Kristy Genga

Subject: Your upcoming rating review

Zoe and Brian –

Thank you for the preview of your FY16 draft audit, and as I have expressed to both of you, I am very concerned about the likelihood of a downgrade in advance of your next bond issue.

In the Statement of Revenues, Expenditures and Changes in Fund Balance, the draft audit shows a \$2,432,979 reduction to the General Fund balance. This is a substantial reduction, and notwithstanding the good results in FY15, this shows reductions in General Fund balance in four out of the past five years, from \$22,949,006 as of June 30, 2011, to \$13,644,810.

In addition, the measure of reserves that Moody's has cited (the unassigned, assigned and committed fund balances) has decreased from \$21,443,629 or 30.01 percent of operating revenues, both figures as of June 30, 2011, to \$12,652,789 or 18.69 percent of operating revenues, both figures as of the June 30, 2016, draft audit.

In addition, noting that Moody's cited their concern for a material increase in the debt burden, we will be going into the next rating review with an issue of approximately \$15 million, to likely be followed by a subsequent issue of \$21 million for the library and COA facility – I think they will consider these as material increases to your debt burden.

Without a spirited defense of the rating, I think you should expect, or at least not be surprised by, a downgrade in February. Looking back at the last four rating reports, Moody's continually cites their concern for continued reductions in fund balance, and I think they explicitly drew the "line in the sand" with the criterion of general fund balance falling below 20 percent of operating revenues. Yes, for your last rating review, you did state that your use of Free Cash would be \$1,500,000 for the next few years. However, with this reduction in fund balance, I think your use of Free Cash has to be reduced well below the \$1,500,000 figure, perhaps to zero.

I do not want the two of you nor Nan blindsided by a downgrade – nor do I want to preclude you from having the opportunity to prepare the defense of the rating. As I suggested before, I think we need a three to five year revenue and expenditure projection to show the restoration of the fund balance and the return to a structurally balanced budget in five years – and then we need the Finance Committee to endorse it and vigorously stand by it in front of Town Meeting.

I hope this makes sense. Please let me know if you have any questions or comments.

Thanks.

Clark

Balmer, Nan

From: Moynihan, John
Sent: Thursday, November 03, 2016 5:23 PM
To: dmastroianni@wayland.ma.us; Suzanne Woodruff; Hamilton, Linda
Cc: johnmoynihan3@gmail.com; Janet S. Moonan; Eric Gerade; Sarkisian, Sarkis; Lindeman, Michael; Meehan, Maggie; Balmer, Nan; RRConard@earthlink.net; Elisa Scola
Subject: Library Drainage/Rail Trail Project schedules
Attachments: Library Drainage Rail Trail Schedule.pdf

Good afternoon all, I am writing to inform you that work will begin on Monday November 7th with the contractor mobilizing and moving equipment and materials to the site.

Work will begin in earnest on the Drainage starting on Wednesday and the trail on Tuesday November 8th. The overall schedule calls for most of the work to be completed by Thanksgiving for the drainage and December 15th for most of the Rail Trail with some work on the road crossings further down the line continuing into January. Final Loam and seed will be done in the spring since we all know not much grows during a New England winter.

In order to get this done some temporary measures are being taken to both move the project along and keep both the Library and Gift shop open.

Beginning Monday, November 7th the upper level parking lot at the Library will be closed until work is started in the lower lot the parking will be available in the upper lot. At the Depot the Lot will be Closed beginning Monday, November 7th and remain closed until around December 1st.

I know this is going to put constraints on both locations, but in order to get this done as quickly as possible we have to take this step. The Planning Department will be notifying the abutters and the folks that work in the neighboring buildings and park at the Depot via a flyer tomorrow. The DPW will be posting signage and blocking access to the lots on Monday morning.

I have attached the tentative schedule so you can see what will be going on day by day.

This schedule like all others is dependent on good weather and minimal unforeseen conditions.

If you would like to discuss this further I will be available by phone (978-877-7159) tomorrow and email. I will also be on site both Monday and Tuesday if you would like to meet.

Hoping all goes according to plan and the weather is on our side.

I will keep everyone updated if anything changes.

Thanking you in advance for your cooperation and understanding

John Moynihan
Town of Wayland
Special Project Manager



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN
Monday, November 7, 2016
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of September 27, 2016, for Special Town Counsel Anderson & Kreiger LLP for Legal Services Rendered through August 31, 2016, Reference #118507/5415-001: \$1,663.00
3. Vote the Question of Approving the Invoice of October 20, 2016, for Special Town Counsel Anderson & Kreiger LLP for Legal Services Rendered through September 30, 2016, Reference #118762/5415-001: \$1,152.00
4. Vote the Question of Approving the Invoice of October 24, 2016, for Special Town Counsel KP Law, PC, for Legal Services Rendered through September 30, 2016, Statement No. 109803: \$396.00
5. Vote the Question of Approving the Adoption of Amendment No. 7 to the Memorandum of Understanding between Raytheon Company and Town of Wayland to Increase by \$3,000 for a Revised Total of \$105,240 for Independent Environmental Consulting Services
6. Vote the Question of Approving the Appointment of Aida Gennis to the Permanent Municipal Building Committee as the Representative of the Board of Library Trustees for a Term to Expire Upon the Completion of the Library Building Project
7. Vote the Question of Approving the Placement of Two Sandwich Board Signs for the Wayland High School Scholarship at Route 20 at the Weston Town Line and the Cochituate Fire Station at the Corner of East Plain Street, from November 14-21, 2016
8. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for the Wayland Children and Parents Association, Stacey Peasley Concert, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street, from November 8-11, 2016
9. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for the Wayland Children and Parents Association, Dad's Drop In Play, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street, from November 20-26, 2016

ANDERSON KREIGER

Anderson & Kreiger LLP
One Canal Park
Suite 200
Cambridge, MA 02141

EIN: 04-2988950

September 27, 2016

Town of Wayland
Attn: John Moynihan
Public Buildings Director
2nd Floor, Facilities Department
41 Cochituate Road, Wayland, MA 01778

Reference # 118507 / 5415-001

In Reference To: River's Edge Special Counsel

Professional Services			Hours	Amount
8/23/2016	MSM	Draft Audit letter.	0.10	31.00
8/29/2016	SDA	Conference with DLW re 2 responses to RFP	0.20	64.00
8/29/2016	DLW	Telephone conference with R. Stanizzi and J. Heller re: responses to bids. Conference with SDA re: the same.	0.50	160.00
8/30/2016	SDA	Review Procurement Manual. Email to DLW re same. Conference with DLW re same.	0.80	256.00
8/30/2016	DLW	Conference with SDA re: Q&A with bidders.	0.30	96.00
8/31/2016	SDA	Conference with DLW re questions for bidders.	0.40	128.00
8/31/2016	DLW	Prepare for call and call with R. Stanizzi and J. Heller. Review bidder documents Conference with SDA re: the same. Detailed email to client.	2.90	928.00
			Sub-total:	1,663.00
			Sub-total Fees:	1,663.00

Attorney/Paralegal Summary

Name	Hours	Rate	Amount
Stephen D. Anderson	1.40	320.00	448.00
Mina S. Makarious	0.10	310.00	31.00
David Wiener	3.70	320.00	1,184.00

Payments

6/16/2016	Payment	CK#415794	5,510.00
Sub-total Payments:			<u>5,510.00</u>

Total Current Billing:	<u>1,663.00</u>
Previous Balance Due:	0.00
Total Now Due:	<u>1,663.00</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

ANDERSON KREIGER

Anderson & Kreiger LLP
50 Milk Street, 21st Floor
Boston, MA 02109
(617) 621-6500

October 20, 2016

Town of Wayland
Attn: John Moynihan
Public Buildings Director
2nd Floor, Facilities Department
41 Cochituate Road, Wayland, MA 01778

Reference # 118762 / 5415-001

In Reference To: River's Edge Special Counsel

Professional Services			<u>Hours</u>	<u>Amount</u>
9/1/2016	SDA	Review and revise Wayland Audit Letter. Emails from and to MSM re same.	0.10	32.00
9/2/2016	SDA	Emails from and to DLW re questions to bidders (x2).	0.40	128.00
9/2/2016	DLW	Emails with SDA re: RFP Q&A. Review RFP re: the same.	0.30	96.00
9/5/2016	DLW	Emails with R. Stanizzi and J. Heller re: questions to bidders.	0.20	64.00
9/20/2016	SDA	Telephone conference with DLW re REAC questions.	0.50	160.00
9/20/2016	DLW	Telephone conference with SDA re: REAC questions. Emails with client re: the same.	0.60	192.00
9/21/2016	DLW	Prepare for REAC meeting. Emails with R. Stanizzi and J. Heller. Conference call with REAC re: RFP bids.	1.50	480.00
			Sub-total:	<u>1,152.00</u>
			Sub-total Fees:	<u>1,152.00</u>

Attorney/Paralegal Summary

Name	Hours	Rate	Amount
Stephen D. Anderson	1.00	320.00	320.00
David Wiener	2.60	320.00	832.00

Total Current Billing:	<u>1,152.00</u>
Previous Balance Due:	1,663.00
Total Now Due:	<u>2,815.00</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

KP LAW, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

STATEMENT NO. 109803

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH SEPTEMBER 30, 2016
OCTOBER 24, 2016

TOTAL FEES:	306.00
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>306.00</u>

RECEIVED

OCT 27 2016

Board of Selectmen
Town of Wayland

KP LAW, P.C.

101 ARCH STREET
 BOSTON, MA 02110
 (617) 556-0007

STATEMENT NO. 109803

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

OCTOBER 24, 2016

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH September 30, 2016

GENERAL LEGAL SERVICES

ZONING - REVIEW E-MAIL FROM TOWN PLANNER RE: PLANNING BOARD REPORT; TELEPHONE CONFERENCE WITH TOWN PLANNER RE: PLANNING BOARD REPORT AND FINANCE COMMITTEE MEETING; REVIEW PROPOSED WARRANT ARTICLES AND CURRENT ZONING BY-LAW AND PREPARE RED-LINED CHANGES TO PLANNING BOARD REPORT AND SEND TO TOWN PLANNER.

ZONING - TELEPHONE CONFERENCE WITH TOWN PLANNER RE: PROPOSED CHANGES TO TOWN MEETING ARTICLES FOR ZONING BY-LAW AMENDMENTS.

ZONING - REVIEW EDITS TO PROPOSED ZONING BY-LAW AMENDMENTS MADE FOLLOWING PLANNING BOARD PUBLIC HEARING; TELEPHONE CONFERENCE WITH TOWN PLANNER RE: CHANGES; PREPARE AND SEND E-MAIL TO TOWN PLANNER RE: WARRANT ARTICLES.

SUBTOTAL:	1.70	306.00
TOTAL:	1.70	306.00

ACCUMULATED DISBURSEMENTS AT COST; REPRODUCTION OF DOCUMENTS, EXPRESS MAIL, SPECIAL POSTAGE, TOLL CALLS AND ON-LINE RESEARCH.

TOTAL COSTS:		0.00
TOTAL DUE:	\$	306.00

DATE: NOVEMBER 7, 2016
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST
RE: AMENDMENT NO. 7 TO MOU BETWEEN RAYTHEON COMPANY AND TOWN OF WAYLAND FOR INDEPENDENT ENVIRONMENTAL CONSULTING SERVICES

BOARD ACTION REQUESTED:

To adopt Amendment No. 7 to MOU between Raytheon Company and Town of Wayland to increase by \$3,000 for a revised total of \$105,240 for independent environmental consulting services.

BACKGROUND:

MOU between Raytheon Company and Town of Wayland dated April 3, 2002 provides reimbursements by Raytheon to the Town of Wayland, related to environmental activities at the site known as 400 Boston Post Road, Wayland, MA. Amendment No. 6 was adopted in November 2009 to increase the amount of money that Raytheon shall reimburse Wayland for independent environmental consulting services by \$10,000 to a total of \$102,240. LSP Services provided by CMG Environmental, Inc. from July 1, 2009 through December 28, 2015 totaling \$10,047.50, depleted the account.

NEXT STEPS

- The Raytheon team is preparing to file an RAO and Activities and Use Limitation for the so-called Hamlen parcel abutting the Sudbury River. The November 17, 2016 PIP presentation will focus on the partial Permanent Solution as Raytheon prepares to donate the land to U.S. Fish and Wildlife. This step triggers review of draft documents by the PIP, including a public comment period. Going forward, LSP Services are estimated at \$1,000 per year, given the current groundwater monitoring status.
- Recommend adopting Amendment No. 7 to increase account by \$3,000 for a revised total of \$105,240 for environmental consulting services.

Attachments:

Paid CMG Environmental, Inc. Invoices for Amendment No. 6: 3420, 3928, 4306, 5147

**AMENDMENT NO. 7
TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
RAYTHEON COMPANY
AND
TOWN OF WAYLAND**

Reference is made to that certain Memorandum of Understanding between Raytheon and the Town of Wayland dated April 3, 2002, as amended by Amendments 1 through 6 (collectively, the "MoU") related to environmental activities at the site known as 400 Boston Post Road, Wayland, MA (the "Site"). The MoU is hereby amended and modified as follows:

1. By striking from paragraphs 1(a), 1(b), 2(b), 2(d) and 2(e), the sum "\$92,240", and inserting in place thereof "\$105,240", so that the amount of money that Raytheon shall reimburse Wayland for independent environmental consulting services is increased by \$3,000 and by this Amendment to a total of \$105,240 to date.

In all other respects, the parties hereby ratify and confirm the MoU.

IN WITNESS WHEREOF the Parties hereto have caused this Amendment No. 7 to the MoU to be executed on this 7th day of November, 2016, by their representatives hereunto duly authorized.

RAYTHEON COMPANY

TOWN OF WAYLAND

By its Board of Selectmen

By: _____
Robert J. Moore
Vice President – Business Services

Cherry C. Karlson, Chair
Board of Selectmen

Lea T. Anderson, Vice Chair

Mary M. Antes

Louis M. Jurist

Joseph F. Nolan

CMG ENVIRONMENTAL, INC.

INVOICE

600 Charlton Street
 Southbridge, MA 01550
 Phone 508.765.8510 Fax 508.765.8515

DATE: 6/16/2011
 INVOICE # 3420
 CMG ID 2002-003

Bill To:
 Town of Wayland
 41 Cochituate Road
 Wayland, MA 01778

Site address
 Former Raytheon Facility
 430 Boston Post Road
 Wayland, Massachusetts

Attn: Town Administrator Frederic E. Turkington, Jr.

Comments or Special Instructions: LSP Services July 1, 2009 through May 31, 2011

SALESPERSON	P.O. NUMBER	SHIP DATE	CMG Code	TERMS
BG		6/16/2011	MCP	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
Hours			
8.00	Services provided 7/1/09 through 12/31/09: Benson Gould - LSP - Review of Raytheon & ERM documents and PIP meeting on 12/209	\$ 115.00	\$ 920.00
9.00	Services provided 1/1/10 through 12/31/10: Benson Gould - LSP - Review of Raytheon & ERM documents and PIP meetings on 6/23/10 & 12/8/10	\$ 115.00	\$ 1,035.00
5.00	Services provided 1/1/11 through 5/31/11: Benson Gould - LSP - Review of Raytheon & ERM documents and PIP meeting on 5/25/11	\$ 115.00	\$ 575.00

SUBTOTAL	\$ 2,530.00
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
TOTAL	\$ 2,530.00

Make all checks payable to CMG Environmental, Inc.
 If you have any questions concerning this invoice, please contact us at 508-765-8510
 Unpaid invoice balances beyond 30 days will accrue a 1.5% monthly fee.

THANK YOU FOR YOUR BUSINESS!

24122600
 54199

CMG ENVIRONMENTAL, INC.

INVOICE

Please note our change of address.

67 Hall Road
 Sturbridge, MA 01566
 Phone 774.241.0901 Fax 774.241.0906

DATE: 12/6/2012
 INVOICE # 3928
 CMG ID 2002-003

Bill To:
 Town of Wayland
 41 Cochituate Road
 Wayland, MA 01778

Site address
 Former Raytheon Facility
 430 Boston Post Road
 Wayland, Massachusetts

Attn: Town Administrator Frederic E. Turkington, Jr.

Comments or Special Instructions: LSP Services June 1, 2011 through December 1, 2012

SALESPERSON	P.O. NUMBER	SHIP DATE	CMG Code	TERMS
BG		12/6/2012	MCP	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
Hours			
24.50	Services provided 6/1/2011 through 12/31/2011: Benson Gould - LSP - Review of Raytheon & ERM documents & communications; also review of & commentary on Vertex RAM Plan for Site and public meeting on 9/1/11.	\$ 115.00	\$ 2,817.50
7.25	Services provided 1/1/2012 through 12/1/2012: Benson Gould - LSP - Review of Raytheon & ERM documents & communications and PIP meeting on 11/28/12.	\$ 115.00	\$ 833.75

SUBTOTAL	\$ 3,651.25
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
TOTAL	\$ 3,651.25

Make all checks payable to CMG Environmental, Inc.
 If you have any questions concerning this invoice, please contact us at 774-241-0901
 Unpaid invoice balances beyond 30 days will accrue a 1.5% monthly fee.

THANK YOU FOR YOUR BUSINESS!

24122600
 54199

CMG ENVIRONMENTAL, INC.

INVOICE

67 Hall Road
 Sturbridge, MA 01566
 Phone 774.241.0901 Fax 774.241.0906

DATE: 12/10/2013
 INVOICE # 4306
 CMG ID 2002-003

Bill To:
 Town of Wayland
 41 Cochituate Road
 Wayland, MA 01778

Site address
 Former Raytheon Facility
 430 Boston Post Road
 Wayland, Massachusetts

Attn: Interim Town Administrator Robert Mercier or Assistant Town Administrator John Senchyshyn

Comments or Special Instructions: LSP Services December 2, 2012 through December 7, 2013

SALESPERSON	P.O. NUMBER	SHIP DATE	CMG Code	TERMS
BG		12/10/2013	MCP	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
Hours			
4.50	Services provided 12/2/2012 through 12/7/2013: Benson Gould - LSP - Review of Raytheon & ERM documents & communications and PIP meeting on 12/4/13.	\$ 115.00	\$ 517.50

SUBTOTAL	\$ 517.50
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
TOTAL	\$ 517.50

Make all checks payable to CMG Environmental, Inc.
 If you have any questions concerning this invoice, please contact us at 774-241-0901
 Unpaid Invoice balances beyond 30 days will accrue a 1.5% monthly fee.

THANK YOU FOR YOUR BUSINESS!

24122600-54199

CMG ENVIRONMENTAL, INC.

INVOICE

67 Hall Road
 Sturbridge, MA 01566
 Phone 774.241.0901 Fax 774.241.0906

DATE: 12/28/2015
 INVOICE # 5147
 CMG ID 2002-003

Bill To:
 Town of Wayland
 41 Cochituate Road
 Wayland, MA 01778

Site address
 Former Raytheon Facility
 430 Boston Post Road
 Wayland, Massachusetts

Attention: Town Administrator Nannette F. Balmer

Comments or Special Instructions: LSP Services December 8, 2013 through December 28, 2015

SALESPERSON	P.O. NUMBER	SHIP DATE	CMG Code	TERMS
BG		12/28/2015	MCP	Net30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
Hours			
28.25	Services provided 12/8/2013 through 12/28/2015: Benson Gould - LSP - Review of Raytheon & ERM documents & communications, attend PIP meetings on 12/3/14 & 12/3/15.	\$ 115.00	\$ 3,248.75
1.00	Gary Magnuson - Principal	\$ 100.00	\$ 100.00

SUBTOTAL	\$ 3,348.75
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
TOTAL	\$ 3,348.75

Make all checks payable to CMG Environmental, Inc.
 If you have any questions concerning this invoice, please contact us at 774-241-0901
 Unpaid invoice balances beyond 30 days will accrue a 1.5% monthly fee.

THANK YOU FOR YOUR BUSINESS!

24122600-
57199

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Friday, October 21, 2016 7:58 AM
To: DiNapoli, MaryAnn
Subject: FW: Resignation from PMBC and appointment of new member

For consent on 11/7

From: Ann Knight [<mailto:aknight@minlib.net>]
Sent: Friday, October 21, 2016 6:19 AM
To: Keefe, Ben; James E. Riley; Karlson, Cherry; Balmer, Nan
Cc: Aida Gennis; Klein, Beth
Subject: Resignation from PMBC and appointment of new member

Dear Town Officials,

Please accept my resignation as one of the Library designee members of the Permanent Municipal Building Committee. I would like to resign effective upon the date of my retirement, which is October 28. I will certainly attend and participate in next week's PMBC meeting on October 25 and, if necessary, will continue to attend meetings until my replacement is appointed.

At the Board of Library Trustee meeting on Wednesday, October 19, the Trustees voted unanimously to recommend to the Board of Selectmen that Trustee Chair Aida Gennis be appointed to replace me. The Trustees believe that Mrs. Gennis is without doubt the most knowledgeable individual connected to the library on this project and at the present time unquestionably the person best able to represent the library's interest at PMBC meetings. They hope and expect that the Board of Selectmen will act with dispatch to appoint Mrs. Gennis, ideally in early November.

New Library Director Dana Mastroianni, who is not a Wayland resident, will also regularly attend PMBC meetings to keep abreast of the project and to offer a library administrative and staff perspective whenever needed.

I am quite excited about the prospect of a new library for our town and will continue to support this project vigorously as a private citizen.

Sincerely,

Ann Knight

--

Ann F. Knight | Director
WAYLAND FREE PUBLIC LIBRARY
5 Concord Road | Wayland, Massachusetts 01778
Tel 508-358-2311 Fax 508-358-5249
aknight@minlib.net

DiNapoli, MaryAnn

From: Andi Jenny <jennyfarm@comcast.net>
Sent: Monday, October 31, 2016 1:33 PM
To: DiNapoli, MaryAnn
Subject: Re: Wayland High School Scholarship Signs

MaryAnn,

We have decided that in front of the Fire Station works for our sign. Any particulars about exactly where we can put it?

Thank you!

Andi

> On Oct 25, 2016, at 3:35 PM, DiNapoli, MaryAnn <MDiNapoli@wayland.ma.us> wrote:

>

> Hi Andi. The next meeting of the Board of Selectmen is November 7, so I will put your request on that agenda.

>

> You're right, the Old Conn Path/Cochituate Road Five Paths intersection is a mess. Alternatively, you can place your sign at the Route 20/27 intersection, or you can place it by the Cochituate Fire Station on Main Street.

>

> If you'd like to put it in front of the High School, you need permission from the school.

>

> So let me know what works best for you -

>

> Thanks!

>

> MaryAnn

>

> -----Original Message-----

> From: Andi Jenny [<mailto:jennyfarm@comcast.net>]

> Sent: Tuesday, October 25, 2016 3:28 PM

> To: DiNapoli, MaryAnn

> Subject: Wayland High School Scholarship Signs

>

> Hi MaryAnn,

>

> I am writing to seek approval for placing the Wayland Scholarship temporary sandwich boards up at Old Conn Path and Coch. Road, as well as Route 20/Old Conn Path by Coach Grill. Ideally we would like to put them up November 14-November 21st.

>

> I realize that there has been construction at Old Conn Path and Coch. Road, so this may not be an ideal placement. If a better place would be in front of the high school this year, we are fine with that.

>

> Let me know after your next meeting if we have been approved.

>

> Thank you very much,

>

> Andi Jenny

DiNapoli, MaryAnn

From: Samantha Richter <samantha.d.richter@gmail.com>
Sent: Tuesday, November 01, 2016 4:48 PM
To: DiNapoli, MaryAnn
Subject: WCPA Sandwich Board requests

Hello MaryAnn,

On behalf of the Wayland Children and Parents Association, I would like to request permission to place our sandwich boards for two separate events:

Stacey Peasley Concert, November 11th: Boards placed Nov 8th - 11th

Dad's Drop In play, November 26th: Boards placed Nov 20th - 26th

We are requesting to place the boards at the following locations: Below the permanent signs at Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27).

We appreciate the board's consideration of these requests and thank you for your assistance with this matter.

Best,
Samantha Richter
WCPA President



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 OCTOBER 21, 2016,
THROUGH AND INCLUDING NOVEMBER 3, 2016,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR NOVEMBER 7, 2016**

Items Distributed To the Board of Selectmen – October 21-November 3, 2016

1. Email of 10/25/16 from Board of Selectmen Office to Board of Selectmen re: Invitation to MetroWest Veterans' Ceremony, November 27, 2016

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 24, 2016

1. Press Release, 10/24/16, from MassDOT re: Massachusetts to Activate All Electronic Tolling October 28, Toll Plaza Demolitions Will Begin this Weekend

Items Included as Part of Agenda Packet for Discussion During the November 7, 2016 Board of Selectmen's Meeting

1. Memorandum of 11/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Town Counsel Recommendation, Résumé of Carolyn Murray, and Draft Contract
2. Draft Minutes of October 17, 2016
3. Report of the Town Administrator, November 4, 2016



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TEL. (508) 358-7755
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BOARD OF SELECTMEN
Monday, November 7, 2016
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

CORRESPONDENCE

Selectmen

1. Public Comment, Winter Stroll
2. Public Comment, Jorge Pazos' Letter of 20 October
3. Memorandum of 9/19/16 from Brian Boggia, Housing Authority, to Board of Selectmen, Planning Board, Municipal Affordable Housing Trust Fund Board, Housing Partnership, and Housing Authority Commissioners, re: Chapter 40B Annual Compliance Report
4. Letter of 10/17/16 from Environmental Resources Management to Massachusetts Dept of Environmental Protection re: Release Notification Form, Former Raytheon Facility
5. Letter of 10/25/16 from Wayland Housing Partnership to Nan Balmer, Town Administrator, re: Report on Housing Organizational Structure
6. Letter of 10/27/16 from Richard P. Turner, Chair, Public Ceremonies Committee, to Board of Selectmen, re: Invitation to 2016 Veterans Day Ceremony, November 11, 2016
7. Letter of 10/28/16 from David Horton, Minuteman Regional School Committee, to Beth Klein, Town Clerk, re: Notice of Withdrawal from the Town of Belmont
8. Memorandum of 10/28/16 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Ann Knight from Permanent Municipal Building Committee
9. Email of 11/2/16 from Camp Chickami to Board of Selectmen re: Invitation to Meet
10. Press Release, Police Department, October 25, 2016
11. Monthly Report, Animal Control, October 2016

Minutes

12. Finance Committee, June 20, 2016
13. Historical Commission, September 12, 2016
14. Personnel Board, September 19, 2016, October 7, 2016
15. Public Ceremonies Committee, September 14, 2016
16. Board of Public Works, October 19, 2016
17. Zoning Board of Appeals, June 23, 2015, July 14, 2015, August 11, 2015, August 25, 2015, September 8, 2015, September 29, 2015, October 13, 2015, October 27, 2015, January 11, 2016, January 26, 2016

State

18. Letter of 10/18/16 from Public Records Division to Paul Stein, Ed.D., Superintendent of Schools, re: Public Records Request SPR16/795, from Linda Segal
19. Email of 10/26/16 from Department of Revenue, re: Notification of Free Cash Approval

1

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Tuesday, October 25, 2016 10:45 AM
To: DiNapoli, MaryAnn
Subject: FW: Winter Stroll

correspondence

From: David Larson [<mailto:dave.larson@jointventurespt.com>]
Sent: Tuesday, October 25, 2016 10:16 AM
To: Sarkisian, Sarkis; Balmer, Nan; Karlson, Cherry
Subject: Winter Stroll

Hey guys,

I've started to work on a new idea to get "Waylanders" (is it Waylandites?) out of their homes and into the community during the coming cold winter months.

I'm working with the businesses of the Town Center to plan a Winter Stroll at the Wayland Town Center. It would be a month long display with Winter inspired window decorations in all of the businesses, maybe some artwork displays in the currently empty store fronts and a "kick off" event marked by a tree lighting. The "kick off event" is currently scheduled for Saturday, December 3, 2016 from 4-6pm at the Town Center.

Russell's Garden Center has agreed to donate a 17 foot tree and I have received permission from National Development to dig and plant the tree in the East Green (where we had Wailin' Wednesdays). Decorations for the tree seem too complicated, but we hoping to have it lit! We would then have a tree lighting ceremony on December 3rd...hit the switch at dusk...about 5:30ish?...and then put the lights on a timer to go on for a few hours each evening from December 3rd - January 2nd to give the Town Center a little "cheer".


We have a bunch of other ideas to spice up the event on December 3rd, but we've hit one road block that I'm wondering if you guys could help . We need help installing the lights on the tree. I'm thinking a DPW bucket truck and a few hours on December 2nd to hang them and a few hours on January 2nd to take them down would do the trick. Do you guys have any way of making this happen or another day that might work?



Thanks,
Dave

I am VERY sensitive to the fact that this is not a "Holiday" or "religious" event, though we may have some music or carolers, etc. But I have already reached out to Temple Shir Tikva, Good Shepard Parish, the First Parish of Wayland and the Islamic Center in Wayland to ask for their participation/input on how to make the event as inclusive to all Waylanders ("Waylandites"?) as possible.



David E. Larson, MSPT
 Owner
 Joint Ventures Physical Therapy and Fitness
 617-536-1161, ext 100
JointVenturesPT.com
Find us



2

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Wednesday, October 26, 2016 8:09 AM
To: DiNapoli, MaryAnn
Subject: FW: Jorge Pazos' letter of 20 October

Correspondence

From: Mark Hays <markallenhays@gmail.com>
Sent: Tuesday, October 25, 2016 6:34 PM
To: Karlson, Cherry; Lea@Anderson.name; Nolan, Joseph F.; Jurist, Louis; Antes, Mary
Subject: Jorge Pazos' letter of 20 October

Dear Members of the Wayland Board of Selectmen:

I saw the copy of Mr. Pazos' letter to Nan Balmer in the BoS packet, dated 20 October, 2016.

This is very good news. Finally Wayland has someone leading IT who knows that a good budget requires good planning. Jorge is digging out of years of technology and planning 'debt', in corporate terms.

With a solid, well researched plan, Jorge will be able to budget and buy what Wayland actually needs. This will save Wayland taxpayers money -- and enable more reliable, secure and effective IT services to our schools and citizens. .

If you decide to approve a budget request to support Jorge's upgrades at Special Town Meeting on 15 November, I would be happy to draft a letter of support. Unfortunately, I will be out of the country and will not be able to speak and attend.

This is a major step forward.


Thanks!

Mark Hays

Wayland Housing Authority
106 Main Street
Wayland, MA 01778

Memo

To: WHA Board of Commissioners
Wayland Housing Partnership Committee
Municipal Affordable Housing Trust
Wayland Planning Board
Wayland Board of Selectmen

From: Brian Boggia, Executive Director 

cc: Wayland Town Administrator

Date: September 19, 2016

Re: Chapter 40B Annual Compliance Report

Summary

The 2016 annual self-certification of existing affordable housing was performed by the WHA in order to monitor specific Chapter 40B affordable housing developments in Wayland. The WHA has found that ongoing monitoring by Monitoring Agents listed in the affordable deed rider was not being done satisfactorily. As a result, the WHA has taken on this role. The 2016 certification indicates that, while most affordable housing is compliant with DHCD guidelines and deed restrictions, some compliance issues persist (see below). The WHA has been working closely with the Wayland Housing Partnership Committee as well as the Town Administrator, Town Counsel, and Town Planner to address the issues listed.

The WHA has formal agreements to perform monitoring for The Residences at Wayland Town Center and the Nike/Oxbow Meadows development. This includes annual income and continued eligibility re-certifications for the 12 rental units at The Residences at Wayland Center, maintaining a waitlist of eligible applicants, and marketing/coordinating several resales of homeownership units at the Nike/Oxbow Meadows development.

The WHA continues to act as the contact agency for existing affordable housing inventory, reviewing refinance and capital improvement requests by homeowners.

The WHA maintains a Chapter 40B Housing Opportunities resource web site and mailing list for anyone interested in participating in the Town's affordable housing programs.

The WHA also issues a monthly update memo to the Town that summarizes Chapter 40B activities in the town.

Compliance issues:

The annual self-certification functions as a written reminder to homeowners of their required compliance with their affordable housing deed restrictions. It is also used as an indicator of activity that may trigger compliance issues or problems. Issues that are flagged for continued monitoring include:

Homeowners Returning Self-Certifications. Some homeowners did not recertify. Although annual self-certification is not required in the deed, failure to return the form can be construed as a potential problem that needs follow-up. This year, after three mailings, the WHA received 39 (83%) out of 47 homeowner self-certifications.

Market rentals by owners at Willowbrook. These situations at Willowbrook are known to Town Counsel. There is no prohibition on rentals by owners although this is certainly not in the spirit of the Chapter 40B program. Resale deeds at Willowbrook will include the prohibition.

Refinancing Without Town Approval. Some owners have refinanced without permission of the Town or WHA. Chapter 40B Guidelines have strict guidelines for the resale of affordable housing. This activity could result in the loss of affordable housing units.

Refinancing Above the Affordable Resale Valueⁱⁱ. This is prohibited by the affordable deed rider because it results in the owner reaping proceeds that may exceed the home's value. The WHA is in the process of determining whether this has occurred.

Tax Taking. A homeowner at Wayland Commons has not paid property taxes for several years. The Wayland Tax Collector has initiated tax taking. The same homeowner has not paid condominium fees for several years which has resulted in a law suit by the condominium association.

Conclusion:

1. According to DHCD, these issues are commonplace in Chapter 40B Developments across the state. DHCD acknowledges that enforcement of deed restrictions is problematic. Enforcement is at the discretion of the local municipality and dependent on the will and availability of legal resources to the Town. However, the Town should continue to pursue compliance issues.
2. Several developments name Monitoring Agents that are not local and do not report to the Town. This leads to potential compliance problems by Monitoring Agents that do not

perform monitoring after initial sale of the units. The WHA recommends that a local agency under control of the Town be named as the monitoring agent.

Attachments

- **DHCD Local Initiative Program (LIP) Guidelines sections**
- **2016 Town of Wayland Self-Certification form**
- **Monitoring Agent by Developing Listing**
- **Monitoring Compliance Summary 2016-Worksheet**

GUIDELINES G.L. C.40B COMPREHENSIVE PERMIT PROJECTS SUBSIDIZED HOUSING INVENTORY §VI.E

3. Refinancing

a. Review by DHCD

- 1) Request - Owners of LIP units must submit a copy of their Deed Rider and a written request to refinance to the municipality and to DHCD. The property owner's written request should include:
 - a) their name, property address, a phone number where they can be reached during the day;
 - b) the amount of the refinance or second mortgage requested and the full name of the lending institution; and
 - c) the name and contact number of the closing attorney.
 - d) Appraisal - Homeowners with Deed Riders other than the universal Deed Rider must also submit a fair market appraisal of their home. The appraisal must be performed by a licensed residential appraiser and may be no older than 120 days past its completion date.
 - e) Commitment Letter - The property owner must also submit a copy of the commitment letter from the lender, including the amount of the refinance or second mortgage, the interest rate, points, and term of the loan (i.e. 15-yr, 30-yr).
 - f) Consent to Refinance - After approval of the refinance request by the local community and
 - g) DHCD, DHCD will prepare the "Consent to Refinance" form for the closing attorney.

GUIDELINES G.L. C.40B COMPREHENSIVE PERMIT PROJECTS SUBSIDIZED HOUSING INVENTORY §VI.C

b. Requirements of Mortgage Financing

The proposed new first or second mortgage shall conform to the requirements of E.1 of these LIP Guidelines as well as the following:

- 1) For 1st mortgage refinancing - The loan amount cannot exceed 97% of the Maximum Resale Price, as determined by DHCD
- 2) For 2nd mortgage financing - The combined amount of the first and second mortgages cannot exceed 97% of the Maximum Resale Price, as determined by DHCD



Wayland Housing Authority
 106 Main Street
 Wayland, MA 01778

V/TTY: (508) 655-6310
 FAX: (508) 655-8566
 www.wayland.ma.us

Brian E. Boggia
 Executive Director

Board of Commissioners
 Mary M Antles
 Russell Ashton
 Jacqueline Ducharme
 Kevin Goodwin
 Susan Weinstein

«Current_Owner»
 «Address»
 Wayland, MA 01778

August 10, 2016

Third Request

Subject: Affordable Housing Certification

Dear, «Current_Owner»

Each year, the Town of Wayland is required to certify the Chapter 40B affordable housing count to the Department of Housing and Community Development. In order to do so, please complete the self-certification below and return it to the Wayland Housing Authority.

As the owner of an affordable housing unit, you are reminded of your obligations under your affordable deed restriction. If you intend to sell or refinance your unit, you must be pre-approved by the Town of Wayland and DHCD. The step by step procedure is explained in your affordable deed.

Please call me at (508) 655-6310 x11 if you have any questions.

Sincerely,
Brian Boggia
 Executive Director

Please return this form to the WHA via Email : bboggia@waylandhousing.com, Fax (508) 655-8566 or mail to the address below:

Homeowner Certification

1. Is this address your primary residence?..... Yes No
2. Have you refinanced your mortgage in the past year?..... Yes No
3. Do you have plans to refinance your mortgage?..... Yes No
4. Have you made any capital improvements to your home?..... Yes No
5. Do you have plans to sell your home?..... Yes No

Owner Certification _____ Date _____
 «Current_Owner», «Address»

Please return this self-certification to: Brian Boggia, Wayland Housing Authority
 106 Main Street, Wayland, MA 01778

HOMEOWNER DISCLOSURE STATEMENT

I, «Current_Owner» (the Homeowner) own a Chapter 40B Affordable Home at «Developer», Wayland, Massachusetts at less than the home's fair market value. The home was constructed under a state or federal housing subsidy program that requires that this home be sold to a purchaser who meets certain income and asset limitations. In exchange for the opportunity to purchase and own the home at less than its fair market value, you agreed to certain use and transfer restrictions. These restrictions are described in detail in an Affordable Housing Restriction that was attached to the deed to your home at the time of purchase.

I. PRINCIPAL RESIDENCE

You and your household must occupy and use the home you purchase exclusively as your primary residence during the period the home is owned by you.

II. REQUIRED CONSENTS FROM THE WHA

You must obtain the prior written consent of the Town of Wayland/Wayland Housing Authority (the "WHA") before you do any of the following:

- a. Lease or rent the home;
- b. Refinance any loan secured by a mortgage on the home (except for a refinancing of the loan you obtain to purchase the home, so long as the amount of that loan is not more than the purchase price you paid);
- c. Grant any other mortgage (such as a home equity loan mortgage) or other encumbrance (such as an easement) on the home; and/or
- d. Make any Capital Improvements (defined in Section III below) to the home, if you wish to get credit for those costs (at a discounted rate) when you sell your home.

If the WHA consents to any lease, rental, refinancing, mortgage or other encumbrance, the WHA will calculate the actual carrying costs for the home, and you will be required to pay to the Town of Wayland any amount of the rents, profits or other proceeds relating to the approved event that exceeds the actual carrying costs. If you do not obtain any required consent from the WHA, the WHA or the Town of Wayland can require you to pay to the Town of Wayland all rents, profits or other proceeds from the event that required consent. You will also be responsible for any costs of collection of the WHA and/or the Town of Wayland, including attorney's fees.

The Restriction may require that a resale fee be paid to the WHA for its work required in connection with any resale of the home, as described below. Although not stated in the Restriction, the WHA may assess a reasonable fee for reviewing any request for its consent. Currently, this fee will not exceed \$75 per request.

III. RESALE REQUIREMENTS

When/if you decide to sell your home, you may not sell the home for more than what you paid for it, with limited adjustments. You are also required to give written notice to the Wayland Housing Authority of your desire to sell so that they may locate an Eligible Purchaser for the home.

The allowed sale price is defined in your Affordable Deed Restriction as the "Maximum Resale Price." In some affordable deeds, the value of Capital Improvements that have prior approval of the WHA can be added to the resale price. "Capital Improvements" are extraordinary improvements of a capital nature (for example, a new roof or a new septic system) that must be documented and commercially reasonable. Capital Improvements are intended to cover replacement of necessary capital items and are not intended to cover discretionary upgrades. The Maximum Resale Price will never be more than the amount for which an Eligible Purchaser earning

70% of the area median income could obtain mortgage financing (as calculated by the WHA), and will never be less than the purchase price you paid (unless you agree to accept a lower price).

The WHA will determine the Maximum Resale Price that you are allowed to receive on your sale of the home based on the formula set forth in the Restriction, and will begin marketing efforts to locate an Eligible Purchaser to buy the home. The WHA is responsible for selecting the Eligible Purchaser who will buy the home. Alternatively, the WHA or the Town of Wayland may purchase the home (or have a party they designate purchase the home). Any sale to an Eligible Purchaser or to the WHA or the Town of Wayland (or their designee) under this option to purchase will be for the Maximum Resale Price, and the home will be sold subject to a Restriction in the same form as the Restriction you were required to sign.

The WHA and Town of Wayland will have up to 90 days after you give them notice of your intention to sell the home to close on a sale to an Eligible Purchaser, or to close on a sale to the WHA or the Town of Wayland (or their designee). This time period can be extended as provided in the Restriction to arrange for details of closing, to locate a subsequent purchaser if the first selected purchaser is unable to obtain financing or for lack of cooperation on your part.

If an Eligible Purchaser fails to purchase the home and neither the WHA nor the Town of Wayland (or their designee) purchases the home by the applicable deadline specified above, you may sell the home to a purchaser who does not qualify as an Eligible Purchaser, subject to the following: (i) the sale must be for no more than the Maximum Resale Price; (ii) the closing must be at least 30 days after the closing deadline described above; (iii) the home must be sold subject to a Restriction in the same form as the Restriction you were required to sign; and (iv) if there are more than one interested ineligible purchasers, preference will be given to any purchaser identified by the WHA as an appropriately-sized household whose income is more than 80% but less than 120% of the area median income.

Any sale by you to an Eligible Purchaser, or to the WHA or the Town of Wayland (or their designee) or to an ineligible purchaser, as described above, is subject to customary terms for a property conveyance, which are set forth in the Restriction. There is no commitment or guarantee that an Eligible Purchaser, the WHA or the Town of Wayland will purchase the home, or that you will receive the Maximum Resale Price (or any other price) for your sale of the home to an ineligible purchaser.

A sale or transfer of the home will not be valid unless (1) the total value of all payments and anything else delivered by the purchaser does not exceed the Maximum Resale Price, and (2) the WHA has signed and recorded in the Registry a Compliance Certificate that confirms the sale or transfer was made in compliance with the requirements of the Restriction. If you attempt to sell or transfer the home without complying with the Restriction requirements, the WHA and the Town of Wayland may, among their other rights, void any contract for such sale or the sale itself, seek money damages for the costs to construct or obtain a comparable home for an Eligible Purchaser, or locate an Eligible Purchaser or exercise their purchase option to buy the home.

IV. Foreclosure

The Restriction also gives the Town of Wayland an option to purchase the home (or to designate another party to purchase the home) for a period of 120 days after the holder of a mortgage delivers notice to the WHA and the Town of Wayland that it intends to commence foreclosure proceedings. If this foreclosure purchase option is exercised, the purchase price will be the greater of (i) the amount of the outstanding balance of the loan secured by the mortgage, plus the outstanding balance of the loans secured by any mortgages senior in priority, up to the Maximum Resale Price as of the date the mortgage was granted, plus any future advances, accrued interest

Monitoring Agent By Development Listing

Wayland Housing Authority

10/21/2016

Current Address	Occ.	Year On Line	Total Dev Unit	40B Unit Count	Subsidizing Agency	Construction Loan	Monitoring Agent Per Comp Permit	Regulatory Agreement	Monitoring Agent Per Regulatory Agreement (At Development)	Monitoring Agent Per Deed
9 Millbrook Road	Own	1995	2	1	LIP			9/29/1994	Chief Elected Official	EOCD/Municipality
11 Millbrook Road	Own	1995		1	LIP			9/29/1994	Chief Elected Official	DHCD/Municipality
105 Willowbrook Dr.	Own	1997	44	1	HOP					
108 Willowbrook Dr.	Own	1997		1	HOP					
109 Willowbrook Dr.	Own	1997		1	HOP					
209 Willowbrook Dr.	Own	1997		1	HOP					
213 Willowbrook Dr.	Own	1997		1	HOP					
308 Willowbrook Dr.	Own	1997		1	LIP					Director, LIP Program DHCD
14 Green Way	Own	2000	16	1	DHCD/LIP-LAU			N/A		Municipality (Not Specified)
15 Green Way	Own	2000		1	DHCD/LIP-LAU			N/A		Municipality (Not Specified)
21 Green Way	Own	2000		0	DHCD/LIP-LAU			N/A		Municipality can be assigned to WHA
22 Green Way	Own	2000		1	DHCD/LIP-LAU			N/A		Municipality (Not Specified)
23 Green Way	Own	2000		1	DHCD/LIP-LAU			N/A		WHA, DHCD
Green Way	AL	2000	15	0	NA			N/A		N/A
130 Plain Road	Own	2002	1	1	DHCD/LIP			N/A		Municipality, WHA, WHAI
101 Trout Brook	Own	2009	16	1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
202 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
306 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
307 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
409 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
512 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
614 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
615 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
203 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
204 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
616 Trout Brook	Own	2009		1	DHCD/HSF			10/20/08	WHA	WHA, DHCD
408 Trout Brook	Own	2009		0	DHCD/AHTF			10/20/08	WHA	WHA, DHCD
513 Trout Brook	Own	2009		0	DHCD/AHTF			10/20/08	WHA	WHA, DHCD
305 Trout Brook	Own	2009		0	DHCD/AHTF			10/20/08	WHA	WHA, DHCD
410 Trout Brook	Own	2009		0	DHCD/AHTF			10/20/08	WHA	WHA, DHCD
511 Trout Brook	Own	2009		0	DHCD/AHTF			10/20/08	WHA	WHA, DHCD
6 Decolores	Own	2009	12	1	FHLB	NEF Middlesex Federal Savings Bank, Somer		01/11/08	CHAPA	Municipality, MassHousing, DHCD
14 Decolores	Own	2009		1	FHLB	NEF Middlesex Federal Savings Bank, Somer		01/11/08	CHAPA	Municipality, MassHousing, DHCD
16 Decolores	Own	2009		1	FHLB	NEF Middlesex Federal Savings Bank, Somer		01/11/08	CHAPA	Municipality, MassHousing, DHCD
3 Hastings Way	N/A	2011	0	0	N/A				N/A	
23 Hastings Way	Own	2011	44	1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
33 Hastings Way	Own	2011		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
36 Hastings Way	Own	2011		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
14 Hastings Way	Own	2011		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
30 Hastings Way	Own	2011		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
11 Hastings Way	Own	2012		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
6 Hastings Way	Own	2012		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
3 River Rock Way	Own	2012		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD
11 River Rock Way	Own	2013		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing I	Municipality, MassHousing, DHCD

Monitoring Agent By Development Listing

Wayland Housing Authority

10/21/2016

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16 River Rock Way	Own	2013		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing	Municipality, MassHousing, DHCD
25 River Rock Way	Own	2012		1	MHFA	NEF Stoneham Savings	CHAPA	01/13/09	South Shore Housing	Municipality, MassHousing, DHCD
9 Sage Hill Road	Own	2012	8	1	DHCD		DHCD	03/27/12	DHCD	Municipality, MassHousing, DHCD
93 Boston Post Road	Own	2012	5	5	DDS		NA	NA	N/A	N/A
3 Wadsworth Lane	Own	2013	16	1	MHFA	NEF North Shore Bank	As approved by MassHousing	07/16/12	Barnstable Housing Au	Barnstable Housing Authority
5 Wadsworth Lane	Own	2013		1	MHFA	NEF North Shore Bank	As approved by MassHousing	07/16/12	Barnstable Housing Au	Barnstable Housing Authority
19 Wadsworth Ln #2	Own	2013		1	MHFA	NEF North Shore Bank	As approved by MassHousing	07/16/12	Barnstable Housing Au	Barnstable Housing Authority
19 Wadsworth Ln #2	Own	2013		1	MHFA	NEF North Shore Bank	As approved by MassHousing	07/16/12	Barnstable Housing Au	Barnstable Housing Authority
39 Andrew Ave. #201	Rent	2013	12	1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #202	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #203	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #204	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #205	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #206	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #207	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #208	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #209	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #210	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #211	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
39 Andrew Ave. #212	Rent	2013		1	DHCD			12/28/12		Wayland Housing Authority
91 Stonebridge Road	Own	2016	4	1	LIP		DHCD	Signed-Not Recorded	DHCD LIP/Town Admin	Habitat Worcester
93 Stonebridge Road	Own	2016		1	LIP		DHCD	Signed-Not Recorded	DHCD LIP/TownAdmin	Habitat Worcester
89 Stonebridge Road	Own			1	LIP		DHCD	Signed-Not Recorded	DHCD LIP/Town Admin	Habitat Worcester
89 Stonebridge Road	Own			1	LIP		DHCD	Signed-Not Recorded	DHCD LIP/Town Admin	Habitat Worcester
219 Rice Road	Rent	2015	17	1	LIP/Units Only			Pending		
221 Rice Road	Rent	2015		1	LIP/Units Only			Pending		
223 Rice Road	Rent	2015		1	LIP/Units Only			Pending		
225 Old Conn Path	Own		8	1	MHFA	NEF Needham Bank	LDS Consulting Gro	07/01/14	LDS Consulting Group	LDS Consulting Group, Newton
	Own			1						LDS Consulting Group, Newton
Residences	Rent		52	52						
(including)			190							
(including)			7	1						

17 October 2016
Reference: 0321744

One Beacon Street, 5th
Boston, MA 02108
(617) 646-7800
(617) 267-6447 (fax)

<http://www.erm.com>

Ms. Karen Stromberg
Massachusetts Department of Environmental Protection
Northeast Regional Office
Bureau of Waste Site Cleanup
205B Lowell Street
Wilmington, MA 01887



ERM

Re: Release Notification Form (RNF) and Downgradient Property
Status Opinion Termination for Release Tracking Number (RTN)
3-13302
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts

Dear Ms. Stromberg:

On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) is submitting the attached Release Notification Form (RNF) BWSC-103 for the Former Raytheon Facility at 430 Boston Post Road in Wayland, Massachusetts (Figure 1; Site). This transmittal form is submitted to administratively delink Release Tracking Number RTN 3-13302 and Tier IB Permit Number 1-33939 from upgradient and offsite sources of volatile organic compounds (VOCs) migrating onto the Former Raytheon Facility.

Since 1996, environmental response actions have been conducted at the above-referenced Site to address VOCs under RTN 3-13302. Extensive characterization and remediation activities have been conducted over the last 20 years. Four suspected chlorinated VOC (CVOC) source areas were identified historically at the Site, including the area that is now the subject of this RNF. Remediation activities were conducted in the four apparent source areas resulting in substantial reductions in CVOC concentrations in most areas, with the exception of one area adjacent to the southern property line. Trichloroethylene (TCE) concentrations repeatedly rebounded adjacent to the southern property line. This observation led to a review of existing information and implementation of an additional high-resolution subsurface characterization up gradient of this area. ERM evaluated the hydrogeologic conditions in this area at the southern property line and, in 2016, concluded that the TCE plumes at the southern property line were attributable to an off-site, upgradient source. Though it is not clear which upgradient property(ies) the plumes originate from, it is clear that they are

present in groundwater located south and up gradient of the Site and then migrate onto and across the Site (RTN 3-13302) in the direction of groundwater transport. Figure 2 depicts the CVOC impacts to groundwater at the southern property line that are the subject of this RNF.

ERM, on behalf of Raytheon, prepared a Downgradient Property Status (DPS) Opinion to address these upgradient releases. Collectively, the data presented in the DPS Opinion (groundwater flow, chemical speciation, and isotope data) indicate that the source(s) of CVOCs detected in groundwater is/are located to the south and up gradient of the Site. In accordance with 310 CMR 40.0180, data collected at the southern property line meet the MCP criteria for asserting DPS for CVOCs in two distinct groundwater plumes (see Figure 2). The DPS Opinion was originally submitted in June 2016 under RTN 3-13302; however, based on recent conversations with MassDEP, the DPS opinion will be retracted from RTN 3-13302 to allow MassDEP to administratively link the submittal with the issuing of a new RTN for the off-site releases. Once the new RTN is issued associated with this RNF, the DPS Opinion will be resubmitted via eDEP under the new RTN for future tracking.

Raytheon will continue to conduct response actions on the remainder of RTN 3-13302 in accordance with 310 CMR 40.000. If you have any questions or comments regarding this submittal please contact the undersigned at (617) 646-7800.

Sincerely,



John C. Drobinski, P.G., LSP
Principal-in-Charge



Lyndsey Colburn, P.G.
Principal Consultant

encl:

Figure 1 - Site Locus

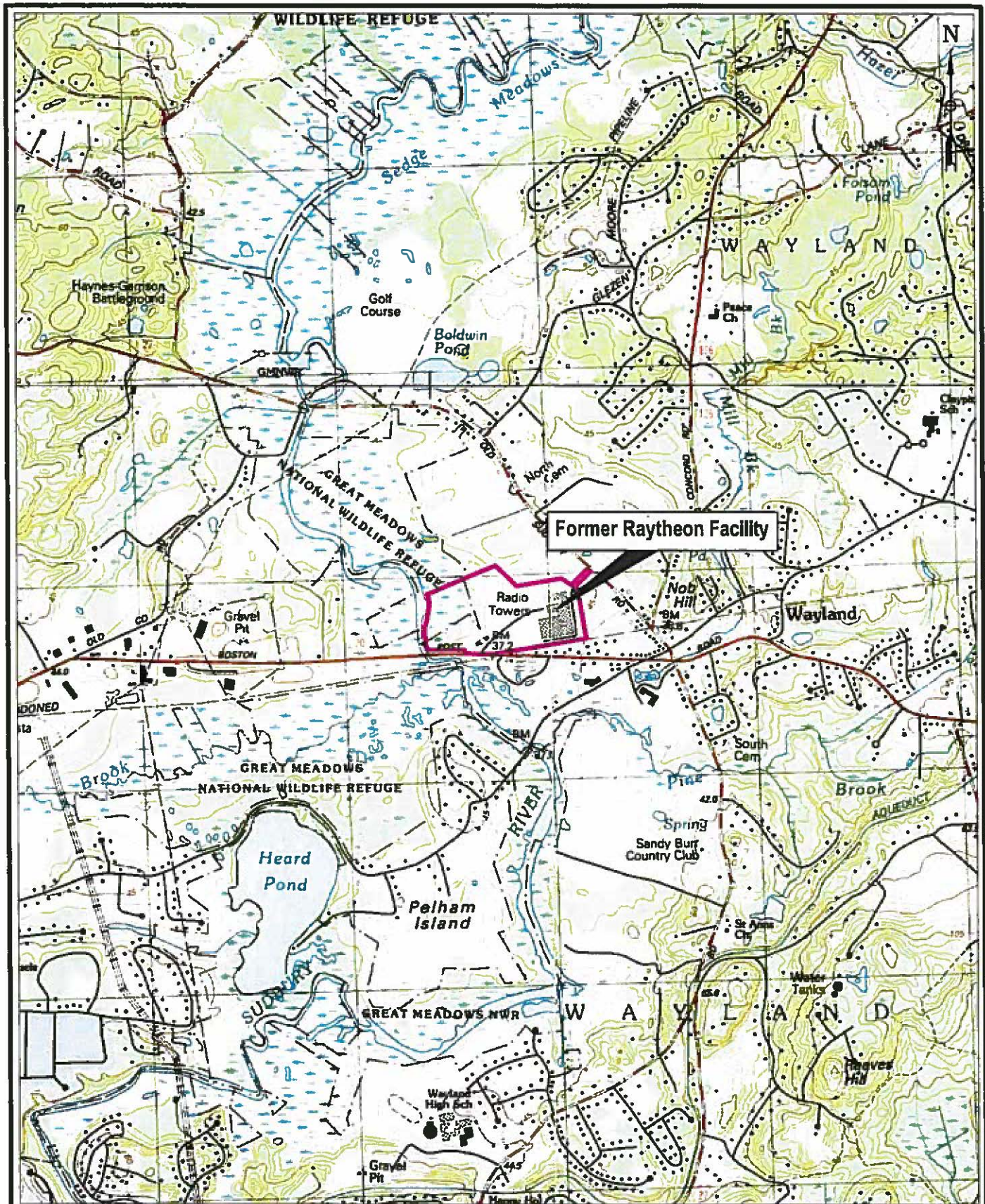
Figure 2 - Boundary of Area Subject to DPS

Attachment 1 - Release Notification Form BWSC-103

Attachment 2 - DPS Termination Transmittal Form BWSC-115

cc: Louis Burkhardt, Raytheon
Jonathan Hone, Raytheon
Town of Wayland Board of Health
Wayland Town Administrator
Public Repositories

Figure 1 - Site Locus



Legend

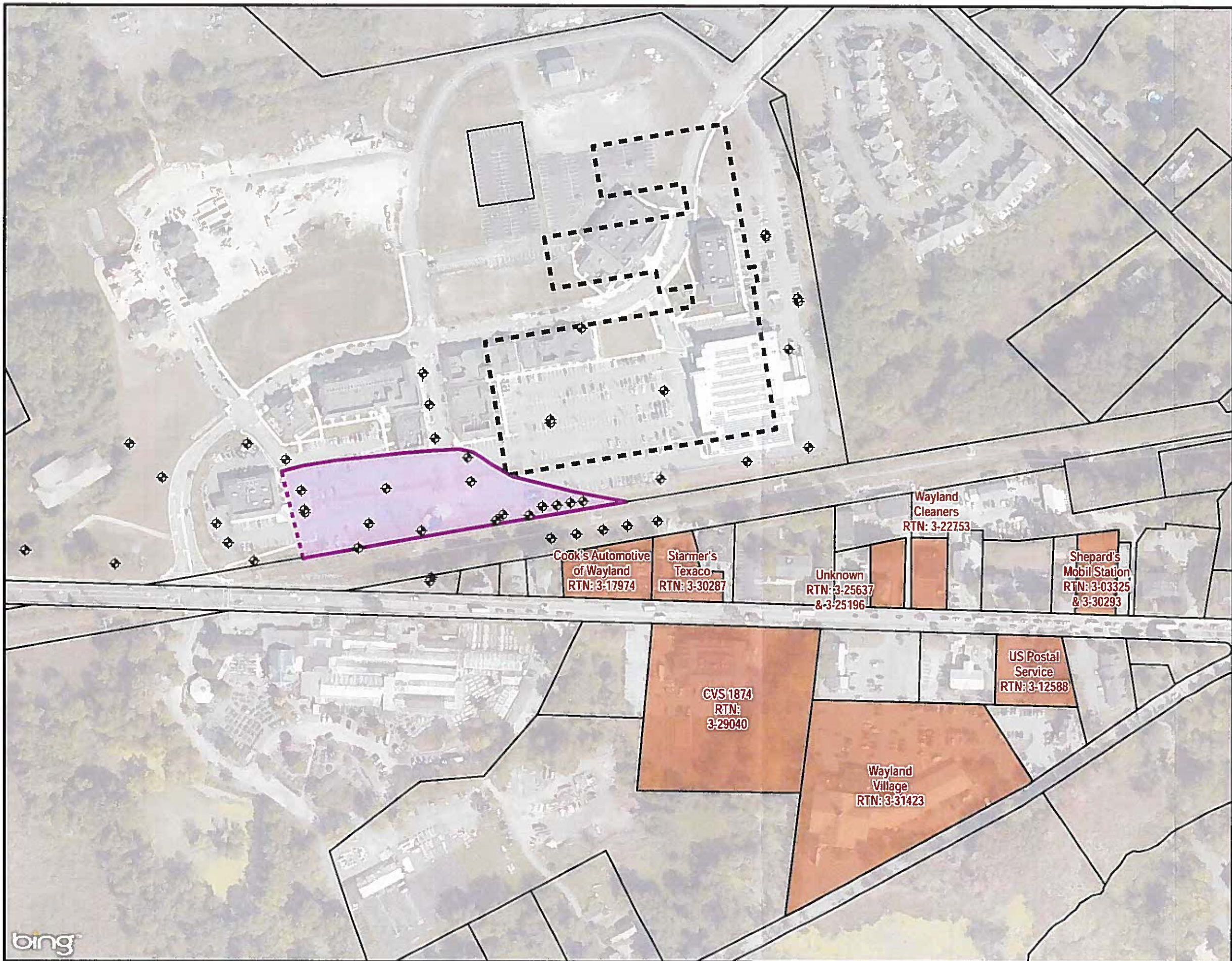
 Former Raytheon Facility Property Boundary

Figure 1 - Site Locus Map
Former Raytheon Facility

Scale = 1:25,000



*Figure 2 – Boundary of Area
Subject to DPS*



Legend

- ◆ Existing Monitoring Well Network
- Approximate Former Building Footprint
- ▭ Parcel Outlines
- Upgradient RTNs that Potentially used Chlorinated Volatile Organic Compounds (CVOCs)
- ▭ DPS Area (dashed where unknown)

NOTES:
 - Aerial Imagery from Microsoft's Bing maps and reproduced under license with ArcGIS 10.3.1
 - RTN = Release Tracking Number



Figure 2: DPS Area Former Raytheon Facility Wayland, MA

*Attachment 1 - Release
Notification Form BWSC-103*



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC103

**RELEASE NOTIFICATION & NOTIFICATION
 RETRACTION FORM**

Release Tracking Number

-

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR): (cont.)

7. List below the Oils (O) or Hazardous Materials (HM) that exceed their Reportable Concentration (RC) or Reportable Quantity (RQ) by the greatest amount.

O or HM Released	CAS Number, If known	O or HM	Amount or Concentration	Units	RCs Exceeded, If Applicable (RCS-1, RCS-2, RCGW-1, RCGW-2)
	PCE	HM	17	UG/L	RCGW-1
	TCE	HM	72	UG/L	RCGW-1

8. Check here if a list of additional Oil and Hazardous Materials subject to reporting is attached.

D. PERSON REQUIRED TO NOTIFY:

1. Check all that apply: a. change in contact name b. change of address c. change in the person notifying

2. Name of Organization: Raytheon Company

3. Contact First Name: Louis 4. Last Name: Burkhardt

5. Street: 50 Apple Hill Drive 6. Title: Manager, Environmental Programs

7. City/Town: Tewksbury 8. State: MA 9. ZIP Code: _____

10. Telephone: (978) 858-1885 11. Ext.: _____ 12. FAX: _____

13. Check here if attaching names and addresses of owners of properties affected by the Release or Threat of Release, other than an owner who is submitting this Release Notification (required).

E. RELATIONSHIP OF PERSON TO RELEASE OR THREAT OF RELEASE:

1. RP or PRP a. Owner b. Operator c. Generator d. Transporter

e. Other RP or PRP Specify: _____

2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

4. Any Other Person Otherwise Required to Notify Specify Relationship: Down Gradient Property Owner



RELEASE NOTIFICATION & NOTIFICATION
RETRACTION FORM

Release Tracking Number

-

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

F. CERTIFICATION OF PERSON REQUIRED TO NOTIFY:

1. Louis BURKHARDT, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By: [Signature] Signature 3. Title: Manager, Environmental Pro

4. For: RAYTHEON 5. Date: 10-13-2016
(Name of person or entity recorded in Section D) mm/dd/yyyy

6. Check here if the address of the person providing certification is different from address recorded in Section D.

7. Street: _____

8. City/Town: _____ 9. State: _____ 10. ZIP Code: _____

11. Telephone: _____ 12. Ext.: _____ 13. FAX: _____

YOU ARE SUBJECT TO AN ANNUAL COMPLIANCE ASSURANCE FEE OF UP TO \$10,000 PER BILLABLE YEAR FOR THIS DISPOSAL SITE. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)

*Attachment 2 - DPS Termination
Transmittal Form BWSC-115
(Submitted Concurrently via
eDEP)*



Massachusetts Department of Environmental Protection
 Bureau of Waste Site Cleanup
DOWNGRADIENT PROPERTY STATUS (DPS)
 TRANSMITTAL FORM Pursuant to 310 CMR 40.0180 (Subpart B)

BWSC 115

Release Tracking Number

3 - 13302

A. DOWNGRADIENT PROPERTY LOCATION:

1. Downgradient Property Name: RAYTHEON COMPANY

2. Street Address: 430 BOSTON POST RD

3. City/Town: WAYLAND 4. ZIP Code: 017780000

5. Check here if the source of the release, that is the subject of this Downgradient Property Status (DPS), is known.
 a. Provide the Release Tracking Number (RTN) for the source disposal site, if known. -

b. If there is no RTN, identify address and town: _____

6. Check here if the disposal site that is the source of the release that is the subject of this DPS is Tier Classified.
 Check the current Tier Classification Category.
 a. Tier I b. Tier ID c. Tier II

7. Check here if a Release(s) of Oil or Hazardous Material(s), other than that which is the subject of this submittal, has occurred at this property.
 a. Provide RTN(s) for these releases: - -

b. Check here if the Release(s) identified above require further Response Actions pursuant to 310 CMR 40.0000.

B. THIS FORM IS BEING USED TO: (check all that apply)

- 1. Submit an Initial Downgradient Property Status (DPS) Submittal.
- 2. Submit a Revised DPS Submittal.
- 3. Submit a Modification of a DPS Submittal.

Note that the person (the transferee) who is seeking a Modification of a DPS is the person that is required to submit the Modification of a DPS Submittal. The person (the transferor) who most recently submitted a Modification of DPS is required to fill out BWSC115A. If no Modification of a DPS Submittal was previously submitted, then the person who submitted the Initial DPS Submittal is required to fill out BWSC115A.

- 4. Submit a Termination of a DPS Submittal.

(All sections of this transmittal form must be filled out unless otherwise noted above)



Massachusetts Department of Environmental Protection
 Bureau of Waste Site Cleanup
DOWNGRADIENT PROPERTY STATUS (DPS)
TRANSMITTAL FORM Pursuant to 310 CMR 40.0180 (Subpart B)

BWSC 115

Release Tracking Number

3 - 13302

C. LSP SIGNATURE AND STAMP:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief.

The response action(s) that is (are) the subject of this Downgradient Property Status Submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in 310 CMR 40.0183(2)(b), and (iii) comply(ies) with the identified provisions of all orders, permits, and approvals identified in this submittal.

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

1. LSP #: 2196
 2. First Name: JOHN C 3. Last Name: DROBINSKI
 4. Telephone: 6176467800 5. Ext.: _____ 6. Email: JOHN.DROBINSKI@ERM.COM
 7. Signature: JOHN C DROBINSKI
 8. Date: 10/17/2016 9. LSP Stamp:
 (mm/dd/yyyy)



D. PERSON MAKING SUBMITTAL:

1. Check all that apply: a. change in contact name b. change of address c. change in the person undertaking response actions
 2. Name of Organization: RAYTHEON COMPANY
 3. Contact First Name: LOUIS J 4. Last Name: BURKHARDT
 5. Street: 50 APPLE HILL DR MS T3LDL10 6. Title: EH&S MANAGER
 7. City/Town: TEWKSBURY 8. State: MA 9. ZIP Code: 018761198
 10. Telephone: 9788581855 11. Ext.: _____ 12. Email: _____



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
DOWNGRADIENT PROPERTY STATUS (DPS)
TRANSMITTAL FORM Pursuant to 310 CMR 40.0180 (Subpart B)

BWSC 115

Release Tracking Number

3 - 13302

E. RELATIONSHIP TO PROPERTY OF PERSON MAKING SUBMITTAL:

Check here to change relationship.

1. RP or PRP a. Owner b. Operator c. Generator d. Transporter

e. Other RP or PRP Specify: _____

2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

4. Any Other Person Making Submittal Specify Relationship: _____

F. REQUIRED ATTACHMENT AND SUBMITTALS:

1. Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

2. Check here to certify that the Chief Municipal Officer and the Local Board of Health have been notified of the submittal of a Downgradient Property Status (DPS) with instructions on how to obtain a full copy of the report.

3. Check here to certify that the required documentation for a DPS Submittal, including, but not limited to, copies of notices, was provided to owners and operators of both upgradient and downgradient abutting properties and the source property, if known or suspected.

4. Check here to certify that a site plan of the property(ies) that is/are the subject of this DPS Submittal and, to the extent defined, the Disposal Site, is attached.

5. If a DPS Compliance Fee is required for this DPS Submittal, check here to certify that a DPS Compliance Fee was submitted to DEP, P. O. Box 4062, Boston, MA 02211.

6. If a Modification of a DPS Submittal is being submitted, check here to certify that written consent is attached. The written consent must be from the person who submitted the previous Modification of a DPS Submittal, or the Initial DPS Submittal, if there is no previous Modification of a DPS Submittal.

7. Check here if any non-updatable information provided on this form is incorrect, e.g., property address. Send corrections to bwsc.edep@state.ma.us

8. Check here to certify that the LSP Opinion containing the material facts, data, and other information is attached.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
DOWNGRADIENT PROPERTY STATUS (DPS)
TRANSMITTAL FORM Pursuant to 310 CMR 40.0180 (Subpart B)

BWSC 115

Release Tracking Number

3 - 13302

G. CERTIFICATION OF PERSON MAKING SUBMITTAL:

I, LOUIS BURKHARDT, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form; (ii) that, based on my inquiry of the/those individual(s) immediately responsible for obtaining the information, the material information contained herein is, to the best of my knowledge, information and belief, true, accurate and complete; (iii) that, to the best of my knowledge, information and belief, I/the person(s) or entity(ies) on whose behalf this submittal is made satisfy(ies) the criteria in 310 CMR 40.0183(2); (iv) that I/the person(s) or entity(ies) on whose behalf this submittal is made have provided notice in accordance with 310 CMR 40.0183(5); and (v) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is/are aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By: LOUIS BURKHARDT 3. Title: EH&S MANAGER
Signature

4. For: RAYTHEON COMPANY 5. Date: 10/17/2016
(Name of person or entity recorded in Section D) (mm/dd/yyyy)

6. Check here if the address of the person providing certification is different from address recorded in Section D.

7. Street: _____

8. City/Town: _____ 9. State: _____ 10. ZIP Code: _____

11. Telephone: _____ 12. Ext: _____ 13. Email: _____

YOU ARE SUBJECT TO AN ANNUAL COMPLIANCE ASSURANCE FEE OF UP TO \$10,000 PER BILLABLE YEAR FOR THIS DISPOSAL SITE. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (MassDEP USE ONLY:)

Received by DEP on
 10/17/2016 4:54:30 PM

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October 25, 2016

Nan Balmer
Town Administrator
Town of Wayland
Wayland, MA 01778

Dear Nan:

I am writing on behalf of the Wayland Housing Partnership. We met on October 17 and had the opportunity to discuss the recently completed report on Housing Organizational Structure by consultant Karen Sunnarborg. We appreciate your leadership, recognition of the need for such a review, and your commitment to improving strategies to meet the Town's housing goals.

We look forward to fully participating in an open discussion with you and other interested members of our community to discuss whether and how the various recommendations might assist the Town to meet our shared commitment to enhancing the diversity of Wayland and attaining our affordable housing goals. The WHP is committed to helping develop the foundational policies and strategies needed to meet these goals.

Members of our committee expressed strong support for one of the report's key recommendations: the need to secure sufficient professional support. Without at least a half-time professional housing planner, we will continue to be at a serious disadvantage in furthering our affordable housing goals.

We are also open to exploring other recommendations, including considering a new organizational structure that would be charged with clearly defined responsibilities that are, for the most part, currently being carried out by either the WHP or the Housing Trust. We embrace the goal of creating an organizational structure that can more effectively and efficiently identify, implement, and sustain policies and plans to meet both the State's mandated affordable housing goals for each city and town, as well as our own unique objectives.

Please let me know if you would like us to put the report's recommendations on the agenda for the next Joint Committee Meeting or, as Karen Sunnarborg prefers to call it, a Housing Summit or Housing Forum. Alternatively, we will be happy to participate in any other discussions that you convene, including meeting with our committee separately from other Town Boards/Committees.

Thanks very much,
Rachel G. Bratt
Chair, Wayland Housing Partnership



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

6

PUBLIC CEREMONIES COMMITTEE

TOWN BUILDING
41 COCHITUATE ROAD
TEL. (508) 358-7701
www.wayland.ma.us

October 27, 2016

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

The Public Ceremonies Committee cordially invites the Board of Selectmen to participate in our 2016 Veterans Day Ceremony, beginning at 11:00 a.m. on Friday, November 11, 2016 at the Wayland Veterans Memorial at the Town Building, 41 Cochituate Road.

It is requested that the Chair or a representative of the Board make a few welcoming remarks.

Respectfully,

Richard P. Turner

Richard P Turner
Chair



October 28, 2016

Beth Klein, Town Clerk
Town of Wayland
Town Building 41 Cochituate Rd.
Wayland, MA 01778

Dear Ms. Klein:

Pursuant to Section IX(A) of the Minuteman Regional Vocational Technical School District Agreement ("the Regional Agreement"), I write to notify you that, on October 26, 2016, the Minuteman Regional School Committee received a notice of withdrawal from the Town of Belmont, stating Belmont's desire to withdraw from the Minuteman Regional Vocational Technical School District ("the District"). This notice of withdrawal was sent in accordance with Sections IV(I) and IX(A) of the Regional Agreement, after: (1) a majority of voters in Belmont voted against the District incurring debt for the construction of a new school in the district-wide election held on September 20, 2016, and; (2) Belmont's Town Meeting voted by more than a two-thirds (2/3) majority, on October 19, 2016, to seek to withdraw from the District. A copy of Belmont's notice of withdrawal is attached to this letter.

In accordance with Section IX(A) of the Regional Agreement, Belmont's withdrawal from the District will be allowed only if it is approved by a majority of the District's other member communities. Under the Regional Agreement, a member community will be deemed to have approved Belmont's withdrawal from the District unless, within sixty (60) days following October 26, 2016, the legislative body of the member community votes *disapproval* of Belmont's requested withdrawal.

Please feel free to contact Superintendent Edward Bouquillon, who would be happy to provide any further information which you or other Town officials might desire in connection with this matter. Thank you for your cooperation.

Sincerely,

David Horton, Secretary
Minuteman Regional School Committee

cc: Town Administrator ✓
Enclosure



TOWN OF WAYLAND

MASSACHUSETTS

01778



TOWN CLERK

Beth R. Klein

brklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

www.wayland.ma.us

Date: October 28, 2016
To: Board of Selectmen ✓
From: Beth R. Klein, Town Clerk
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office on October 21, 2016 effective October 28, 2016:

Ann Knight
Term Expires:

Permanent Municipal Building Committee
Duration of Library building project

Pursuant to Chapter 41: Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town clerk or district clerk.

cc: Nan Balmer, Town Administrator
James E. Riley, Chair Permanent Municipal Building Committee
Ben Keefe, Facilities Department
Ann Knight

Klein, Beth

From: Ann Knight <aknight@minlib.net>
Sent: Friday, October 21, 2016 6:19 AM
To: Keefe, Ben; James E. Riley; Karlson, Cherry; Balmer, Nan
Cc: Aida Gennis; Klein, Beth
Subject: Resignation from PMBC and appointment of new member

Dear Town Officials,

Please accept my resignation as one of the Library designee members of the Permanent Municipal Building Committee. I would like to resign effective upon the date of my retirement, which is October 28. I will certainly attend and participate in next week's PMBC meeting on October 25 and, if necessary, will continue to attend meetings until my replacement is appointed.

At the Board of Library Trustee meeting on Wednesday, October 19, the Trustees voted unanimously to recommend to the Board of Selectmen that Trustee Chair Aida Gennis be appointed to replace me. The Trustees believe that Mrs. Gennis is without doubt the most knowledgeable individual connected to the library on this project and at the present time unquestionably the person best able to represent the library's interest at PMBC meetings. They hope and expect that the Board of Selectmen will act with dispatch to appoint Mrs. Gennis, ideally in early November.

New Library Director Dana Mastroianni, who is not a Wayland resident, will also regularly attend PMBC meetings to keep abreast of the project and to offer a library administrative and staff perspective whenever needed.

I am quite excited about the prospect of a new library for our town and will continue to support this project vigorously as a private citizen.

Sincerely,

Ann Knight

--

Ann F. Knight | Director
WAYLAND FREE PUBLIC LIBRARY
5 Concord Road | Wayland, Massachusetts 01778
Tel 508-358-2311 Fax 508-358-5249
aknight@minlib.net

Find us on the web at www.waylandlibrary.org
"Like" us at www.facebook.com/WaylandLibrary

9

From: Edward Szeman [<mailto:EdwardS@wsymca.org>]
Sent: Wednesday, November 02, 2016 9:44 AM
To: DiNapoli, MaryAnn
Subject: RE: Camp Chickami

Hi Again, MaryAnn:

I would like to invite any and all members of the Board of Selectmen to an informal meeting with the Camping Services Branch of the West Suburban YMCA. It is our hope that we play a larger and increasingly positive role in the Wayland community in 2017.

My colleagues, Scott Peckins and Keri Person, and I are intent on nurturing partnerships with organizations and governing bodies of Wayland to heighten our impact on the community. We would like to start by simply introducing ourselves and discussing our mission, vision, and goals with Board of Selectmen.

If any members of the Board have the time and energy to meet with a few camp folks, I have times and dates I can gladly offer.

Thank you again for your consideration and kindness.

Best,

Edward Szeman
Director, Camp Chickami
WEST SUBURBAN YMCA
276 Church Street, Newton MA 02458
(P) 617.244.6050 ext. 3812
(E) EdwardS@wsymca.org
(W) www.wsymca.org/camps

10

Wayland Police Department

Press Release

October 25, 2016

On Friday, October 21, 2016, the Wayland Police department conducted undercover alcohol compliance checks of local businesses/establishments that sell alcohol. Two individuals, aged 18 and 20 were sent into establishments with instructions to attempt to purchase alcohol without showing any identification.

One (1) establishment of the sixteen (16) establishments checked sold alcohol to the underage individuals; The Local, 1 Andrew Avenue Wayland. This restaurant will be referred to the Board of Selectmen for a violation hearing in the near future.

The Wayland Police Department regularly conducts both alcohol and cigarette compliance checks at local businesses in an effort to reduce the underage consumption of alcohol and tobacco products.

TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
OCTOBER 2016

11

TOTAL NUMBER CALLS HANDLED 63

Complaint Calls 5
Lost Dog Calls 2
Lost Cat Calls 5
Other Cat related calls
Animal / Wildlife Calls 12
Miscellaneous Calls 29

TOTAL # ANIMALS PICKED UP 0

Total # dogs not licensed
Total # dogs not claimed
still in dog officer custody
#surrendered to Humane Shelter

TOTAL # HUMAN BITE CALLS 1

TOTAL # ANIMAL -> ANIMAL BITE

10 Day Quarantine Order -Human Bite **Issued 1 / Released 0**
10 Day Quarantine Order -Animal Bite **Issued 1 / Released 1**
45 Day/6 Month Quarantine Orders **Issued 5 / Released 1**

TOTAL # CITATIONS ISSUED NONE

No license citations
Leash Law/Dog not under owner control
Other Offense
Court summons processed

Submitted by:
Jennifer Condon
Animal Control Inspector/Officer

June 20 2016

Finance Committee Minutes

Present:

- Wolin
- Watkin
- Steinberg
- Funkhouser
- Martin
- Cliff
- Keveny

Public Comment

Annette Lewis, Claypit Hill Road, reported on WRAP Committee and asked the Committee to focus on the requirement of the capital budget to require a five year plan in our budgeting process.

Linda Segal, Aqueduct Road - Regarding the potential zoning bylaw amendments for Fall Town Meeting, Linda indicated she thinks it would be better to have a comprehensive look at the zoning bylaw in accordance with the 2014 ATM rather than take articles individually this fall. N. Funkhouser encouraged Linda to share her thoughts with the BOS.

Response to Public Comment - None

Finance Director's Update - Reserve Fund Transfers

FY 16 Appropriation Deficits presented by Brian Keveny:

\$12,000 Treasury Department Transfer – penalty for previous late payroll tax payments. Discussion ensued and B. Steinberg moved that we transfer the funds as set forth. D. Watkins seconded the motion. Vote 6-0 in favor.

\$29,000 related to Medicare tax: tax related to payroll that the town owes. C. martin moved that we transfer the funds from the reserve fund. D. Watkins seconded the motion. B. Keveny indicated this transfer will reimburse the account. G. Cliff inquired whether the funds could come from either the fincom reserve or the reserve for salary account and B. Keveny indicated either account would be okay. Discussion ensued. Vote: 6-0 in favor.

\$30,000 State Assessments: offset to local aid. Budgeted \$100K and were assessed \$21K over budget. Goes on tax recap. Currently \$21,000 deficit but June's assessments are undetermined so it could be a larger number. B. Keveny described the assessments further. C. Martin made a motion to pay \$30,000 in a transfer from the reserve fund and B. Steinberg seconded the motion. Vote 6-0.

\$15,853 ATM Expenses: Expenses related to Fall ATM and Winter TM higher costs due to greater activity. This amount is lower than the \$37K he asked for last Spring. Discussion ensued. B. Steinberg made a motion to approve \$15,853 for TM expenses and D. Watkins seconded the motion. Vote 6-0.

Library \$3,000; DISREGARD PRINTED REQUEST IN PACKAGE

Youth Services \$3,500 due to the fact that the timing of year end payroll to beginning of year payroll timing results in a budget shortfall. B. Steinberg moved to approve the \$3,500 transfer and N. Funkhouser seconded the motion. Vote 6-0.

\$600 Town IT salary – payroll payment timing again. C. Martin made a motion to approve the \$600 transfer and B. Steinberg seconded the motion. Vote 6-0.

\$900 Town Surveyor payroll timing issue . C. Martin made motion to transfer \$900 and B. Steinberg seconded the motion. Vote 6-0.

\$200 Dog Officer: Appropriate was not underfunded at ATM. The current annual appropriation also will need to increase going forward. C. Martin moved that the requested \$200 transfer be approved and D. Watkins seconded the motion. Vote 6-0.

Balance \$186,846 will remain in the fincomm reserve fund after the impact of the abovementioned transfers.

Discuss CIP Draft memo

Draft memo was handed out at last meeting and committee discussed the memo. Comments were made about the CIP process, including a five year plan for review. Discussion ensued about the process.

Reappoint Anne Gilbert to Senior Tax Relief Committee

C. Martin moved that we reappoint Anne Gilbert to a three year term, D. Watkins seconded the motion, and the vote was 6-0 in favor.

Selection of Financial Advisor:

Nan Balmer discussed the process for choosing a Financial Advisor.

Nan also requested that the FinComm provide the TA with key responsibilities that would be helpful to the budgeting process. Discussion ensued.

Special FinComm Projects:

Members provided an update on the projects that we are undertaking regarding Debt Management, Website Review, FinComm Calendar, Budget Guideline/Goal Analysis, FinComm Process Improvements. Discussion and updates about these projects occurred. There was also

discussion about bringing in UniBank to discuss our overall debt picture which we will do at a future meeting.

Liaison & Members' Reports, Concerns, and Topics

G. Cliff asked B. Keveny if we could get information that would help us understand what average level of debt issuance is typical for our town size. B. Keveny said the best place to get that information would probably be from our Financial Advisor, Unibank. C. Martin added that we should also get their input on our level of total debt outstanding compared to others. C. Martin explained that she and B. Steinberg set up a meeting with the Board of Public Works to discuss road construction. G. Cliff asked D. Watkins to make sure that we get involved in the collective bargaining agreement when it makes sense to do so. D. Watkins provided an update on the Suburban Coalition meeting he had attended. A big topic is the state's procedure for calculating the reimbursement rate for students.

Incoming Chair's Update

D. Watkins provided an update on potential new members for the Finance Committee and reviewed a potential schedule for future FinCom meetings in July. FinCom members discussed and tentatively agreed on July 13 as our next meeting subject to further information. G. Cliff requested that we try to post our agenda in time for it to be posted on the town's website at least 48 hours before.

Meeting Minutes Review, Discussion and Approval

May 9th meeting minutes. B. Steinberg, N. Funkhouser, and C. Martin suggested a number of small edits. N. Funkhouser moved that we approve the minutes as amended. C. Martin seconded. Approved 6-0.

N. Funkhouser recognized B. Steinberg for his 6 years of stellar contributions to the FinCom. C. Martin echoed and added her thanks to Bill. B. Keveny agreed. Rest of FinCom all agreed.

Adjourn

C. Martin moved that we adjourn at 9:35. N. Funkhouser seconded. Motion passed 6-

DOCUMENTS:

Reserve Transfer documents

CIP Draft memo

May 9, 2016 draft meeting minutes

Wayland Historical Commission Meeting Minutes – September 12, 2016

Attendees: Members: Elisa Scola (Chair), Tonya Largy, John Dyer, Rick Conard, Guests: Karen Montague, Sherre Greenbaum, Ann Gordon, Mike Lowery

Chair Elisa Scola called the meeting to order at 7:33 pm.

1. There were no public comments.
2. Rice Road Dam Gatehouse: Sherre Greenbaum, Chair of the Conservation Commission, discussed the condition of the Town-owned gatehouse at the Rice Road dam. It is a small stone building in poor condition with no roof (covered with a tarp) or floor. The Con Com has hired an engineer to write a scope of services for the mechanical components of the gatehouse but not the building. Con Com has funding available to do some work. Historical Commission members asked about the age and history of the building. From the information and photo presented [Wayland A-Z book p. 179] it appears to be a historic building worthy of preservation. Access is through a private residence driveway off of Rice Road. The building is not visible from Rice Road. Sherre offered to have Con Com give a tour to interested members of the Historical Commission. Sherre will determine what a historically-appropriate roof would cost. John Dyer stated and other members agreed that we are supportive of the concept of restoration of the building but that we need more details. Elisa stated that CPA historic preservation funds are more limited now due to the purchase of the Mainstone Farm development rights.
3. Stone's Bridge Update: Elisa said that Structures North has been hired by the Town to develop plans for the bridge restoration. PMBC is in charge of this project. Elisa and Tonya are members of the PMBC but only for the purpose of the bridge project. Mike Lowery said that with the Sudbury River water level so low now, it would be a great time to clean up the debris next to the bridge again. Elisa said that all of our grant money for that purpose has been expended so we have no funding to do that now.
4. North Cemetery Update: Elisa said that Ben Keefe will be sending out a Request for Proposals for monument conservation in the Stoney section of North Cemetery on Thursday.
5. Railroad Site and Rail Trail: Rick received a set of plans from Sarkis Sarkisian for the rail trail between Concord Road and Rte. 20 on the afternoon of Sept. 12. This was the first time he had seen those plans. Some historic railroad artifacts that need to be protected are not shown on the plans. There will be a pre-bid conference for the rail trail (combined with Library drainage work) on Wednesday, Sept. 21. Rick said he planned to attend. The conference will include a site walk-through by engineers for the benefit of prospective contractor bidders and other interested persons. Ellen Berkland, DCR Archaeologist, will also attend. Bids will be opened on Oct. 4. Sarkis wants to have construction start later in October.
6. Archaeology Update: Tonya has been very busy all summer. In June, 8 or 9 55-gallon drums containing tar were removed by the DPW from the Castle Hill Conservation Area. No artifacts were found. Tonya attended meetings on July 19 and Sept. 6 for the Dudley Woods trails project. The Recreation Commission needs more than the \$85,000

appropriated for this project so they will go back to CPC for more funds. Ben Garry will meet with Sheila Carel regarding historical information that she has. Ben Garry is also designing the trails at the former Nike Site. We reviewed a map showing that location; the berm there may be historically significant. The Brookside Chapter 40B housing project (at Mahoney's Garden Center site) was discussed. It was felt that this proposed project is too big for the site. The Pine Brook watershed has not been explored; some sort of archaeology needs to be done in that area. Con Com is also reportedly not happy with the proposed project. If the HC feels this is too big a project for the site, Sarki would like a letter from us. Karen Montague offered to assist us with publicity for our Oct. 15 Archaeology Month talk. Katelin O'Brien in Mary Ann Dinapoli's office does the Town Facebook page and she may be able to offer assistance.

7. WHC Annual Report for 2016: Reviewed and accepted.
8. The draft minutes of the June 22 WHC meeting were reviewed and accepted.
9. New Business: The Sept. 6 letter from Elisa to Sarkis regarding the Carroll School historic barn was reviewed. The idea for formation of a "Friends of North Cemetery" idea was discussed again. John Dyer presented a "Gravestone Girls" flyer from the Town of Dennis as an idea to help get such a group organized. Ann Gordon says she lives near South Cemetery and offered to look at and photograph some of the stones in most need of restoration; there was discussion whether this could be done by the North Cemetery contractors with funding perhaps provided separately by DPW. Mike says he understands the Library study is leaning towards Main St. as a new library site; if we feel the Library should stay where it is we should write another letter.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Richard Conard

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
September 19, 2016 7:00 pm

14

Members Present:

D. Cohen (DC); M. Peabody (MP); P. Schneider (PS); M. Jones (MJ)
J. Green (JG) attended as a non-voting Board member for this meeting as she needs to be sworn-in for her re-appointment.

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

Public Comment

None

Executive Session

DC moved that the Personnel Board go 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; to Review and Discuss an MOA with the Fire Union Regarding Specialist Positions; to Discuss Civil Service Negotiations with the Police Union; to Discuss Non-Union Wage Negotiations and Employment Agreements; to Discuss an AFSCME 2 Position Elimination; to Discuss Police Grievance Hearings and a Police Arbitration; to Discuss Teamster and AFSCME 2 Negotiations Regarding Security Camera Installations; to Discuss Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, WTA, WESA and Food Service Unions Health Insurance Negotiations; to Review Executive Session Minutes of 2/29/16, 3/21/16, 4/26/16, 5/23/16 and 6/13/16 and Vote for Potential Release; Review and Potential Approval of Minutes of 7/18/16 and pursuant to Massachusetts General Laws (a)(2) to Discuss Strategy with respect to contract negotiations with the Police Chief as an open discussion of these matters may have a detrimental effect on the Town’s bargaining position.

The Chair declared that a public discussion of these items will have a detrimental effect on the bargaining position of the Town.

The Chair invites members of the Finance Committee, School Committee and Board of Selectmen to join the Board in executive session. The Chair also invites staff members John Senchyshyn, Asst. Town Administrator; Nan Balmer, Town Administrator; Paul Stein School Superintendent; Brad Crozier, Asst. School Superintendent; Brian Keveny, Finance Director; Diane Marobella, School Administrative Asst. and Katelyn O’Brien, HR Assistant to join the executive session.

MJ seconded the motion.

DC took a roll call vote:

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

DC announced that the Personnel Board would be joining the Board of Selectmen, School Committee and Finance Committee for a joint executive session on collective bargaining in the School Committee Room.

Following the joint executive session the Personnel Board will remain in executive session and return to the Selectmen's Office to continue with further executive session matters. The Chair invites John Senchyshyn, Asst. Town Administrator to participate in that portion of the executive session.

The Board will reconvene in open session in approximately 1 hour and 30 minutes.

The Board entered Executive Session at approximately 7:02 pm.

The Board returned to Open Session at approximately 7:09 pm.

DC moved to amend the motion to enter executive session to invite Susan Bottan, School Business Manager to join the Board in executive session.

MJ seconded the motion.

DC took a roll call vote:

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

The Board re-entered Executive Session at approximately 7:10 pm

The Board returned to Open Session at approximately 8:25 pm.

Review of the 7/18/16 Minutes

The draft minutes were amended as follows:

... J. Green (JG) ...

... advise **the Personnel Board** to ...

... revise ~~at~~ other ...

MJ moved to approve the minutes of 7/18/16 as amended. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

FY 18 Personnel Board Budget

JS reviewed the proposed Personnel Board budget for FY 18. The request is for \$15,000 which is equal to the FY 17 approved budget. JS stated that he submitted the draft to the Town Administrator during an early September meeting.

MJ moved to approve the FY 18 Personnel Board budget request in the amount of \$15,000. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Update on FY 18 Position Requests

JS stated that he has received the following requests for new positions: 4 Firefighters, 1 Police Officer, a new Rec position, a new Conservation position and increased hours for the Conservation Department Assistant. He believed additional requests are pending. The requests will likely come before the Board in early November.

Review of Executive Assistant to the Town Administrator Job Description

JS presented the revisions to the job description. He stated that the changes had been drafted with the incumbent, the Town Administrator and the Chair of the Selectmen. The changes occurred because the incumbent is no longer attending Selectmen's Meetings and producing minutes for the Selectmen. JS discussed the changes in duties with the Board which include several new responsibilities. No change in the position's grade is proposed.

MJ moved to approve the Executive Assistant to the Town Administrator Job Description as presented with no change in the job grade. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

FY 16 Annual Report

The Board reviewed and discussed a draft FY 16 Annual Report. Members made several suggested edits.

MJ moved to approve the FY 16 Annual Report for the Personnel Board as amended. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of Personnel Policies

JS presented 3 non-union policies for the Board's review and consideration.

N4-1.1 Annual Leave – The Board reviewed the draft policy, discussed several edits and agreed upon the changes.

MP moved to approve the N4-1.1 Annual Leave policy as amended. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

N4-1.2 Personal Leave – The Board reviewed the draft policy, discussed several edits and agreed upon the changes.

MJ moved to approve the N4-1.2 Personal Leave policy as amended. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

N4-2.1 Holiday Leave – The Board reviewed the draft policy, discussed several edits and agreed upon the changes.

MJ moved to approve the N4-2.1 Holiday Leave policy as amended. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Future Meetings

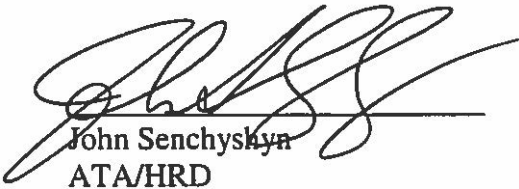
JS asked the Board if would schedule a brief morning meeting for the purpose of voting its position on the article to withdraw from Civil Service. The warrant is planned to go to print the week of 10/10. The Board scheduled a meeting on 10/7/16 at 8:45 am.

The next regular meeting was scheduled for 10/18/16 at 7 pm.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance

None.

MJ moved to adjourn at 9:10 pm. PS seconded the motion. Four members having voted in the affirmative, the motion passed.



John Senchyskyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

September 19, 2016

Document:

Draft Policies:

Annual Leave

Personal leave

Holiday Leave

2016-07-18 Draft Minutes

PB Annual Report 2016

PB Budget 2018

PB Budget Narrative

Draft Job Description - Exec Assistant to TA

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
October 7, 2016 8:45 am

Members Present:

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

DC called the meeting to order at 8:50 am.

Public Comment

None

STM Article to Withdraw from Civil Service

JS stated that the Board had not yet voted its position on the STM Warrant Article to Withdraw the Police Department from Civil Service.

MJ moved to support the STM Warrant Article which would petition the Legislature to remove all Police personnel from the provisions of Civil Service without affecting the Civil Service rights of the incumbents. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Starting Wage Rate for the Library Director

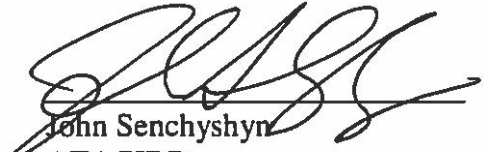
JS reviewed the hiring and resume of the new Library Director, Dana Mastroianni. He asked the Board to approve a starting wage rate of N10, Step 8 in the amount of \$96,060.

MJ moved to approve the starting wage rate for Library Director, Dana Mastroianni at N10, Step 8 in the amount of \$96,060. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance

JS asked the Board if the next meeting could be rescheduled from Tuesday, October 18th to Wednesday, October 19th. Members indicated that they would check their calendars and advise as to their availability.

MJ moved to adjourn at 9:00 am. PS seconded the motion. Four members having voted in the affirmative, the motion passed.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

October 7, 2016

Document:

Civil Service STM Article

Mastroianni Resume

15

PUBLIC CEREMONIES COMMITTEE
Board of Selectmen's Office Conference Room
Wayland Town Building
41 Cochituate Road
Wayland, Mass 01778
September 14 2016

1) The committee meeting was called to order at 7:00 p . m .
In attendance: Richard Turner (RT), Carl Bernardo (CB), George Bernard (GB) and John Dyer (JD). Not Present: Steve Streeter & Dennis Berry

2) Public Comment: No Public Comment

3) New Business:

- Richard Turner to send out summary of June 8, 2016 meeting notes.
Carl to meet with "Cox" in Holliston in October to discuss having military vehicles in the Memorial Day Parade, 2017.
The 2016 Public Ceremonies Committee annual report was reviewed by the committee. The summary included highlights of the Veterans Day program 2015, Lydia Child Award, Memorial Day program 2016, and Purple Heart Recognition Sunday, 2016. John Dyer to review summary for spelling, punctuation, sentence structure, etc. and send to RT in the next week. RT to turn summary into Selectmen's office by end of September.
- Post 133 to recognize the death of a Veteran -Alward who died in combat on October 23, 1918. The ceremony will take place at South Cemetery on October 23, 2016.
- RT to check with DPW on the trimming of a tree at the WWII Lokerville Green. The tree is close to the flag pole and when the flag is flown at half-mast it will hit the branches of the tree.
- A unanimous vote was taken to make Steve Streeter the Vice Chairman. His first duty will be to check with Nan Balmer on who will put the flags up in Cochituate and Wayland Center prior to the Memorial Day parade. The bucket truck used for putting the flags on telephone poles is being transferred from the fire department to DPW.
- RT found out from the facilities manager that there is no space anywhere in town for the storage of the new speaker system. This could result in liability issues as the speaker system is currently at one of the WPCC members.
- GB stressed the need to have events such as Memorial Day put in writing with key milestones so a committee member can step in if it is unexpectedly required. This also applies to the Lydia Child award, and Veterans Day.
- JD was to put in writing the steps involved in running the Freedom prize from start to finish. This action item remains with JD.

Meeting adjourned at 8:40 P.M.

- The next WPCC meeting is scheduled for Wednesday, October 12 but this is subject to change.

Respectfully submitted
George Bernard 9/19/2016

16

WAYLAND BOARD OF PUBLIC WORKS

DPW Facility
October 19, 2016
7:00 PM
MEETING MINUTES

Present: C. Brown, (Chair), M. Lowery (Vice Chair), W. Baston, J. Mishara, M. Wegerbauer, M. Lindeman (Interim DPW Director)

Meeting opened at 7:00 PM

Brown noted that the meeting is being recorded.

Brown opened the meeting with a review of the agenda.

Public Comment

Aida Gennis of the Board of Library Trustees noted that a public meeting will be held on November 2, 2016 to review the proposed plans for a new library.

Irrigation Application Permit – 21 Clubhouse Lane

Kevin Ruday of Lembo Corporation appeared before the Board to discuss the application for the installation of an irrigation system at 21 Clubhouse Lane.

Lowery noted that the application is not complete, and the application should not be considered until all necessary information is obtained.

Brown noted that the Board is not in a position to approve the application at this meeting, and will review the completed application at a future meeting.

Items Included as Part of Agenda Packet for Discussion

- 21 Clubhouse Lane Irrigation Application

Items Distributed for Discussion

- 21 Clubhouse Lane Irrigation Plan

Consideration and Possible Vote to Transfer Land at 195 Main Street

Brown noted that the Board has been requested to declare 195 Main as surplus.

Brown described the process by which the DPW would relocate the material lay-down area.

Aida Gennis appeared before the Board to discuss the timeline for the construction of a new library at 195 Main Street.

The Board discussed potential sites for a new DPW laydown area.

The Board reviewed the language of the proposed motion to transfer 195 Main Street.

Lindeman suggested that a side letter of agreement allowing the DPW to use the land as a laydown area until construction begins would sufficiently protect the interests of the Board of Public Works and the DPW.

Wegerbauer suggested that the Board's concerns be addressed with Town Counsel.

Brown noted that he is comfortable with the motion, provided that there is an understanding that an MOU is drafted allowing the use of 195 Main Street as a temporary lay-down area.

Brown made a motion to authorize the transfer of 195 Main Street as written.

Mishara 2nd.

Lowery noted that, in his opinion, a vote on the agreement should be delayed until the motion can be more thoroughly analyzed.

Lowery noted the document should also specifically convey the buildings on the land.

Gennis noted that she would convey the Board of Public Works' desire for an MOU to the Board of Library Trustees, and it is her sense that there would be no issue with drafting an MOU.

Mishara offered a friendly amendment to section 2, line 2 to add "...including any buildings and structures situated thereon..."

Brown, Mishara, Wegerbauer, and Baston in favor of amended motion. Lowery abstain.

[Motion as passed attached]

Items Distributed for Discussion
- Motion re: 195 Main Street

Library Drainage Project Update

[Baston recused himself at 8:21 PM]

Lindeman noted that the contract has been awarded and a pre-construction meeting is scheduled for the morning of October 20.

[Baston returned to the Board at 8:24 PM]

Items Distributed for Discussion
- 10/19/2016 email from John Moynihan re: Library Drainage/Rail Trail Project Update

Roles and Responsibilities for Determining Water Ban Violation Fines

Brown noted that discussion of this item will be delayed until the next meeting.

Lowery suggested that irrigation contractors require to be licensed by the Town and that regulations be provided to contractors by the Building Department when applying for a permit.

36 York Road – Water Ban Fine Appeal

Brown noted that discussion of this item will be delayed until the next meeting.

Discussion of Water Department Debt – Information to be provided by Finance Department

Lowery discussed the current status of the Water Reserves, and described an accounting error concerning Water Enterprise Fund debt that has been corrected.

Mishara asked if the analysis includes the potential acquisition of two properties.

Lowery noted that the analysis does not.

*Items Distributed for Discussion
- Water Outstanding Debt June 30, 2016*

Discussion of Town Policy Regarding Restrictions on Use of Water Distribution GIS Layer to Staff Only

Lowery discussed the status of a Town policy concerning access to data layers within the GIS system.

Update on Status of Potential DPW Lay-Down Area

Brown discussed an October 13, 2016 letter to the Board from Town Administrator Nan Balmer, requesting the Board of Public Works to furnish a plan to vacate the current DPW lay-down area.

The Board reviewed an October 19, 2016 email from John Moynihan regarding the status of the River's Edge Water Loop and construction of the Transfer Station Access Road.

The Board discussed the language of a letter to be sent to the Board of Selectmen in response to their request.

Brown summarized the proposed changes to the letter to be sent by the Board of Public Works to the Board of Selectmen.

Mishara made a motion to authorize Brown to make the changes discussed to the letter to the Town Administrator and Board of Selectmen.

Baston 2nd.

Baston, Brown, Lowery, Mishara in favor. Wegerbauer abstain.

Items Distributed for Discussion

- 10/13/2016 letter from Town Administrator re: DPW lay-down area"

- 10/19/2016 email from John Moynihan re: River Edge Water Loop and Transfer Station Road Work

Review & Update on Status of FY18 DPW Capital Items

Lindeman described proposed changes to the DPW CIP Forms.

Brown made a motion to remove the CIP for the snow melter, authorize the CIP for the Transfer Station Wetland Mitigation and Access Road, reduce the requested funding for the Road Renovation CIP from \$1,610,000 to \$700,000, and draft a CIP for \$250,000 for the establishment of an interim lay-down area.

Lowery 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- DPW 5-Year Capital Plan

- Road Renovations Projects CIP Form

- Snow Melter CIP

- Transfer Station Wetland Mitigation & Access Rd CIP

Discuss Special Town Meeting DPW/BOPW Articles and Articles Affecting the DPW/BOPW

Brown noted that Recreation is not currently being charged for water used for field irrigation.

Lindeman noted that his recollection was that all water usage was to be charged to Facilities upon the formation of the DPW.

Lowery noted that every water meter should be read and billed.

Brown discussed the status of appraisals received for the property at 107 Old Sudbury Road.

Wegerbauer discussed the potential installation of innovative and alternative (I&A) solutions to the issues of septic systems located within a Zone I.

The Board discussed the various potential requirements for septic systems located on properties within the Zone I that could serve as an alternative to pursuing the purchase of these properties.

Lowery discussed limitations associated with I&A septic systems.

Lowery noted that the septic system at 8 Glezen Lane has not failed title 5 as previously believed, but is in need of repair.

Lowery discussed the potential relocation of the leaching field to a less-sensitive area of the property of 8 Glezen Lane outside the zone I.

Brown asked if the relocation of the leaching field would preclude the Board's desire to pursue the purchase of the property.

Lowery acknowledged that it would likely be difficult to gather the necessary support at Town meeting to purchase the property.

Brown discussed a public records request that was submitted to the Board by the petitioner who has brought forth a Town Meeting article to defund the construction of the Happy Hollow Well Access Road.

Lowery noted that his recollection is that no study or request for a study was done to examine the possibility of making upgrades to the existing Happy Hollow Well Access Road that runs through Wayland High School property.

Mishara suggested that Brown search his Board of Public Works email records to determine if any relevant discussion has taken place.

Discussion of Temporary Sign Policy

Brown noted this item will be passed over for a future agenda.

DPW Director's Financial Report

The Board reviewed the DPW Financial Report.

*Items Included as Part of Agenda Packet for Discussion
- 10/14/2016 DPW Financial Report*

Board Members' Reports, Concerns, and Updates

Wegerbauer requested that the potential to lease or purchase nearby space for use as a lay-down area be explored.

Wegerbauer requested that it be explored if anything can be done to improve the radius of the right-hand turn from Old Connecticut Path onto Cochituate Road during the construction currently under way.

Lowery discussed the status of the put and take area.

Lindeman noted that an enclosed structure has been order and is scheduled for delivery on Monday, October 24.

Baston noted that he was part of an interview for a new perspective DPW Director.

Brown noted that a Traffic Calming request for Bow Road was received today.

The Board determined that meetings for November will be set for November 1 at the Town Building, November 15 and 16 prior to Town Meeting, and November 22.

Review and Approve the Minutes of the 9/27/2016 Meeting

Lowery noted a correction to the Finance Committee vote taken referenced on page 7.

Brown made a motion to approve the minutes of the September 27, 2016 meeting as amended.

Mishara 2nd, all in favor.

*Items Included as Part of Agenda Packet for Discussion
- 9/27/2016 Meeting Minutes Draft*

Mishara made a motion to adjourn.

Wegerbauer 2nd, all in favor.

Meeting adjourned at 10:00 PM.

MOTION RE: 195 MAIN STREET

BOARD OF PUBLIC WORKS MEETING - OCTOBER 19, 2016

I move that the Board of Public Works:

(1) Determine, pursuant to Massachusetts General Laws Chapter 40, Section 15A, that the parcel of Town-owned land on Main Street (Route 27), Wayland, Massachusetts known and numbered as 195 Main Street, Wayland, Massachusetts, containing 3.2 acres, more or less, as described in a deed dated July 23, 1928 and recorded with the Middlesex South Registry of Deeds in Book 5291, Page 148, is no longer needed for municipal public works purposes; and

(2) transfer the care, custody, management and control of: a.) the portion of said parcel of land including any buildings and structures thereon under the Board of Public Works' jurisdiction shown as "Area to be Transferred to Care and Custody of the Library Trustees 2.3 Acres \pm " on the unrecorded plan entitled "Plan of Land in Wayland, Massachusetts Showing Jurisdictional Boundaries At The Highway Garage", dated October 12, 2016, prepared by the Town of Wayland Massachusetts Town Surveyor's Office to the Board of Library Trustees for library purposes, effective upon the receipt of grant award from the Commonwealth of Massachusetts and a town meeting appropriation for the construction of a new town library on said land so transferred for library purposes; b.) the portion of said parcel of land under the Board of Public Works' jurisdiction shown as "Area to be Transferred to Care and Custody of the Recreation Commission 1.9 Acres \pm " on said plan to the Recreation Commission for

recreation purposes, effective upon the receipt the approval of a plan and a town meeting appropriation for the construction of a recreational facility on said land so transferred for recreation purposes; and c.) the portion of said parcel of land shown as “Area to be Transferred to Care and Custody of the School Department 0.6 Acres \pm ” on said plan to the School Committee for school purposes, effective upon the commencement of construction of a new town library on said land so transferred to the Board of Library Trustees for library purposes or the commencement of construction of a recreational facility on the land so transferred to the Recreation Commission for recreation purposes.



TOWN OF WAYLAND
MASSACHUSETTS
1778
BOARD OF APPEALS

17

TOWN BUILDING
41 COCHITUATE ROAD
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June 23, 2015

Minutes

Attending the hearing was Eric Goldberg, Chair, Thorn White, Michael Connors, Linda Segal and Argie Shapiro. Norma Badger was in attendance to take minutes.

Application of JOHAN KULLSTAM and ELIZABETH DRISCOLL KULLSTAM for any necessary approvals, special permit, and/or variance as may be required to change, alter, extend a pre-existing non-conforming structure by more than 20% (construct two car garage with master bedroom above and mudroom) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3 and 1604.2. The property is located at 15 DORAN ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-07)

Panel Hearing matter: Eric Goldberg, Thorn White, Mike Connors, Linda Segal and Argie Shapiro. Mike Connors will write the decision.

Barbara Madyi represented the applicants. She explained what type of addition the applicants would like to do. Explained they were in the required setbacks. They moved the garage forward to be within the front setback. They did apply for a new septic and this addition will not alter the number of bedrooms. Eric asked about the setbacks on the plot plan and it showed 72.3 (existing property) and with proposed addition is 72.3. (application had an error in the existing and proposed numbers). The proposed is 72.3.

Linda Segal asked the applicant if they had read the letter submitted by Molly Upton. The applicant was given a copy of the letter submitted by Molly at tonight's hearing. Eric explained that the concern raised was that the addition would not be in keeping within the character of the existing neighborhood and attached a chart showing houses around that area and asking to have the applicant scale down the addition. Eric said the proposed house would not be the largest on the street or the largest in gross floor area and the only nonconformity is the square footage of their lot area. Linda asked where the septic is going, facing house is on left said Barbara. Linda said when she had looked at the house she noticed there was a slope and was not shown on the plot plan and asked if they would have to put in any fill; applicant replied "no", and it is in the Aquifer Protection District which Linda mentioned could have an affect on that. Barbara said there will be some grading. Linda asked about the interior plans, proposed first floor plan, seeing a stair case going down and does this house have a basement. Barbara said It does have a basement but doesn't have a drawing. Thorn said topography is missing and the basement plan is missing and would like to see all the plans. Typically like to see, and there is no mean grade calculations, has some worries about this and in light of the past and other neighbors would like to have a complete package also.

Public Comment: Alan Palevsky, 23 Doran Road. Said been in neighborhood for 25 years and there has been many houses added onto in the past. The neighborhood has been improving and feels this is fine.

- Larry Budnick, 28 Doran Road. Agree that it will be a lovely addition to the road and supports it. Maria Dorr, fully in support of this addition and will be an improvement.

Linda asked the neighbors how the drainage and flooding was in regards to the Aquifer. They all said they have wonderful drainage.

Board would like them to submit the basement plan and topography plan. Eric moved that although the proposal will increase the nonconformity it will not be more detrimental to the neighborhood than the existing nonconforming structure and meets the requirements of by-law subject to the conditions that it be constructed in substantial conformity with plans stamped in 4/24/15 and any other approvals by boards or committees as may be required. Applicant submitted the septic with topography 6/23/15 and basement plan will be submitted to the building department. Thorn second. All in favor 5-0.

Other matters: Moved to approved the minutes of April 14, 2015, May 12, 2015, May 26, 2015 and June 9, 2015.

Zoning By-Law Discussion:

Home Occupation and floor area ratio are the concerns and caused the Planning Board to change that part of the by-law. Hold public forums and other issues, such as Adult Day Care, etc. Give another copy of the issues of the by-law of their concerns. Thorn said as a board they can help establish and give them advice. They don't want to make the wording its just explaining to the Planning Board what their issues are and concerns and the Planning Board should come up with the language. Eric said they should not be editing, proofing, etc. Thorn agreed and said they have made it clear that what is problematic to them. Argie asked how this gets worked on, who actually does the working. Linda explained to Argie that years ago they had money in the budget for an attorney for the by-law and the funds are now gone.

Mike moved to adjourn at 7:40p.m., Thorn second..all in favor

August 11, 2015
Date Approved

Norma Badger
Prepared by: Norma Badger



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July 14, 2015

MINUTES

Attending the hearing was Eric Goldberg, Michael Connors, Thorn White, and Associate Member Linda Segal. Norma Badger was in attendance to take minutes. Meeting started at 7:05 p.m.

Eric Goldberg explained to the applicants that there were only 4 members present requiring each hearing to get a unanimous vote of 4-0 or they could wait and continue their hearing until there were 5 members on the panel. Both applicants agreed to go ahead with 4 member panel

Application of LELAND SMITH for any necessary approvals, special permits and/or variances as may be required to renew ZBA Dec. #10-19 dated July 2, 2010 to allow the operation of customary home occupation (sale of antique and reproduction clocks and clock repairs) under the Town of Wayland Zoning Bylaws Chapter 198 Sections 104, 201, 203, 901.1.3, 804-Table of Permitted Accessory Uses by District (Use #62) and 80S-Classification of Accessory Uses. The property is located at 135 BOSTON POST ROAD which is in a ROADSIDE BUSINESS DISTRICT. (15-14)

Panel hearing matter: Eric Goldberg, Thomas White, Michael Connors and Linda Segal. They will write the decision.

Leland Smith asked the board to continue his business for another 5 years. Eric mentioned on the last decision there were 5 conditions and read them to the applicant and asked if there were any changes that Mr. Smith would like to edit. Mr. Smith told the board there were no changes.

Public: No comment.

Eric moved to grant special permit to extend the special permit for 5 years and subject to the same conditions....Michael second. All in favor 4-0.

Application of KATHERINE KELLIHER for any necessary approvals, special permits and/or variances as may be required to add a 14' x 12' deck within side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2, 703.2, 1604.2 and 801-Table of Dimensional Requirements (side yard). The property is located at 163 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-13)

Panel hearing matter: Eric Goldberg, Thomas White, Michael Connors and Linda Segal. Linda will write the decision.

Eric explained again to the applicant they need 4-0 vote and asked if they would like to go forward. The applicants agreed to go forward with the hearing.

John Carmody (contractor) represented the applicant and explained they wanted to add a deck to the existing house.

Eric explained there is one setback issue but does not extend the nonconformity and actually is better than the existing nonconformity. John explained to the board that he couldn't move the proposed deck to stay within because it would cover the cellar door. Eric said Aquifer protection district is not being affected. Linda asked where the egress would be and it would be the back door. Letter was submitted from conservation. Linda does not see a problem with it. Michael Connors asked if public: No one from public responded

Eric moved to grant special permit finding that the proposal will increase the nonconformity but not more detrimentaland grant special permit to be constructed in conformity with the plans submitted. Thorn second the motion. All in favor 4-0.

Other Matters:

Michael motioned to adjourn, Eric second...all in favor 4-0

Meeting adjourned at 7:25p.m.

August 11, 2015

Date Approved

Prepared By: Norma Badger



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Minutes
August 11, 2015

Attending the public hearing in Wayland Town Building Selectmen's meeting room were Eric Goldberg, Thorn White, Aida Gennis, Michael Connors and Associate Members Linda Segal and Shaunt Sarian. Norma Badger was in attendance to take minutes. Meeting started at 7:05p.m.

Application of KEDARNATH BANGALORE for any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct a family room, dining room, bath addition and open deck) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 302, 401.1.2, and 401.1.3. The property is located at 24 OLD TAVERN ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-15)

Panel hearing matter: Eric Goldberg, Thorn White, Aida Gennis, Michael Connors and Linda Segal. Eric will write the decision.

Kedarnath Bangalore explained that back in 2011 they had come to the Board to add a master bedroom over a garage. They received the special permit approval at that time and completed the addition. Now they would like to do the proposed expansion behind the kitchen. The family room is now the basement and would like to expand the kitchen and make a family room dining room area.

Eric said the nonconformity is frontage and area, but the proposal does not change the setbacks.

Aida asked about the plot plan, showing a proposed second story addition? Applicant said that was the old plot plan from the prior 2011 proposal. Linda said the BOH limited it to 10 rooms and deed restricted to 3 bedrooms. Linda asked applicant if they shared plans with neighbors. Applicant said they did. Eric felt it was in keeping with the house next door.

Public: No one else present. No comment

Michael Connors motioned the Section 203 finding that the proposal is not against the public interest, not detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor or other objectionable features and will not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety. Thorn second 5-0.

Michael moved to grant a special permit with conditions that it is constructed according to plans submitted and obtaining all other required approvals, and Linda requested the BOH three-bedroom deed restriction be put in the narrative. Thorn second. All in favor 5-0.

Approved minutes for June 23, 2015 and July 14, 2015. All in favor 6-0.

Michael motioned to adjourn at 7:15, Eric second. All in favor 6-0.

January 12, 2016
Date Minutes Approved

Prepared by: Norma Badger



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Minutes

August 25, 2015

Attending the hearing was Eric Goldberg, Aida Gennis, Argie Shapiro and Linda Segal.

Application of BIN JIA for any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct a second story addition) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2, and 401.1.3. The property is located at 4 LAWRENCE ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-16)

Per the applicant's request the hearing has been continued to 7:15p.m. on September 8, 2015. No panel was set.

Application of KEVIN and KARA BRITTAN for any necessary approvals, special permits and/or variances as may be required to extend dormers for increased bedroom and closet spaces within side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 302, 401.1.2, 703.2, 1604.2 and 801-Table of Dimensional Requirements (side yard). The property is located at 18 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-17)

Eric explained to the applicants that tonight there were only 4 members here and if they wanted a vote they would have to get a 4-0 vote with no one voting against it. Linda Segal also mentioned that this house was in Zone 1 of the Aquifer Protection District which regards the water supply. Linda mentioned that there was an existing deck that seems to be on the Town of Wayland property and has not been permitted. Linda said that in all fairness this was not in front of them tonight but just wanted to mention that to the applicant. The applicant said they bought the house 2 years ago and they had the survey done and it was found that it was there before but on Town property. Kevin Brittan showed the plot plan that was given to them at their closing and deck was not on there. So he feels they have two issues now, the deck and wanting to do the dormers. Linda made it aware that not that long ago there was an applicant that went to the board and was on the same street and the same zone and had a hearing but was within in zone 1 the board required them to have input from the sister boards, conservation, board of health and dpw, etc. It is an area of land that is in zone 1 and have some obligations to follow and also in the Aquifer Protection. Eric felt that this was a different application from the last one which they were constructing a new garage, new construction because they were disturbing the grounds, so they did continue the matter in order for the applicant to go to other departments to get guidance of what the other entities required would be. Eric could not image a dormer making a concern of the water table. Linda said also looking at a deck that is on different property. Eric said they are looking at what is in front of them and not the deck at this time. Eric said it creates this monkey wrench, but the deck is not relative to this application, but it may be prudent for the applicants to continue and place a call over to the Department of Public Works to show they are protecting the Zone 1 area. Aida asked what authority do they have over the deck. Eric said there is no application referring to

the deck, it is pre-existing. What is relevant before them are the dormers. Aida feels it is an enforcement from another municipal department, could be the DPW. Eric said we are not the zoning police and would be highly improper because they are deciding something that is irrelevant to the case that is in front of them. The only issue before the board is the dormer extension, is that an issue within the dpw and if it is send them to dpw or if it is not. Linda said she would like to have some guidance from the DPW and have the applicants show the dpw the plot plan. Linda said controlled water department. Arjie said reading the Aquifer Protection, says structure that it is affect. What constitutes the existing structure and if the deck was an issue and if that was in front of them. Eric said they could look at the whole house as the structure but what is it in front of them. Linda said doesn't that give them a teaching to help the owner understand, or the dpw an opportunity to protect the water supply. Linda said the whole property is in Zone 1. Eric said is this the kind of work that is raised for the piece of the zone. Linda said perhaps the Board of Public works could give us a list of conditions. Eric said the only thing for applicants to pursue is if the proposed work affects this zone, if yes, then go get conditions or no they can go ahead and make the finding. Eric said for the purposes for Zoning Board, is what is in front of them, which is the dormer. Arjie said her concern is if anything is impacted; i.e. where all the construction trucks and material will go. Eric agreed.

Applicant said it already had been approved without the part not within the setback. Linda mentioned to the applicant about the Wellhead and spoke about the other application which they sent to the Department of Public Works. Linda suggested to the applicant to find out what the board of public works would like to have the project be protected while in construction in Zone 1.

Applicant just said any kind of guidance they could give them would be great such as if going to DPW or etc. Linda said they could do the same, and ask the Board of Public Works their advice, and what conditions they would like to see. Eric said it would be a matter of continuing tonight's hearing and then presenting the proposal to someone, Linda said go to the Water Superintendent. Arjie explained the options to the applicants. Linda told the applicant to speak with the Water Superintendent. Eric said to reach out to these folks and let them know they have been before them and the property is in the Zone 1 and is it something that would trigger their concern and if no issue have them send the board a memo saying that.

Applicant said they would contact the water department and continue the hearing.

Aida said they could also withdraw and do what they are allowed and then come back for the other dormer if they are in a hurry to build.

Eric asked applicant what they would like to do, continue or withdraw.

Eric wanted to make it on the record that this has only been a discussion whether to go on with the panel 4-0 or to continue it, so therefore no actual panel has been set.

Continued to September 8,2015 at 7:30 p.m.

Eric voted to adjourn at 7: 55 p.m. Aida second, unanimous

January 12, 2016
Date Minutes Approved



Prepared by: Norma Badger



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41 COCHITUATEROAD
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Minutes

September 8, 2015

Attending the meeting was Eric Goldberg, Chair, Aida Gennis, Thomas White, Michael Connors, Linda Segal and Argie Shapiro

Application of JOHN and RANIA BARTICK for any necessary approvals, special pennits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure (demolish existing enclosed porch and construct a new extended family room) within required frontyard under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 702, and 801 –Table of Dimensional Requirements (front yard) The property is located at 11 MAGUIRE ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-18)

Panel hearing the matter: Eric, Aida, Thorn, Mike and Linda. Mike will write the decision.

The applicants John and Rania explained that they wanted to do an addition and renovation. There is an existing 3 season porch and garage and would like to demolish and rebuild toward the front of the yard. It showed on the plot plan that this addition would encroach on the setback. Eric said it would not encroach more than what is existing. Eric said he didn't view it as an extension of being more nonconforming. Mike read section of the front yard bylaw. Thorn said he would see it as an extension as a nonconformity. Linda asked if they shared plans with neighbors. Applicants said yes.

Public: No comment.

Mike made a motion to grant the special permit with conditions and plans that it is not detrimental to the neighborhood.....Eric second. All in favor 5-0

Application of BIN JIA for any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct a second story addition) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201,203,301,401.1.2, and 401.1.3. The property is located at 4 LAWRENCE ROAD which is in a SINGLE RESIDENCE DISTRICT.(15-16)

Panel hearing matter: Eric, Aida, Mike, Linda and Argie. Argie will write the decision.

Applicant did not show for the hearing. Matter was continued from August 25,2015 per the applicant's request and had no further communication with the Building Department.

Much conversation about what to do with this hearing. Eric looked through the rules and regulations to see what it is to do.

Mike made a motion to dismiss without prejudice...much conversation with what to do with this application. Aida said try to accommodate the applicant. Eric said they opened the hearing and need to continue the hearing and may need to have them sign another extension form at the next hearing. Linda said they have an attorney representing and no communication has been made. Eric said they could continue it to September 29, 2015 and then have them sign an extension form.

Mike made a motion to withdraw without prejudice since the applicant is not here. Linda second the motion. And if they reapply the fees will be waived. All in favor. 5-0

Application of KEVIN and KARA BRITTAN for any necessary approvals, special permits and/or variances as may be required to extend dormers for increased bedroom and closet spaces within side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201,203, 301, 302, 401. 1.2, 703.2, 1604.2 and 801-Table of Dimensional Requirements (side yard). The property is located at 18 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-17)

Panel hearing matter: Argie, Mike, Thorn, Aida, and Eric. Thorn will write the decision. This was continued from August 25, 2015 and the issue was the property was in Zone I protection and what can and cannot be done in that area. Eric mentioned they received a memo from Don Maillet DPW, indicating the area is within Zone I and attached was a memo from the Board of Public Works from another recent case. It is the opinion of the Board of Public Works that understands this Zone and is within the best practice of the area and no substantial concern. Kara explained to the board that they walked Don through the property and explained that the dumpster will not be in that corner in the area of the Zone. Linda asked if the decision from last year had mentioned the letter and conditions of DPW. Eric said they could include a narrative description of what was mentioned by the DPW and include a condition that the work be performed within the conditions of the DPW.

The applicant Kevin said they have shed dormers on the front and back and would like to bump them out 3-4 feet and would not be affecting the floor plan, so they could have more room to have closet space.

Public: No comment.

Mike made the motion that although it will increase the nonconformity and not be more detrimental to the neighborhood or against the public interest.....and grant special permit with conditions and any other approvals and boards, Eric second, All in favor 5-0.

Other Matter: Eric Goldberg spoke about his conflict with an upcoming case and also spoke with Mark Lanza. Thorn also spoke with Mark regarding his issue with the case and both situations do not create a conflict and Eric and Thorn do not have to recuse themselves. Aida said she is a neighbor. Linda said she would not be here.

Eric motioned to adjourn, Argie second. All in favor.

January 12, 2016

Date Minutes Approved

Norma Badger

Prepared by: Norma Badger



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MINUTES
SEPTEMBER 29, 2015

Attending the hearing was Eric Goldberg, Chair, Michael Connors, Thomas White, Shaunt Sarian and Argie Shapiro. Michael Connors left after the first hearing due to a conflict with the second hearing.

Application of JAE and JAMES LEE for any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct garage with two bedrooms above) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2, 401.1.3 and 1601. The property is located at 35 WOODLAND AVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-19)

Hearing the matter: Eric Goldberg, Thorn White, Michael Connors, Argie Shapiro and Shaunt Sarian. Thorn will write the decision.

The applicant, Michael Arenella, contractor for the applicant explained what they would like to do. Eric said the only issue is they do not have frontage, but will maintain all setbacks. The applicant James Lee said last year they did not have a garage and had a lot of snow and found this difficult. He said all his neighbors were in favor.

Public: No one commented.

Michael Connors made a motion that the proposal is not detrimental... and meets the requirements of zoning by-laws and add on conditions in substantial conformity with the plans and all other boards. Thorn second. All in favor 5-0.

Administrative Appeal of the Building Commissioner's decision dated July 28, 2015 denying a building permit for the subject premises under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 202 and 205. The property is located at 150 MAIN STREET which is in a BUSINESS DISTRICT A and SINGLE RESIDENCE DISTRICT. (#15-20)

Eric explained to the applicant that there were four members here and they could go on with the hearing but the vote would have to be unanimous 4-0 or the applicant does have the option to wait until there is a 5 member panel. Eric said they would like to know what they are voting for and asked Mark Lanza (Town Counsel) his direction. Mark Lanza said the motion would be to allow the appeal. Mark said the absent member could mulenize themselves. Eric mentioned that there were also recusal issues. Linda was not available for the hearing tonight, other panel member Aida Gennis, recused herself, Michael Connors had connections with his business and the applicant's attorney and chose to recuse himself. Linda Segal could not be here tonight and would be the only other member to sit in on the panel. Eric Goldberg explained to the applicants that it would be up to them either to go on with the hearing or continue to a 5 member panel night. Eric mentioned he and Thorn had signed a disclosure

...rrn... Thom explained that he is an architect and the company he is employed by had done a design of a different building on that property at another time but was not his project. Eric filed a conflict of disclosure to selectmen and explained he was counsel on a case in Hopkinton of a building permit, CPLCP and the permit was issued to a property owner to CVS. Eric had discussed the matter with Counsel and CVS is not a party here or owner or applicant and issues are unrelated and does not put him in a position to be impartial and would like to make that clear. That will make it four members on the panel.

The attorney for the applicant, Charles Le Ray said thanks for the disclosures. He said Mike Connors' father is on a few cases with him and does not think this would be a conflict and would prefer to wait until they have five members. Mark Lanza said he would not be compelled to sit in on it but would speak with Michael and tell him the situation and he could sign the disclosure. Mark said he will talk to him over the phone. A short break was taken to call Michael Connors. Continued at 7:45 and Eric said he spoke to Michael and he still chooses to recuse himself. It is the wish of the applicant to reschedule to a full panel. Linda Segal will be here at another night and can continue to another hearing.


Public: Asked about the procedure. Eric explained about the full panel and explained the procedure of the continuance

Eric told the applicant they have a few available hearings. Applicant asked to continue to October 27, 2015.

Eric made a motion to approve the continuance to October 27, 2015 at 7:30 in order to have a full panel of five zoning board members to be at the Town Building, Town of Wayland. Thorn second the motion all in favor 4-0.

Matter continued to October 27, 2015 at 7:30p.m. here at the Town of Wayland Town Building.

Shaunt motioned to adjourn at 7:50p.m. Eric second. All in favor.


Prepared by: Norma Badger


Date Minutes Approved



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October 13, 2015
Minutes

Attending the meeting was Eric Goldberg, Michael Connors and Shaunt Sarian. No Quroum, no hearings.

Application of Tracey and Andy O'Rourke for any necessary approvals, special permits, and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct second floor addition) within required front yard under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, and 401.1.3. The property is located at 11 Timber Lane which is in a SINGLE RESIDENCE DISTRICT.(15-21)

No Panel Set; no quorum ...Continued hearing to November 17, 2015 at 7:15 p.m.

Application of John Darack for any necessary approvals, special permits, and/or variance as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 55 LAKESHORE DRIVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.(15-24)

No Panel Set; no quorum...Continued to October 27, 2015 at 7:00p.m. in order to schedule a site visit.

Application of JOSEPH STRAZZULLA for any necessary approvals, modifications, special permits variances, site plan approvals and/or amendments as may be required to modify previous Z. B.A. Decision including but not limited to Decision Nos. 83-24 dated July 22, 1983, and #87-9 dated June 18, 1987 (redesign pylon sign, building facade upgrade, change location of curb cut and reconfigure parking spaces) under the Town of Wayland Zoning By-Laws Chapter 198. The property is located at 169



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COMMONWEALTH ROAD which is in a BUSINESS A AND B

DISTRICT (15-22). No Panel Set; no quorum... Continued to

November 17, 2015 at 7:30p.m.

Michael Connors motioned to adjourn, Shaunt second, all in favor

January 12, 2016
Date Minutes Approved

Prepared by: Norma Badger



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October 27, 2015

Minutes

Attending the hearing was Eric Goldberg, Thomas White, Aida Gennis and Associate Members, Linda Segal and Shaunt Sarian. Norma Badger was in attendance to take minutes.

Continued from 10/13/15; no panel set, no quorum

Application of JOHN DARACK for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 55 LAKESHORE DRIVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-24)

Panel hearing matter: Eric Goldberg, Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Eric Goldberg will write the decision.

Eric mentioned that this was a proposal to demolish a house and rebuild. He explained to the applicant that whenever this occurs, they typically set a time and date to have the panel see the house and to see if it meets the standard of the by-law for demolition. Structural elements, mold, etc. It has to meet the standard and would suggest that someone be there to point out the structural issues. Linda Segal said the technical information was from the architect and they often look for things like a structural engineer, but maybe our member Thorn, being an architect on the board, could point out things. Eric says just being an old house does not meet the definition. If the person making the points could be there would be helpful (like the architect).

Site visit: Schedule for Tuesday November 3, 2015 at 8:00 a.m.

Continued hearing to: November 24, 2015 at 7:00 p.m.

Application of SHEKHAR IYER & SUCHITRA VASANTHAKUMAR for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 140 CONCORD ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-23)

Panel hearing the matter: Eric Goldberg, Thomas White, Aida Gennis, Shaunt Sarian and Linda Segal. Aida Gennis will write the decision.

Eric gave this applicant the same direction of being a demolition and would have to set a site visit.

Site visit: November 12, 2015 at 8:00 a.m.

Continued hearing to November 24, 2015 at 7:15 p.m.

Linda had a few comments and asked the applicant about the engineering report and there was no narrative in the package that would make a case for demolition which and those things in writing would be good to submit, explaining why they meet the standards. Looked at the property card and someone has been living in the house for a long time and why should they consider demolition, some material would be of help. Need to see more than a cluttered bedroom and water stains. Eric said they need to see the structural damages.

Application of NADIA URATO for any necessary approvals, special permits, and/or variances as may be required to renew the special permit granted in ZBA Decision #14-25 dated October 27, 2014 to allow a home occupation (dermatology practice) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 901.1.2 and 804-Table of Permitted Accessory Uses by District (Use #62). The property is located at 180 OXBOW ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT (15-25)

Panel hearing matter: Eric Goldberg, Thomas White, Aida Gennis, Linda Segal and Shaunt Sarian. Linda Segal will write the decision.

Eric asked Nadia if there were any changes in hours, operations, conditions, etc. Nadia said no there was no change to this but spoke to her neighbors. Linda Segal mentioned that the BOH set conditions.

Eric read through the prior conditions...all conditions are same.

Public comment: no one commented.

Eric moved to grant special permit to reissue the decision of home occupation and all conditions to remain as in decision #14-25 but change it from 1 year of renewal to 3 years. Aida second, all in favor 5-0.

Continued from 9/29/15; no panel set (only 4 members at last hearing, applicant requested to wait for a 5 member panel)

Administrative Appeal of the Building Commissioner's decision dated July 28, 2015 denying a building permit for the subject premises under the Town of Wayland Zoning By-laws Chapter 198 Sections 201, 202 and 205. The property is located at 150 MAIN STREET which is in a BUSINESS DISTRICT A and SINGLE RESIDENCE DISTRICT. (15-20)

Panel hearing matter: Eric Goldberg, Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Eric will write the decision.

Attorney Charles LeRay represented the applicants whom were appealing the Building Commissioner's decision to deny the building permit. Attorney LeRay proceeded to read off the property address and history. How the land began and reconfigured. Now the applicants own all the lots except for lot #4. Hammond Road had been the road to access these lots. It is entirely owned by 150 Main Street and there is an access road for the Martino's living on Hammond Road. What they want to do is put a CVS in and at the time there was a question of the Planning Board as to what is Hammond Road (street, right of way, easement?) Street has setbacks and the proposed store would not meet those setbacks. In the planning board's decision...the "way" has been eliminated for lot four, so Planning Board has said to wipe it out, then they went to court to have that done, condition #30 and since they proved it they asked the Planning Board to remove condition #30. Now they have applied for a building permit and the board must determine if Hammond Road is a street and if so would need to meet the setback. Eric asked if they were expecting the Zoning Board to make the decision of Hammond Road being a street or not. Attorney LeRay said a street is defined as.....(read definition). Attorney LeRay explained: So is it possible that Hammond Road is a public way? Statute of laying it out by public, prescription, never became a public way through that. It was created 8 decades after the legislation passed the statute. Land court has found it not to be a public way. Since 2013 they have maintained signs that say not a public way, private way.

In January 2014 Town Counsel confirmed to DPW that it was not open to the public. Attorney LeRay explained that the applicants have taken those steps to make it NOT open to public. Read a description on how to make it a public way, read that and must follow procedure. In 1925 when the Town meeting adopted it and the board of selectmen acted as survey department and then passed it through Planning Board. No one ever passed plans for the public way and they would have to go through the Planning Board so as a matter of statute it is not a public way and they will not take the steps to make it a public way. Definitionally does not mean it is a public way. Stated a case in Lowell, explained the road situation there and the question was is it open to the public and court said no. The fact that just because customers or family members go visit CVS or the Martines does not give it the status that it is open to the public. If the town has given the dpw permission to plow, then it could be an interpretation as a public way.

Eric Goldberg asked whether the analysis would be different if a retail store situated on the property invited the public on the property. Attorney LeRay said no it does not. Eric said then it is considered a glorified driveway. Attorney LeRay said when the town votes to make it a road then it becomes a public way. Linda asked about utilities and people going to take care of the utilities. Other things come to her mind besides just the Martines and people visiting them. Attorney LeRay said Hammond Road isn't even a subdivision road and would not give the public any rights to it until the town accepts it. McManus vs Board of Wayland, front lot and street and voted buildable. Streets (read definition) and concluded it wasn't a street.

Not a public way, not a street in by-law and therefore there is no setback required. Attorney LeRay believes because it is not a street it turns out that condition #30 in Planning decision was not needed. Even if the appeals court rules in their decision, still looking at 6-8 months to satisfy condition #30 and what if it was not needed. They asked the Planning Board to remove condition #30. Then the applicants met with the Planning Board in June and presented the material and Town Planner said it would be a major amendment and was advised to file application for that. Chapter 190 Section ...to approve site plan for major changes the Planning Board shall make such decision and decision shall be issued within 60 calendar days or such shall be deemed approved for the major amendment.

Eric asked Attorney LeRay to frame out the question; is the applicant looking for them to declare or decide that there was a constructive grant or the zoning board to overturn a rejection? What are they asking the Zoning Board to do. Attorney LeRay replied to declare condition #30 be removed and that they did make a constructive approval and by declaring there was a constructive approval this would make condition #30 go away. Basically what the applicant is asking for is to remove condition #30 and define that there was constructive approval.

Attorney said the application for amendment was filed on June 16, 2014 and the Planning Dept opened the hearing on August 5, 2014. The Planning board asked for an extension of time since they did not feel comfortable with the case being in land court, the applicants agreed to sign an extension so the deadline was extended to September 23, 2014. On September 23, 2014 the Planning Board did not have a quorum and asked them to sign another extension to October 14, 2014 and asked to further extend it. The Planning Board suggested they amend the decision from 2 years ago and comment on condition #30, again asked them to extend for land court ruling so they declined to extend and 2 days later Planning made a decision and sent the decision out 5 days later. The decision was that the Planning Board wanted to wait for the land court. So the only way was to appeal a building permit. Attorney LeRay said that in the planning board response they referenced section 9 of the State Zoning Act, says nothing about site plans. Section 9 has 14 days to file to town clerk. Attorney LeRay claimed the planning board did not have the authority to put that in. Special permits, timelines. They complied with the timelines that they thought they had but the 14 day period as a matter of law was how the Planning Board's response appears. The appeals court said the same thing. Attorney LeRay read off some more cases...have to file that notice within 90 days of the permit or within the 60 days, that's what the statute says. Attorney LeRay said the planning board did not make that. They were told by Counsel that constructive approval would be possible and for all those reasons they believe it was a constructive approval and it was overturned by the Building Commissioner as stated in his letter of denial. Limitations, such as when they can apply for building permit, they believe they started the process when it first went to court and satisfied every /

preconstruction condition. Condition #26-2 year appeal.....Have to related to commencing limitations. Litigations.

Eric Goldberg asked the question to Attorney LeRay that if they sit as a separate board that they could have the authority to overturn the Planning Board's conditions?

Attorney LeRay responded that the Board's authority is to hear the appeal from the denial of the building permit and the Building Commissioner's determination that there has not been constructive approval/ or the applicant can appeal the site plan approval through the building permit appeal.

Eric Goldberg said to the applicants' Attorney that in order to better understand what the applicant is asking for is by the denial of the permit; the Zoning Board can get behind the permit to decide whether it was correct not to remove condition #30 of the planning board decision. Linda said the legal notice does not go into that depth of this and wondering how far they can go. Eric said they need to hear from Town Counsel on all three items. Eric would prefer that all points be made not repeatedly.

Them said the only thing before them is the appeal of the building commissioner. Does not want this to become an entire issue of the past, just what is in front of them, the denial of the building permit. No broader discussion.

Mark Lanza, Town Counsel. Eric said start with the issue of what authority the zoning board has with the lapse of the special permit. If there is a condition of site plan approval and what direction to take.

Mark Lanza counseled the board as to what they need to factor: The zoning board does have the power to toll building decisions, not planning decisions. If implementation hasn't begun in 2 years the site plan lapses. The applicants' attorney said there were litigations and that would make it impossible to implement. The fact is what was the litigation and what made it impossible to start the implementation. All the litigation that appears is regarding condition #30. Litigation seeking a land court decision that all the properties could be combined together or an easement for the Martines. The "way" is a separate lot and that the litigation was over; was that by the applicant and was it necessary for the applicants to proceed with the project? The other litigation is the constructive approval, the case was dismissed that the constructive grant issue was not decided. Did that appeal interfere with the applicant starting the project? That is what the zoning board has to determine. Did the two cases interfere and stop them from starting the project.

Attorney LeRay gave the reasons why.

Discussion by the Board: Will go prong by prong..

Delay piece. Start dates, litigation dates. Litigation applies to the owner. Thorn White said the building commissioners' denial does not provide all the pieces and they do not have all the pieces and litigations in front of them. Would agree that the legal action that had been taken whatever the mechanism was; could they have moved forward with the decision of the planning board. If the applicant must meet condition #30 and they do not; he could see the reason for denial.

Eric asked if there were comments from public concerning the expiration of permit. No one commented.

Eric asked about street. Eric said he read the materials and read letter to town, talking about a street for zoning purposes. Land court involved is separate. If looking just according to zoning definition; (read definition under the by-law) and if it does not meet that definition it is not a street and does not need to meet the street frontage bylaw.

Mark Lanza recalled some court cases on the definition of street and the appeals court. Here the applicant is in the opposite position to avoid setback issues. Hammond Way is not used

as a public way. One of the issues for the building commissioner was that perhaps it could be used in the future it shows on the plan for CVS and court decided it was a way and could that "way" become a street to meet the setback. Is it a street in the zoning by-law definition? Mark Lanza said NO. Was it back in 1920's; perhaps.

Aida asked if the whole lot is registered land and no adverse possession, and could not create an adverse possession, so the use was a tolerated use? Mark said that is what the court decided. So as an owner changes the owner can change that also? That is what the building commissioner was asking, was it or would it be a street or not. Eric said they can only make their decision based on today.

Linda was concerned with the lack of awareness of other legal matters pending. Does this lack of information affect what the applicants spoke about. Mark Lanza said in 2014 the court ruled the land was not a way, and only if the street was used as a public way would consider it a street and this clearly was not.

John Maccini, Wayland resident and business owner, thought the land court approved it as a "way". Eric said from a zoning perspective, the issue is setback, is there a setback issue to be enforced. The Building Commissioner determined that Hammond Way is a street and if so it requires a setback. The owners say it is not a street as far as Zoning is concerned and is there a setback required. A Street is a public way or a private way used as a public way for traffic. If it doesn't meet that then it is not a street and if not a street does not have to meet setback. John Maccini asked if so could the building be built on top of that. Eric said that if they have done enough to meet the condition #30 and if they haven't and there is still the condition #30 issue then the commissioner was right.

Erin Gibbi of 25 Mitchell Street stated that per the site plan that the applicants have submitted and if it were to go to the intended proposed use of the property then it opens it up to public use.

Dave Flaherty of 39 West Plain, thinks it is a public way the way the public uses it. One of the primary entrance way for the house and ball park also. Eric said if there is a sign on the lot, not for public use, then why could they park there. Attorney LeRay said that is a granted license they can revoke anytime.

Constructive grant or not constructive grant. Cannot understand that they have the authority to mess around with site plan approval. Linda also asked about the legal notice. Mark said unless the board has written that in the rules. Mark made examples of the cellular tower and...the board could vote the planning board was wrong, they do have the authority but this is not in front of them. The narrow issue is whether condition #30 been met. Constructive approval may not even be necessary. Eric said they have to get to the constructive approval piece. If they decide the building commissioner was correct that condition #30 had not been complied with. One is a subset of the other.

Mark Lanza continued to explain...Constructive approval from administrative approval? There is no mention of the site plan in the by-law, which is correct. Courts have not addressed the constructive approval of the site plan. Wayland does address constructive approval, Mark remembers discussion of it, in the by-law it sayswithin 60 day period which Mark Lanza continued to explain that if that was all that was there in the by-law then it would be a constructive approval, but the by-law does state that the planning board can make their own regulations, which they have. Look at the two together and see what the procedure is. Eric asked about the argument of the 14 days can't ever go beyond the prescribed deadline. Variance is 100 days. Attorney LeRay said the planning board did not adopt a rule, they referenced the state statute 90 days for decisions and 14 days after and that 14 day period cannot go beyond the 90 days, and incorporating that makes it a constructive approval. Eric said the issue for them is whether the planning board adhered to its procedures and rules and

regulations, the building commissioner acting upon what was in the planning board decision.....

Nancy Leifer of 73 East Plain asked if all the board members read the land court decision. The site plan that is before all of this, it clearly states the parking spaces are in the right of way and judge ruled it couldn't be.

Arlene(????) of East Plain, said the #30 could have been appealed and did not.

Attorney LeRay said that is a condition of law, they cannot take a direct appeals; they have to wait for the building permit to be issued.

Eric proceeded with what do they do about #30 and was the Building Commissioner's appeal correct and did the applicant comply with #30. Was the condition complied with, was the condition placed on constructive grant. What puzzled Eric was the absence of the November 25, 2014 decision, which was the decision that the planning board was waiting for to guide them and that decision was not in their packet for tonight's hearing. (someone in the public handed Eric a copy of legal court hearing material needed) Eric said on November 25, 2014 decision of appeal from court, the last paragraph and read it...condition #30; Eric regards this as the court adding another road block to the ability to comply with condition #30. The record before the court was that it was not preserved for the access rights, but there were deeded rights for the Martines. Access protection. Judge allowed consolidation of everything but not the "Way" and could not meet condition #30 therefore this would make it seem that the commissioner was correct in stating they did not meet condition #30. If condition #30 still exists unless there was a constructive grant. That is how they overlap each other.

Public: Gretchen Dresens of 155 Main Street, read a letter in support to the building commissioners denial letter and submitted to the Zoning Board, signed by 14 abutters

34 Pequot Road, "abutters" is not valid.

Molly Upton of 23B Bayfield Road, asked part of the problem that the parking is in the way.

Eric said what he thought the judge was struggling with the fact that the plan didn't document how the access rights were going to exist.

Michael Bell asked if there was ever a consideration to go around the parking lot. Eric said this is not particular to this hearing.

Attorney LeRay said everything they have in front of them is under appeal. Is that a way or public access, then go to court. The thing in the middle is what is it as an engineering appeal so land court could tell. It was filed but land court called it a way and said the owners of 150 Main Street own the way. Then they went back to have that property put as one but the court could not determine if it was a public way or not. The judge asked about the consolidation and he looked at the wrong plan and questioned about easement rights. Case law is clear if they want to relocate and if they don't agree they go to court. Judge got himself in a circle. Eric explained that what they are here for is to see if the commissioner's denial is something they would uphold. And Eric said it goes back to Condition #30 as being complied with. Attorney LeRay said it doesn't matter if condition #30 was complied with or not, at the time the issue was the constructive grant part and the commissioner had that in front of him.

Bill Martino, 9 Hammond Road, said Hammond Road is deeded to them, and not an easement.

Attorney LeRay said the court ruled that it was all their property. Eric said what is in front of them is to determine if condition #30 was met and the commissioner's denial would be upheld.

Doug of 8 Bogren Way, asked about other businesses and how things are done.

Eric Goldberg suggested that they close the public hearing for deliberation. Linda asked if they have questions can they ask. Mark suggested it is a good idea to close it, so evidence has been submitted. Eric moved to close the hearing, Thorn second all in favor.

Eric said without knowing every time limit, it seems that the applicant has done everything they have done, has been trying to implement the site plan approval, and now have taken the steps to get the site plan approval. By appeals, court, etc they have started before the lapse date and would not agree with the Building Commissioner in that the time of the approval had lapsed. With respect to setbacks, the building commissioner decision was an error because "way" does not fit the definition of a street and not a public way, not a street and not required for setbacks. Board need not rule upon whether the Planning Board's rules and regulations were proper. No basis to find that the Planning Board failed to follow their own rules and regulations. Therefore no basis to find constructive grant. The Building Commissioner correctly determined that condition #30 was not met. Therefore Building Commissioner correctly determined that he could not issue a Building Permit.

Aida Gennis felt the same.

Attorney LeRay, said they did not present that the planning board did not follow its rules and regs. He did say that the planning board adopted the 14 day period cannot take you through that 90 day period. Eric said point taken. Will leave it as the planning board followed its rules and regs and the planning board is in compliance with them and the decision would not lead to a constructive grant and in that case the building commissioner did make a correct determination for denial. Mark Lanza said make a finding that he was correct and this issue makes his (Building Commissioner's) denial stand.

Eric made a motion that the board make findings as framed by Town counsel as follows concerning the Building Commissioner's findings::

1. That the Site Plan Approval lapsed – (finding by the board, the site plan did not lapse it had been acted upon)
2. Hammond Road is a street which building setbacks apply – (finding by the board, Hammond Road does not meet the definition of Street, therefore no setbacks apply)
3. Condition #30 had been eliminated by the constructive approval – (finding by the board, there was NO constructive approval)
4. Condition #30 had not been complied with by the applicant – (finding by the board, agree that condition #30 had not been complied with therefore denial of a building permit is correct)
5. And based on the findings the zoning board denies the applicants appeal and affirms the building commissioner's decision.

Aida second the motion, all in favor 5-0

Board voted chair to authorize town counsel to review and amend decision.

Eric second all approved.

Shaunt motioned to adjourn at 10:00, Aida second. All approved.

January 26, 2016
Date Minutes Approved

Norma Badger
Prepared by: Norma Badger



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWNBUILDING
41 COCHITUATE ROAD
TELEPHONE (508) 358-3600
FAX (SOB) 358-3606

Minutes
January 12, 2016

Attending the meeting was Eric Goldberg, Aida Gennis, Michael Connors, Thomas White and Associate Members Linda Segal, Argie Shapiro and Shaunt Sarian. Norma Badger was also in attendance to take minutes.

Application of JOHN DARACK for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 55 LAKESHORE DRIVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-24)

Continued from 10/13/15 and 10/27/15, 11/24/15, 12/18/15 and site visit was 11/3/15. Panel hearing matter: Eric Goldberg, Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Eric Goldberg will write the decision.

Eric updated the status of this application and input from the board. Eric remembers the decaying of the stone wall. Shaunt said the repairs that had been done was not repaired professionally. Linda mentioned they had heard evidence from the Architect that it was unsafe and should be condemned. Linda said that what she remembers was the change in the plans. John Darack said he would like to enclose part of the deck.

Eric apologized about not mullenizing himself on November 24, 2015 and therefore cannot participate in the vote of this hearing.

Continued with 4 members.

No Public Comment

Aida moved that under 401.1.6 found that the structure damaged or destroyed and although it will increase the nonconformity it will no be more detrimental.....and meets the requirement of the zoning. Shaunt second the motion. All in favor 4-0.

Application of SHEKMAR au & SUCHITRA VASANTHAKUMAR for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 140 CONCORD ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-23)

Continued from 10/27/15, 11/24/15, 12/18/15 and site visit was 11/12/15. Panel hearing the matter: Eric Goldberg, Thomas White, Aida Gennis, Shaunt Sarian and Linda Segal. Aida Gennis will write the decision

Eric said his recollection of the site visit was what the applicants presented was a very nice house which they wanted to put on a second floor. Eric explained to the applicants that in order to meet the criteria of demolition need reasons for damaged or destroyed, did not look behind the walls at the site visit but what they did see was not bad. Eric explained to the applicants that there are many houses in town that do not meet the existing building code and just this alone is not a criteria for damaged or destroyed by natural causes or otherwise (by law). Eric would like to the applicants to share some points in order to prove this has been damaged.

The applicant's attorney, Jonathan White represented them. The Structural Engineer was present at the meeting. Attorney White said there is a plan from 1950 showing the house was on the lot. Attorney showed the dormer, did not think it was original and seeing the low ridge line did not think the house was designed to have a second floor. The lot is preexisting nonconforming. The garage is outside the building envelope so the structure is nonconforming. The proposal is to demolish the present structure and build a new home. They did outgrow the house, explored an addition with an architect. Tried to get one to fit but the house but the building has structural deficiencies. The more they looked at it the more it didn't make sense. The ceiling is 6.6 and you can't straighten up your hand. The doorways are 6'. (showed pictures) It wasn't built correctly, not a total habitable house. A real height problem upstairs. The ridge is so low it probably didn't deserve a second floor. Stan, the structural engineer said he had done some analysis. The old house, showed the dormer and explained how the frame was not constructed correctly. Over 200% stress. Showed the members his analysis. Safety is the main issue. Was originally an A frame. Linda asked if that is the case; what kind of damaged should they have seen. Stan said there is some damage on the other side of the dormer. Said the structure is not good. Eric asked what should have been done. Stan said a few things should have been done. Then said the issue is regarding the 2 x 6 rafters and they could not bear the weight, the act of reinforcing the roof would be impossible. Shaunt asked how does that meet the criteria of damaged. Then said the act of doing the work they did, damaged the structure. Thorn said the applicants voluntarily did not do this themselves. Paragraph 2 of the major issues..act of adding the dormer has damaged this.

Attorney White said in the 80's it showed some minor work being done, nothing since then. Eric said the closest this comes to is the Lakeshore Road once. Because of the way the drainage was on that case would erode the house eventually. The applicants had opened a crawl space that showed the water erosion which ended up convincing the board that it was by natural causes. Eric said what this shows is a potential for a disaster and does the bylaw require them to wait for this disaster? Did see the ceiling was sagging. Eric said it doesn't seem right to wait for the damage to occur. Then has the same thought as Eric that the damage is waiting to occur. At 200% of design load is not good. Eric said this does stretch it as far as it could. Linda said the material they showed they would like to have. Initially Linda said all she heard was it was not to code and until tonight the material shown has made more sense. Thorn spoke about the roof and the wall. Linda spoke about the number of Cape houses that added a second story (around Oak Street), could be a soundly built home. Thorn said typically they did not use a 2 x 6, more material you have to attach to the rafters, the more sound. Eric said they couldn't make a judgement as to how others are done. Shaunt said most people will take off the roof and second floor and then do all the walls and roof over and close it up. He is having a hard time with the criteria of damaged or destroyed. Eric said the ceiling sagging is an indication of the structural conditions and that is how he justifies it. Then mentioned the letter of the snow being on the roof and being structurally unsafe this could cause it to collapse.

Public: No one.

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Eric said before they move to the plans they should take a majority of the demolition. Eric would say yes to tear down, Thorn also, Aida, Linda said she thinks it is a stretch, Aida said she came in not to vote for it but after Thorn explaining the structure it changed her mind, Thorn said this is unique. Linda was convinced, Shaunt was also convinced

Eric said that hearing these statements that it would be safe to continue with the plans. Attorney White showed the plans. It would be a modular house and spoke about the square footage. The height is 28.6. 28.6 and would conform to all setbacks.

Linda mentioned that the Board Of Health approval mentions the Conservation and basement to remain unfinished and asked applicant if in compliance with ConCom. Applicant said they have not applied yet but does not think it was applicable.

Eric made a motion that they find the condition of the house reflected in the report of the engineer of the existing roof system is unsound and meets the criteria of demolition and further find although it will increase the nonconformity it will not be more detrimental and not against the public interest.....and therefore grant a special permit according to conditions, construction in conformity with plans filed and all other approvals and boards and in the BOH approval the basement will remain unfinished and if ever wish to finish will need to go back to BOH and Zoning.. Shaunt second the motion, all in favor 5-0.

Application of John And Susan Carr for any necessary approvals, special permits, variances as may be required to modify ZBA Decision #08-20 dated February 24,2009 (Special Permit and Finding) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6, 401.1.7, 703.1 and 801, Table of Dimensional Requirements. The property is located at 67 Edgewood Road which is in a Single Residence District. (15-31)

Panel hearing the matter: Eric, Thorn, Michael, Argie and Shaunt. Eric will write the decision.

Brian Levey represented the applicants. John Carr said they bought the house 5 years ago. Eric said in 2009 the board had authorized the demo and reconstruct.

John and Susan said they bought the house 5 years ago and was in the middle of the demolition. The garage remains a garage. Tonight they are here to amend the plans and given their situation and the challenges the goal toward rebuilding the house.

John showed the plan the modified plans from the previous decision, the dormer/gable has changed, handed out plans. The proposal in the best interest of the neighborhood. John said shortly after they bought the house the family got hit with a few things and has taken four years to get through these struggles and was not a priority to deal with the house and the previous commissioner Dan Bennett said as long as they wrote a letter stating this it would be ok.

John explained the modification is less nonconforming in the structure. 10.2. and outside the buffer zone. The proposed is more nonconforming, lot coverage is up...24%. Unfinished basement, first floor, handicapped accessible, home office, upstairs, 3 bedrooms, unfinished above garage. Linda said the BOH had pointed out that the two pages A1 and AS and when they revised plans for tonight did that get corrected? Board discussed the plans and where the BOH was speaking about. They are planning on demolishing the garage.

Primary change is the front elevation; no second gable. Now 28' instead 34. The concern of the neighbors was the height and massing. Now they have made them more gentle and cited it more for the abutters and equally distance

Michael Connors read the existing application; gross floor area; 3,730 proposed now. (3364 was approved in 2008)

Reduced the height. Highest elevation is 31' in the back and 32' on the far side and street side is 28'. To get the living area with reducing the height they had to enlarge the footprint and moved closer to the other lot. Feel it is embraced by the neighbors and is less nonconforming and removed from the resource area. More consistent with the coverage area and home ratio and geometry by the neighbors. Style more consistent, lower carbon footprint.

Linda asked about the basement and having a bathroom and was not in the plans that was submitted to the BOH. Applicant said he spoke to BOH about it. Linda was just pointing it out. Then asked about A-2 and the master deck which was not pointed out on the master plan or site plan. He said he was willing to eliminate it if needed. Then said it seems like it is in the buffer zone but could canterliever over the buffer zone. Slight deviation and would like to note. Linda said the package was wonderful, and some left over with the conservation commission and they need to go back conservation. Brian Levey said if the deck is needed to go to conservation commission and then may not do it but keep it in and don't do it if can't.

Public: Joan of 11 Edgewood, in total support of application. Carol of 76 Edgewood Road, in support of what they are planning to do. Mary Boulay 65 Edgewood Road, said the applicant has been very accommodating. Kevin of 20 Parkridge Road, the Carrs have been accommodating and is in support.

Michael Connors page 4 of the memorandum. Under the permit extension act goes through 2009 to 2015 and the permit has been exercised in a reasonable fashion to note that for the record. Linda asked why did the BOH have a different year and Brian Levey said it started on a different date

Michael Connors made a motion amend board of appeals case and substitute the plans filed here tonight on January 12, 2016 and substantial in conformity with plans submitted and gross floor area and proposal. Thorn second the motion. All in favor 5-0.

Eric moved to approve 8/11, 8/25, 9/8, 9/29, 10/13. Michael Connors motioned to accept minutes reviewed. Thorn second. All in favor.

Michael Connors motioned to adjourn at 8:55, Argie second. All in favor.

Meeting adjourned 8:55.

March 22, 2016
Date Minutes Approved

Norma Badger
Prepared by: Norma Badger



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

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

Minutes
January 26, 2016

Attending the meeting was Eric Goldberg, Aida Gennis, Michael Connors, Thomas White and Associate Members Linda Segal. Norma Badger was also in attendance to take minutes. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended.

Eric introduced Geof Larsen (Building Commissioner/Zoning Enforcement Officer). Geoff said he wanted to present himself and first said thanks to Norma about introducing past practice until he gets through review the by-law and what the intent and route is. Geoff explained his past work history. The board and Geoff spoke and got familiar with things. Eric said he has been on the board for 14 years and over that period they have been more informal. They try to do the right thing and try to accomplish what the applicants want to do. Eric said speaking for himself at the beginning, he has tried to evolve the BypLaws to try to help the applicant get what they want as far as they are allowed to go. Work within the by-law and where they can appropriate. Eric explained the demolition part of the bylaw has been difficult. Thinks it is their function to help the applicant accomplish what they want. Geoff said from his perspective he tries to keep notes and reference what he has said, that would be the most formal he would be. Eric said the board is not policy makers. Feels sometimes the demolition part brings some homeowners down and is tough. Geoff said the demolition, from other areas the exemption of the main concern of the volumn of the building, a about the bones of the building from his side good building practice requires to rebuild in his estimation it should be facilitate to the point of the zoning. Eric said that there are a lot of old houses in town which people would rather demolish and rebuild instead of putting on a second story and the by-law doesn't care whether it can support a second story and this seems unfortunate that this cannot justify for the damaged or destroyed. Thorn said this is what they struggle with the most. Geoff said this was a strong point in Providence Town and ran into this same situation. 401.1.6. Linda said when they did site visits it was good to have the commissioner there and letter from the commissioner on other subjects. Eric said 4 walls and what is left is a foundation they consider it a demolition. Linda said there are other issues and changes can affect what a town look likes, etc. the piece-meal approach does not work to try to fix them and for three years these by-laws have been taken out, etc. Without an appropriation of funds to have counsel advise the Planning Board on the changes of the by-law. 2004 was really to revisit these issues and it has not been done. These issues have been troubling. Aida also agreed. Some have been revisited but not necessarily have made them better. Aida said also a good index would help also. Linda said there has been a large democratic change and there are people coming into this town and finding it difficult to interpret these by-laws. Eric said what has been helpful, past Commissioners have filled out the applications and made sure of the completeness of the application. Geoff said he make an effort to get more complete applications at the counter. May want to get e-mail addresses to get things in writing. Geoff however, was nervous about "owning" someone's narrative. Geoff understands the need to know what they need on the applications. Eric said most of the applicants are homeowners that do not have counsel and a lot of times they do not know what gross floor area is and the members do not go through the file or come in. Geoff agreed that it is necessary to get this information and to feel comfortable. Michael Connors said he spoke with the commissioner on an application and on the flip side does not want incomplete application as a volunteer. Michael said that this has been the process of the town of Wayland. Thorn said he believes its because of the translation of the by-law. Thorn suggested a cheat

sheet to steer them away . By-law is not articulate. And then check the cheat sheet. Geoff said a review of the application would be helpful. Geoff said it could be a change, does not have a problem with stepping up and saying what has to be done. Geoff said he sees his job is to help the board. Aida said she would like to check what is on the application as far as the square footage. GLA was almost routinely checked and has been a big help to them. Getting the back section filled with the code sections. Geoff asked if he does not agree with the applicants numbers he should get back to them with the reason. They would have to agree to that and facilitate that application. Aida said prior was corrections and then they would point that out to the applicant. Geoff said to reach out to the board for input. Them said in the past the commissioner has reached out through e-mail with their opinion and inputs.

Application of Joseph & Jennifer Choi for any necessary approvals, special permits, variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct 2 car garage with master suite above and replace rear deck with covered porch) within required side and rear setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 703.1 and 801, Table of Dimensional Requirements. The property is located at 34 Bradford Street which is in a Single Residence District. (15-32)

Panel hearing matter: Eric, Thorn, Aida, Michael and Linda. Michael will write decision.

Linda Segal wanted to begin with the issue she has concerns with. The applicant's attorney on the Zoning Application was presented as Michael Thomas. Linda went to speak with Geoff Larsen the building commissioner because Mr. Thomas resigned from the board not even a year ago and this creates an issue with conflict of interest laws since Mr. Thomas was on case regarding this address where he had been on the board. Eric said the building commissioner spoke with him and flagged it as well, but Michael Thomas is not here tonight. Would think that his name on the application would but not really representing the applicants and since he is not here tonight would this matter. Linda said she is uncomfortable and would not sit on the board with Michael's name on the application. Eric looked over the conflict of interest section IV after leaving municipal employment. Forever band piece (not paid), next section, one year..... former municipal are barred for one year for appearing. Eric said he is not appearing before them. Much talk about this section. "Personally Appearing" that is the barr. Linda said she is not comfortable and brought the matter to the commissioner today.

Thorn said he thinks the language "Personally Appearing" is the connection with matters under their authority. Linda said she would prefer not to sit on the panel. Eric said he is respectful of Linda's decision. Told the applicants they now would need a 4-0 vote since it will be a panel of 4 and can still go forward or continue to another day when all members are here. Applicant asked if he could explain Mr. Thomas' involvement in this. Linda said he is representing on paper. Applicant said he is not their attorney and only reviewed the plan and went to him for his knowledge. Not paying him for representation. Eric asked if they were to cross if off and sign it.

Public: Howard Koffman, Shawmut Ave. asked if this is continued will there be assistance of Town Counsel. Eric said it would be continued to have five members. Howard said it sounds like a legal matter. Linda asked the members if they had a problem with Michael Thomas being on the application and the board said they do not because it says "Personally Appearing". Linda said that if they want to delete formally and make the change and clear that for the purposes of conflict of interest. Applicant wrote and signed "no attorney" submitted tonight.

Applicant Joseph Choi explained what they would like to be adding on and based on a previous addition and now limited to 588 sq ft total and the 20% of the footprint of covered space and not exceed that. Replace the existing wood deck with covered porch and unheated. The addition, going to the south in that corner area. The addition will stay within the existing footprint of the home. By demolishing the garage and creating the new addition will make the setbacks better.

Linda asked about the garage and 20' from the garage doors to the edge of the property and would have to make a right turn to get in the garage, how would they be able to get vehicles in. Applicant said to deal with that issue will put in wider garage doors.

Public: Howard of 29 Shawmut Ave said there is a lot going on that property. Lots of structures and personally feel there is not enough space for open space. Linda said they do have a number of letters from the neighborhood and one is their's.

Chris of 30 Bradford St, asked if they are adding another bedroom. Will keep the same amount of bedrooms they have. They have to move their septic system said the applicant.

Eric motioned that find the proposal is not against the public interest and will not be injurious and grant the special permit with conditions...

Howard Kaufman asked if the 20% ratio was met. Geoff helped the board with the swimming pool definition. Read definition. Swimming pool with article 401.1.3 regards 20% open decks.....and should not be included in gross floor area. Lot coverage.....area yard bulk,pertaining to setbacks....Geoff would said that is an accessory structure would have to meet setback but in lot coverage is not clear. 702.1. Swimming pool is not considered structure in Wayland but accessory use. Eric said if it is not a structure then it is not over the 20%. Lot coverage the pool does not count. Eric said if they just look at the definition of a structure.....Linda said when you install a swimming pool it supports a recreational facility.

Geoff said lot coverage is important....in his estimation in deterring an accessory structure is any sturcutre and if it is;is the 20% being. Eric said an accessory structure is a building structure,question is if it is a structure. If it is not defined in the definition, his read is an exising pool does not meet the definition of structure in by-law. Geoff said it is accessory in gfla but not in lot coverage. Eric said it is not within the perimeter of the walls and is excluded in gross floor area and when you take this all in think they are correct in the original assessment,the application with the new garage does not tip the project over the lot area coverage threshold.

Howard Kaufman asked if legally is their interpretation correct? Eric said they do their best, but cannot answer it anyother way,have considered it,looked at the language and feel it is being interpreted under the by-law and they have a right to appeal. Howard said then there could be an interpretation different with other. Eric said their vote speaks their own mind.

Eric stand by the motion, Thorn seconded the motion. All in favor 5-0. Linda wanted to thank Geoff for pointing out the by-law.

Michael motioned to approve the minutes of October 27, 2015/ Aida and Eric second.

Aida motioned to adjourn, Michael second. All in favor adjourned 8:24 p.m.

March 22, 2016
Date Minutes Approved

Norma Badger
Prepared by: Norma Badger

RECEIVED

OCT 24 2016

Board of Selectmen
Town of Wayland



18

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

Shawn A. Williams
Supervisor of Records

October 18, 2016
SPR16/795

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

Dear Dr. Stein:

I have received the petition of Linda L. Segal appealing the response of the Town of Wayland (Town) and the Town Public Schools (School) to a request for public records. G. L. c. 66 § 10(b); see also 950 C.M.R. 32.08(2). Specifically, Ms. Segal requested copies of invoices for legal expenses charged to the School in the FY15 and FY16 Town budgets from May 1, 2015 related to a particular incident.

Previous appeals

This request was the subject of previous appeals. See SPR16/314 Determination of the Supervisor of Records (May 24, 2016); SPR16/459 Determinations of the Supervisor of Records (July 14, 2016; September 2, 2016). In my July 14 determination I found the School and Town failed to rebut the presumption that the responsive portions of the legal invoices are public records.

Attorney Mark J. Lanza responded on behalf of the School and Town in a letter dated August 1, 2016. In order to facilitate my review of this matter, I ordered the School and Town to provide this office with an unredacted copy of the responsive records for *in camera* review. The authority to require the submission of records for an *in camera* inspection emanates from the Code of Massachusetts Regulations. 950 C.M.R. 32.08(6); see also G.L. c. 66, § 1. The School and Town provided unredacted copies of the responsive records and I would like to thank them for their cooperation.

In its August 1 response, Attorney Lanza indicates that with respect to invoices for the School, "[t]he detail portions of the invoices on this subject do, in fact, relate to private communications between members of the School Committee, Mr. Stein and other School

Department administrators and me.” Attorney Lanza further states “[t]he communications relate to legal advice provided by me which was sought by School officials. They have not waived the attorney-client privilege as to these communications. Thus, they cannot be disclosed.”

With respect to the Town’s invoices, Attorney Lanza explains the relevant information was “not summarized by the general title of the matter, the dates of the legal services performed and the money charged for the services, including out-of-pocket expenses.”

Common law attorney-client privilege

The attorney-client privilege protects confidential communications between an attorney and his client. However, in order for the claim of attorney-client privilege to be valid, the custodian has the burden of not only proving the existence of an attorney-client relationship, but also (1) that the communications were received from a client during the course of the client’s search for legal advice from the attorney in his or her capacity as such; (2) that the communications were made in confidence; and (3) that the privilege as to these communications has not been waived. See Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 450 n.9 (2007); see also Hanover Ins. Co. v. Rapo & Jepsen Ins. Servs., 449 Mass. 609, 619 (2007) (stating that the party seeking the attorney-client privilege has the burden to show the privilege applies).

Some jurisdictions, such as the Supreme Court of New Hampshire, have found that invoices for legal services that “provide only general descriptions of the nature of the services performed and do not reveal the subject of confidential communications with any specificity are not privileged.” See Hampton Police Assoc., Inc. v. Town of Hampton, 20 A.3d 994, 1001 (2011) (citing Cypress Media v. City of Overland, 997 P.2d 681, 691, 693 (2000)). The Hampton Court found that the Town did not meet its burden because it did not specifically identify which narratives it claimed were privileged. See Hampton, 20 A.3d at 1002. Further, the Court refused to adopt a per se rule that all descriptive narratives contained in invoices for legal services are subject to the attorney-client privilege. Id. at 1001.

As in Hampton, the School and Town’s response fails to explain with specificity why the attorney-client privilege applies to withhold the entirety of the responsive invoices. Further, in a letter dated August 7, 2016, Ms. Segal reiterated that she is “seeking access to town counsel billing invoices that itemize the subject matter, time spent and legal charges.”

Upon review of the materials submitted *in camera*, I find the Town and School have not established how these portions of the responsive records may be withheld under the attorney-client privilege. See Judicial Watch, Inc. v. United States Postal Serv., 297 F. Supp. 2d 252, 270 (D.D.C. 2004) (explaining an *in camera* review is no substitute for the Government’s obligation to provide detailed justifications).

Fee estimate

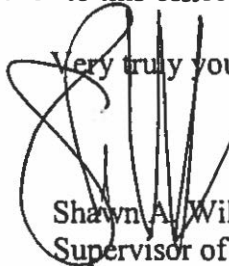
Based on the School and Town's August 1 letter, it appears Assistant Town Administrator John Senchyshyn provided Ms. Segal a fee estimate for the provision of redacted responsive records on July 9, 2016. In this fee estimate Mr. Senchyshyn explains "[t]o redact 8 complete invoices, I estimate approximately 4 hours of work" or "approximately 45 minutes of work to redacted the pages" in which the relevant individual is identified. Mr. Senchyshyn indicates the hourly rate to redact the documents is \$67.16 an hour.

The School and Town have not explained whether the hourly rate of \$67.16 an hour is that of the lowest paid person capable of performing the task. See 950 C.M.R. 32.06(1)(c). Further, for the reasons discussed above, I find the School and Town have not justified why it may assess a fee to redact responsive information within the records, i.e. the subject matter, time spent and legal charges related to the incident in question. I understand an attorney on my staff contacted Attorney Lanza about this appeal.

Order

Accordingly, the School and Town are hereby ordered to provide Ms. Segal with a response to the request, prepared in a manner consistent with this order, the Public Records Law and its Regulations. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us.

Very truly yours,



Shawn A. Williams
Supervisor of Records

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

19

DiNapoli, MaryAnn

From: dlssupport@dor.state.ma.us
Sent: Wednesday, October 26, 2016 11:57 AM
To: Assessors; Brideau, Ellen; Cincotta, Cynthia; Senchyshyn, John; DiNapoli, MaryAnn; Terrell, Ana; Keveny, Brian; dlsitgroup@dor.state.ma.us
Cc: handfielda@dor.state.ma.us
Subject: Notification of free cash approval - Wayland
Attachments: Wayland FY16.pdf

Massachusetts Department of Revenue Division of Local Services

Michael J. Heffernan, Commissioner
Sean R. Cronin, Senior Deputy Commissioner of Local Services

10/26/2016

Brian Keveny
Finance Director
Town of Wayland

Re: NOTIFICATION OF FREE CASH APPROVAL - Wayland

Based upon the un-audited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2016 for the Town of Wayland is:

General Fund	\$4,641,973.00
Enterprise Fund Water	\$2,339,465.00
Enterprise Fund Septage	\$7,909.00
Enterprise Fund Wastewater	\$1,303,231.00

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be emailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an email address is reported in DLS' Local Officials Directory. Please forward to other officials as you deem appropriate.

Sincerely,



Mary Jane Handy
Director of Accounts
Massachusetts Department of Revenue

.....

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager at postmaster at dor.state.ma.us.

SUBMITTED BY Brian Keveny
 FIELD REP Amy Handfield

COMMUNITY Wayland
 FUND Water

RETAINED EARNINGS CALCULATION - ENTERPRISE FUND

PART I

CASH 3,028,408

SUBTRACT:

CURRENT LIABILITIES, DESIGNATIONS OF FUND BALANCE	
Warrants Payable	<u>118,188</u>
Encumbrances	<u>215,808</u>
Expenditures	<u>342,258</u>
Accrued payroll	<u>12,689</u>

OTHER

TOTAL 2,339,465

PART II

RETAINED EARNINGS - UNDESIGNATED 2,339,465

SUBTRACT:

ACCOUNTS RECEIVABLE (NET)	
User charges	

OTHER

TOTAL 2,339,465

PART III

FIXED ASSETS:

DEBITS

CREDITS

<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total	-		-
FIXED ASSET VARIANCE	<u>-</u>		<u>-</u>

Amy Handfield

REVIEWED BY: _____

PLEASE SEE CERTIFICATION LETTER

DATE: 10/18/16

FOR DIRECTOR OF ACCOUNTS APPROVAL

SUBMITTED BY Brian Keveny
FIELD REP Amy Handfield

COMMUNITY Wayland
FUND Septage

RETAINED EARNINGS CALCULATION - ENTERPRISE FUND

PART I

CASH 60,617

SUBTRACT:

CURRENT LIABILITIES, DESIGNATIONS OF FUND BALANCE

Warrants Payable	<u> </u>
Encumbrances	<u> </u>
Expenditures	<u>52,708</u>

OTHER

TOTAL 7,909

PART II

RETAINED EARNINGS - UNDESIGNATED 7,909

SUBTRACT:

ACCOUNTS RECEIVABLE (NET)

<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

OTHER

TOTAL 7,909

PART III

FIXED ASSETS:

DEBITS

CREDITS

<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total	<u> </u>	<u> </u>	<u> </u>
FIXED ASSET VARIANCE	<u> </u>	<u> </u>	<u> </u>

Amy Handfield

REVIEWED BY: _____

PLEASE SEE CERTIFICATION LETTER

DATE: 10/18/16

FOR DIRECTOR OF ACCOUNTS APPROVAL

