

PACKET

DEC 19

2016



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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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, December 19, 2016
Wayland Town Building
Selectmen's Meeting Room
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.

- 6:30 pm 1.) Call to Order by Chair
- Review Agenda for the Public; Announcements
- 6:32 pm 2.) Public Comment
- 6:40 pm 3.) Meet with Representatives of the Planning Board to Review Proposed Annual Town Meeting Articles
- 6:55 pm 4.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, WTA, WESA, Custodial and Food Service Unions Representing Town and School Employees; and
- Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes: Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2) to discuss Strategy with Respect to Negotiations with Non-Union Personnel, the Police Chief Contract; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), regarding a Discussion of Strategy with Respect to Health Insurance Negotiations with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, WTA, WESA, Food Service Unions and the School Custodians Union; and to Discuss Civil Service with Respect to the Police Union; and to Discuss an Arbitration Filing with Respect to the Police Union, and to Discuss Strategy with Respect to a Pending Action Regarding Bernstein, et al, v. Planning Board; and Boelter et al v. Wayland Board of Selectmen, and 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Moss et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Brigham et al v. Greenaway; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Exchange, Lease or Value of Real Estate in Regard to the Municipal Parcel at the Town Center Project, 8 Glezen Lane, and 107 Old Sudbury Road, because a Public Discussion of these Matters may have a detrimental effect on the Negotiating, Litigating or Bargaining Position of the Town:

BOARD OF SELECTMEN

**Monday, December 19, 2016
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland**

Proposed Agenda Page Two

**APPROVE FOR RELEASE: January 25, 2016, February 22, 2016,
June 13, 2016, October 17, 2016, October 24, 2016, and November 15,
2016**

**APPROVE FOR RELEASE WITH REDACTIONS: June 6, 2016, July 25,
2016, and September 26, 2016**

APPROVE AND HOLD: November 21, 2016, and December 5, 2016

- | | |
|----------------|--|
| 8:15 pm | 5.) Minutes: Review and Vote to Approve Minutes of December 5, 2016 |
| 8:20 pm | 6.) Executive Session Minutes: Approve for Release January 25, 2016,
February 22, 2016, June 13, 2016, October 17, 2016, October 24, 2016,
and November 15, 2016, and Approve for Release with Redactions June 6,
2016, July 25, 2016, And September 26, 2016, and Approve and Hold
November 21, 2016, and December 5, 2016 |
| 8:25 pm | 7.) Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 8:30 pm | 8.) Review Correspondence (See Separate Index Sheet) |
| 8:40 pm | 9.) Selectmen's Reports and Concerns |
| 8:50 pm | 10.) Topics Not Reasonably Anticipated by the Chair 48 Hours in
Advance of the Meeting, If Any |
| 9:00 pm | 11.) Adjourn |

(3) PLANNING BOARD



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

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

DATE: December 15, 2016
TO: Nan Balmer, Town Administrator
FROM: SARKIS SARKISIAN, TOWN PLANNER
Dan Hill, Planning Board
RE: Zoning Articles and Street Acceptance Article for the Spring Annual 2017
Town Meeting

BOARD ACTION REQUESTED: UPDATE

Please consider this correspondence to be the communication of a proposed zoning bylaw amendment to the Board of Selectmen pursuant to G.L. c. 40A, §5. As you know, within 14 days the Board of Selectmen must refer the zoning amendments to the Planning Board for consideration.

The Planning Board will be discussing and will start the process for reviewing the following proposed Zoning Bylaw amendments at its meeting on January 3, 2017. We have not scheduled the statutory public hearing yet. I have also enclosed a Zoning Bylaw revision spread sheet that has been updated with articles that were prioritized back in June 24, 2015. The Planning Board has voted to consider placing the following zoning amendment proposals on the Annual Town Meeting warrant:

ARTICLE 1: PRE-EXISTING, NONCONFORMING LOTS AND STRUCTURES

The Planning Board has heard numerous complaints from Zoning Board members and the general public concerning the language of Article 4, specifically as it applies to applications to reconstruct, change, or alter pre-existing, nonconforming structures. The law governing such structures has evolved considerably since our Bylaw provisions were adopted, and therefore our Bylaw needs to be modernized, and made easier for the special permit granting authority (Zoning Board) to implement and enforce.

ARTICLE 2: BUILDING HEIGHT

Under the current definition of building height, the height of a structure is measured from the *finished* grade elevation of a lot, to the roof of the structure, meaning that a property owner could artificially build a taller house than what is permitted under the Bylaw by

adding fill and increasing the ground elevation. The current working draft amendment is below, the Board recognizes that this will require further refinement to preclude unintended consequences such as owners electing to construct flat roofs, and to account for unique circumstances where there may be a high water table that justifies increasing the ground elevation.

Under Section 104, strike the definition of "Building Height" and replace it with the following:

The vertical distance measured from the average natural grade to the highest point of the roof. Natural grade shall mean the elevation of the land in its natural state prior to disturbance for construction, filling or excavation, and shall be measured at each exterior corner of the building. In the event of a dispute or question concerning the accuracy of the average natural grade, an applicant shall produce a certification of the elevation from registered land surveyor.

ARTICLE 3: LIMITED SITE PLAN REVIEW

Under our current Zoning Bylaw, land uses that are protected by Section 3 of the Zoning Act (religious, educational, agricultural, day care) are not subject to any formal site plan review process. The recent application for the Carroll School underscored the need for such a process, particularly where project proponents are not as accommodating as the Carroll School folks were. Many towns have Bylaw provisions, requiring site plan review for Section 3 uses – the Planning Board feels that this is an omission in our Zoning Bylaw.

ARTICLE 4: WIRELESS COMMUNICATIONS BYLAW

This article was raised based on the application of Mobilitie LLC before the Board of Selectmen. There may be a need to supplement our existing wireless communication facility provisions to manage the types of applications presented by Mobilitie.

ARTICLE 5: TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

See KP Law Model Bylaw and State Election results regarding Question 4.

ARTICLE 6: STREET ACCEPTANCE ARTICLE

Dylan Circle
Summer Lane
Greenways
Spencer Circle

The Town Planner and Planning Board chair attended a Board of Public Works meeting on December 6, 2016 to discuss the above public street acceptance list. Greenways and Spencer Circle still have outstanding issues that need to be resolved, but all four streets could potentially be ready for public acceptance by the Annual Town Meeting.

**Zoning Bylaw Revisions
As of 12/15/2016]**

Number	Section of By-Law	Title	Comments	Additional Comments	Request of Board/Official/resident
2016 GOALS: Prioritized 06/24/2015					
1	1002.1.7,1106.1,1302.1,1406.8	Sidewalk Construction, Reconstruction or substantial alteration	Written 5 different ways in the Bylaw opening up too much interpretation	On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely	Planning Board
2	506.8.1	Landscape buffer	No minimum distance required from Commercial to Residential districts	On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely/Failed Fall Special Town Meeting 2016	Planning Board
3	198-804, 901.1.1,901.1.2	Home Occupation	Unclear definitions for appropriateness, accessory uses (vehicles, traffic, noise, etc.)	Failed Fall Special Town Meeting 2016	Zoning Board of Appeals
4	198:401.5 and 6	Non conforming lots and structures	Develop standards to qualify for Teardowns		Zoning Board of Appeals/Building Commissioner
5	104	Floor Area Ratio FAR	concern regarding size of homes on small lots		Building Commissioner
6	New Section	Recreational Marijuana	State law allows dispensaries	Coordinate with BOH regulations	BOH/Board of Selectmen/Youth Services/Building Commissioner
7	Article 18	Conservation Cluster	Calculation regarding number of lots/clarify open space requirements	Passed Fall Special Town Meeting 2016	Planning Board
8	Assisted Living/Independent	Article 21	Allowed by Special Permit in all residential districts	Passed in Fall Special Town Meeting 2016	Town Planner
2017 POSSIBLE GOALS (not prioritized)					
9	104 Definition	Building Heights	Concern of lot grading and filling beyond existing grade		Resident
10	Article 16	Aquifer Protection provision	How to apply zone 1 with more protection		Planning Board
11	Accessory uses	Gas station retail uses			Economic Development Committee
12	Dog Kennels	Changes in state law that affect the Bylaw			ZBL Recodification
13	Agriculture	Provisions regulating agricultural uses should be reviewed.	Consistent with G.L. c.40,§3.		ZBL Recodification
14	Article 15 &15A	Wireless Communications			ZBL Recodification
15	505.1.1	Signage	Alteration, Repair and Replacement of existing non conforming signs	On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely	Design Review Board/Planning Board
16	Definitions	Adult Day Care, Landscape Business			
17	New Section	Adult Entertainment			Building Commissioner/Town Planner
18	Limited Site Plan Review	Regulate applications for Dover Amendment Uses			Planning Board Chair

MODEL MORATORIUM WARRANT ARTICLE

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section _____, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section ____, "Temporary Moratorium on Recreational Marijuana Establishments:"

Section _____ Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, begins to take effect on December 15, 2016 and requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by September 15, 2017. Currently under the Zoning Bylaw, a Recreational Marijuana Establishment, as defined in G.L. c. 94G, §1, is not a permitted use in the Town. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section _____ Definition

"Recreational Marijuana establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Section _____ Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational

marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any action relative thereto.

570146

SAMPLE

Eligible Voters: 9791	State Presidential Election				
Total Votes Cast: 8537	November 8, 2016 UNOFFICIAL RESULTS				
Percent of Voters: 87.19	TOWN OF WAYLAND				
	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<u>ELECTORS OF PRESIDENT AND VICE PRESIDENT</u>					
Blanks	29	25	34	50	138
Clinton and Kaine	1612	1423	1450	1561	6046
Johnson and Weld	92	92	77	113	374
Stein and Baraka	19	34	22	23	98
Trump and Pence	418	431	380	451	1680
Write-In					
<i>Feegbeh & O'Brien</i>	0	0	0	0	0
<i>Kotlikoff & Leamer</i>	0	0	0	0	0
<i>Moorehead & Lilly</i>	0	0	0	0	0
<i>Schoenke & Mitchel</i>	0	0	0	0	0
<i>McMullin & Johnson</i>	1	5	0	17	23
All Others:	48	30	44	56	178
TOTALS	2219	2040	2007	2271	8537
<u>REPRESENTATIVE IN CONGRESS</u>					
Blanks	561	522	490	620	2193
Katherine M. Clark	1634	1509	1503	1629	6275
Write-In	24	9	14	22	69
TOTALS	2219	2040	2007	2271	8537
<u>COUNCILOR</u>					
Blanks	274	253	260	296	1083
Robert L. Jubinville	1270	1203	1178	1190	4841
Brad Williams	673	584	567	781	2605
Write-in	2	0	2	4	8
TOTALS	2219	2040	2007	2271	8537
<u>SENATOR IN GENERAL COURT</u>					
Blanks	343	260	310	369	1282
Richard J. Ross	684	617	603	824	2728
Kristopher K. Aleksov	1191	1162	1093	1074	4520
Write-in	1	1	1	4	7
TOTALS	2219	2040	2007	2271	8537

REPRESENTATIVE IN GENERAL					
COURT 13th MIDDLESEX DISTRICT					
Blanks	674	589	587		1850
Carmine Lawrence Gentile	1526	1440	1411		4377
Write-In	19	11	9		39
TOTALS	2219	2040	2007		6266
REPRESENTATIVE IN GENERAL					
COURT 14th NORFOLK DISTRICT					
Blanks				699	699
Alice Hanlon Peisch				1555	1555
Write-In				17	17
TOTALS				2271	2271
SHERIFF					
Blanks	654	578	552	690	2474
Peter J. Koutoujian	1548	1456	1446	1567	6017
Write-In	17	6	9	14	46
TOTALS	2219	2040	2007	2271	8537
QUESTION NO. 1					
Blanks	109	96	108	100	413
Yes	474	499	520	459	1952
No	1636	1445	1379	1712	6172
TOTALS	2,219	2,040	2,007	2,271	8,537
QUESTION NO. 2					
Blanks	63	57	60	56	236
Yes	1034	789	818	1181	3822
No	1122	1194	1129	1034	4479
TOTALS	2,219	2,040	2,007	2,271	8,537
QUESTION NO. 3					
Blanks	51	45	52	56	204
Yes	1700	1618	1545	1744	6607
No	468	377	410	471	1726
TOTALS	2,219	2,040	2,007	2,271	8,537
QUESTION NO. 4					
Blanks	39	34	31	38	142
Yes	1103	1070	1009	1032	4214
No	1077	936	967	1201	4181
TOTALS	2,219	2,040	2,007	2,271	8,537



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BOARD OF SELECTMEN

LEA T. ANDERSON
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**Board of Selectmen
Meeting Minutes
December 5, 2016
Wayland Town Building
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. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:02 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.

A2. Public Comment Gretchen Dresens, 155 Main Street, expressed deep concern over the ZBA Appeal Hearing on the 150 Main St. project, She strongly suggested that the Board watch the hearing on WayCam, take action, and get involved.

Nancy Leifer, East Plain Street, stated she had a difficult time dealing with the appeal process and obtaining information from the Building Department. She said there are at least 10 violations of the bylaws in the site plan.

Arlene Schuler, 9 King Street, said that G. Dresen's appeal went through the proper process and should have been heard on the substance of the appeal.

Rebecca Butler, West Plain Street, stated that it appears there was gross negligence from town employees and the only appropriate thing to do is to reinstate G. Dresen's appeal.

George Harris, Holiday Road, stated that he is not directly effected by this issue and is here because the BOS appoints the Building Inspector and the ZBA. He said the Board should fix this because they can.

Molly Upton, 23B Bayfield Rd, discussed suggestions for solutions. She stated that the town needs to spend money and have the bylaws redrafted because there are so many inconsistencies.

Katherine Gardner-Westcott, 5 Richard Road, commented on the Conservation Office proposal for additional staff. K. Gardner-Westcott knows first hand how busy the office is since she worked there as a part of the Senior Tax Work Off Program.

Ed Collins, Plain Road, expressed concern about the situation at the ZBA hearing.

C. Karlson stated as a reminder that the Board asked N. Balmer to send a letter to the ZBA chair stating what happened without advising them what to do, because of the ZBA's statutory authority.

A3. FY18 Budget New Positions: Fire, Police, Conservation, Information Technology, and Facilities Police Chief R. Irving and LT. P. Swanick presented to the Board their request to increase staffing from 23 officers to 24 officers. P. Swanick stated that calls for service have increased and a River's Edge consultant said the project would further increase the calls per year. The additional officer would provide a safer town for residents and let the Police Department continue their programs. He projected a savings of about \$6,000 in overtime.

Fire Chief D. Houghton and Deputy Chief N. McPherson discussed the need for additional Fire Fighters. D. Houghton stated that there has been an increase in back-to-back calls. The department needs to meet the needs of the town which are increasing with the growth. D. Houghton stated that they did a financial analysis

and it would be possible to fund 2 positions from the ambulance fund. He also provided a 5-year plan of the ambulance fund that would support this. D. Houghton stated that the three assisted living facilities in town account for 17% of the emergency calls.

Chair of Conservation S. Greenbaum stated that the additional positions requested in the Conservation Department is a matter of quality of life in town. She stated that Conservation would like to restore the part-time administrative assistant position to a full-time position. It was noted that the new Conservation Administrator and Administrative Assistant started today. S. Greenbaum stated that the new Administrative Assistant is willing to go full-time. S. Greenbaum also requested a new part-time Assistant Conservation Administrator position. It would be without benefits and the position would handle stormwater, stormwater, drainage, and land management supervision.

IT Director G. Pazos stated that the IT Budget is similar to this year's budget and it would be continuing a lot of the same services. The services are right off the RSM report of what was recommended for the town. G. Pazos discussed all of the software request in the budget. He stated that a lot of the increases are the additional subscriptions for software. He said that the Business Systems Analyst position will be posted soon.

Facilities Director B. Keefe stated that his proposed budget has decreased for FY18. He said that the Town has negotiated great prices for gas and electricity. Supplies and salaries have both gone down. He then passed out another 5-year plan to the Board. He said that maintaining the current Town Office Building and maximizing the existing space is a priority. He said he hopes to use the Green Communities Grant for a lot of the upgrades. J. Nolan asked about Station 2 upgrades. B. Keefe said it is to provide adequate space for Fire Fighters of both genders.

A4. Hearing on Liquor License Violation, The Local Restaurant, 11 Andrew Avenue At 7:33 p.m. C. Karlson opened the hearing for a liquor license violation by The Local Restaurant, 11 Andrew Avenue. The Chair stated that the hearing is for a violation of Massachusetts General Law, Chapter 138, Section 34, regarding: Sale of Liquor to Underage Persons. This violation is alleged to have occurred on October 21, 2016. The Board was joined by Police Chief R. Irving, Det. Sergeant J. Berger, and The Local staff Frank Santo and Allan Cush. J. Berger described the incident to the Board which involved two underage females being served alcohol. C. Karlson asked if The Local would like to respond. The Local manager stated that he would like to apologize to the town for this incident. They terminated the employee and she was TIPS certified. C. Karlson closed the hearing at 7:49 p.m.

J. Nolan moved, seconded by L. Anderson, that the liquor license for The Local Restaurant, 11 Andrew Avenue, Wayland, is hereby placed on probation for a period of one year, commencing on December 6, 2016 and ending on December 6, 2017. During the period of probation, any violation of Massachusetts Liquor Laws, Chapter 138, or the rules supplement for "Provisions and Consumption of Alcoholic Beverages" will result in an automatic penalty of a minimum of one day suspension of the liquor license for each separate violation. Furthermore, the licensee will provide the Chief of Police with a roster of all servers of alcoholic beverages at The Local Restaurant accompanied with a certificate of completion for "Alcohol Intervention Methods" training or other approved training for the servers of alcoholic beverages, within 10 days of December 6, 2016. Any new employees hired, as liquor servers, must complete "Alcohol Intervention Methods" training or other approved training, within sixty (60) days of their date of hire and a certificate of completion must be delivered to the Chief of Police. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. FY18 Budget: Selectmen, Town Office, Legal, Unclassified, Personnel Board, Dog Officer

E. Doucette discussed the Selectmen, Town Office, Legal, Unclassified, Personnel Board, Dog Officer FY18 Budgets. She discussed the difference between the Selectmen and Town Office budget. She stated both budgets should remain around the same as they were last year. J. Nolan asked E. Doucette to look into the MAPC membership dues to make sure there is enough money. E. Doucette stated that the Legal Budget will now be separated into different categories. She said the Unclassified expenses largely vary. She stated that the biggest expense for the Personnel Board is advertising and that will now all be consolidated to the personnel budget so next time around the town can see how much is spent on advertising.

C. Karlson then discussed the process with the Board members. She said that next week they will look at the summary sheets. L. Jurist stated that there is never going to be a good time to add anything to the budget and if that's what Police and Fire need the Board should recommend they receive it. L. Anderson said she would like to know where the Personnel Board stands on this. L. Anderson said she is aware how Wayland lines up to other communities and that the town center is also contributing to more public safety issues for fire and police. L. Anderson and M. Antes both said they are not comfortable saying no to public safety and they would also support extra hours for the administrative position in Conservation. C. Karlson suggested the possibility of funding the extra Asst. Conservation Administrator position mid-year and she would like B. Keveny to look at the Fire positions being funded by the ambulance fund more closely. The Board agreed to continue considering the positions in Police, Fire, and the additional hours for the administrative position in Conservation, as well as mid-year funding for the addition of an Assistant Conservation Administrator.

A6. Committee Interview and Appointments The Board was joined by Katherine Gardner-Westcott and Ann B. Gordon to interview for appointment to the Historical Commission. The applicants reviewed their background and interest in serving on the commission. M. Antes moved, seconded by L. Anderson, to appoint Katherine Gardner-Westcott to the Historical Commission, effective immediately, for a term to expire on June 30, 2019. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by L. Anderson, to appoint Ann B. Gordon to the Historical Commission, effective immediately, for a term to expire on June 30, 2019. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Vote to Approve Renewal of Liquor Licenses, Common Victualler Licenses, Entertainment License, and Used Car Dealer Licenses The Board reviewed the license renewals. It was noted that three liquor licenses, the Coach Grill, China Rose, and the Takara Japanese Restaurant, have been held until the December 12, 2016, meeting because the required fire and building code conditions have not yet been met.

L. Jurist moved, seconded by J. Nolan to approve the 2017 renewal of the liquor licenses, common victuallers' licenses, entertainment licenses, and auto dealer licenses as presented below. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

110 Grill CW Wayland LLC	175 Commonwealth Avenue	Liquor License On Premise All Alcoholic
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Liquor License On Premise All Alcoholic
Broomstones Inc.	1 Curling Lane	Liquor License, Club, All Alcoholic
Donelan's Supermarkets Inc.	177 Commonwealth Road	Liquor License Package Store Wine & Malt

Dudley Chateau of Cochituate Inc.	20 Crest Road	Liquor License On Premise All Alcoholic
Lavins Inc. of Wayland	330 Old Connecticut Path	Liquor License Package Store All Alcoholic
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Liquor License On Premise All Alcoholic
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Liquor License On Premise Wine & Malt
New Sandy Burr Inc.	103 Cochituate Road	Liquor License On Premise All Alcoholic
Post Road Liquors Inc.	44 Boston Post Road	Liquor License Package Store All Alcoholic
Prime 131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Liquor License On Premise All Alcoholic
Sperry's Liquors (Eastbrook Inc.)	87 Andrew Avenue	Liquor License Package Store Wine & Malt
The Villa Inc.	48 East Plain Road	Liquor License On Premise All Alcoholic
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Liquor License On Premise Wine & Malt
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Liquor License On Premise All Alcoholic
Wayland Variety and Deli Corporation	70 Boston Post Road	Liquor License Package Store Wine & Malt
Wayland Wine and Spirits (P & P Liquors Inc.)	302 East Commonwealth Rd	Liquor License Package Store All Alcoholic
110 Grill CW Wayland LLC	175 Commonwealth Avenue	Victualler License
Baypath Elder Services (Meals on Wheels)	33 Boston Post Road Marlborough MA	Victualler License
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Victualler License
Dudley Chateau of Cochituate Inc.	20 Crest Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Victualler License
Liberty Pizza (MC&G Pizza Inc.)	116 Main Street	Victualler License
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Victualler License
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Victualler License
New Sandy Burr Inc.	103 Cochituate Road	Victualler License
Panera Bread Bakery-Café (PR Restaurants LLC)	21 Andrew Avenue	Victualler License
Prime 131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Victualler License
Starbucks Coffee Company	44 Main Street	Victualler License

Spice 'n Pepper (Aprileileen Corporation)	236 Boston Post Road	Victualler License
The Villa Inc.	48 East Plain Road	Victualler License
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Victualler License
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Victualler License
Wayland Pizza House	336 Boston Post Road	Victualler License
110 Grill CW Wayland LLC	175 Commonwealth Avenue	Entertainment License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Entertainment License
The Local Restaurant of Wayland dba The Local	11 Andrew Avenue	Entertainment License
Prime 131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Entertainment License
Starbucks Coffee Company	44 Main Street	Entertainment License
The Villa Inc.	48 East Plain Road	Entertainment License
Almaari Jewelers	65 Andrew Avenue	Sale of Second Hand Articles
MetroWest Precious Metals LLC	241 Boston Post Road Suite 5	Sale of Second Hand Articles
Cook's Automotive (Lloyd J. Cook, President)	338 Boston Post Road	Sale of Used Vehicles II
Herb Chambers of Wayland Inc.	533 Boston Post Road	Sale of Used Vehicles I
International Auto Works Inc.	118 Main Street	Sale of Used Vehicles II
Shepard's Service (Mark Shepard)	268 Boston Post Road	Sale of Used Vehicles II
State Road Auto Body (Stephen Jones)	292 Boston Post Road	Sale of Used Vehicles II
Wayland Automotive Sales (Richard Devlin)	322 Commonwealth Avenue	Sale of Used Vehicles II
Wayland Foreign Motors (Tim and Tom Cornu)	356 Boston Post Road	Sale of Used Vehicles II
Wayland Imports (Glenn B. Schwartz)	70 Boston Post Road	Sale of Used Vehicles II
Wayland Mobil (E & J Service Station LLC)	315 Commonwealth Road	Sale of Used Vehicles II

J. Nolan left the meeting at 9:40 p.m.

A8. Vote to Open Annual Town Meeting and Election Warrants L. Anderson moved, seconded by M. Antes to open the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017, at 1:00 p.m. in the Wayland High School Field House, and the Annual Election to be held on Tuesday, March 28, 2017, at designated polling places. The warrant for said Annual Town Meeting will be open from Thursday, December 15, 2016, at 8:30 a.m., through Tuesday, January 17, 2017, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Tuesday, January 17, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A9. Minutes: Review and Vote to Approve Minutes of November 7, 2016, and November 15, 2016

L. Anderson moved, seconded by M. Antes, to approve the minutes of November 7, 2016, and November 15, 2016, as amended YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A10. 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. NAY: none. ABSENT: J. Nolan ABSTAIN: none. Adopted 4-0.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes discussed item number two about water supply levels. C. Karlson stated that D. Millette is following it very closely. M. Antes asked about the progress of ClearGov.

A12. Report of the Town Administrator The Board discussed their upcoming schedule. N. Balmer stated that a lot of work is being done on the Town Counsel transition. She said that the Annual Town Meeting Article list is attached for the Board to look at. C. Karlson asked N. Balmer to check in with department heads and let them know the sooner they submit their articles the better. C. Karlson suggested that article submission not be accepted unless they are fully filled out. She said it would make the process go smoother. M. Antes told the Board that there may be a Petitioner's Article banning plastic bags.

A13. Selectmen's Reports and Concerns M. Antes reported that the Habitat House was dedicated on Friday. She also expressed interest in having an Article (again) for resident aliens to be able to vote in Town Meeting. C. Karlson suggested finding out if previous Town Meeting votes expire. L. Anderson attended the Suburban Coalition meeting and a discussion held by Director of Assessing E. Brideau about tax relief programs. C. Karlson said she attended the tree lighting and the solar dedication. L. Anderson suggested that a letter of support would be appropriate from the Board to the Islamic Center of Boston in light of the threatening letter they received.

N. Balmer stated for the record that she did not say the stamp of the Town Administrator is as good as the Town Clerk's stamp when G. Dresens came to the office with her appeal. C. Karlson said she was concerned that residents at public comment claimed that some public documents requested were not in their file in the Building Department. N. Balmer said she will look into that.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A15. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel at the Town Center Project At 10: 12 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, taking, lease or value of real property in regard to the municipal parcel at the Town Center Project. The Chair declares that a public discussion of this matter 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

The Board returned to open session at 10:28 p.m.

A16. Adjourn There being no further business before the Board, M. Antes moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 10:28 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of December 5, 2016

1. Background Information on Fire Department Staffing from Fire Chief David Houghton

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

1. Memorandum of 12/5/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: FY18 Budget
2. Notice of Hearing, 11/14/16, to The Local Restaurant, with Procedure for Liquor License Hearing and Police Incident Report
3. Memorandum of 12/2/16 to Board of Selectmen re: Appointment to Historical Commission
4. Memorandum of 12/5/16 to Board of Selectmen re: 2017 Licensing
5. Memorandum of 12/5/16 from Board of Selectmen to All Boards, Committees, Commissions, Departments and Staff re: Vote to Open Annual Town Meeting and Election Warrants
6. Draft Minutes of November 7, 2016, and November 15, 2016
7. Report of the Town Administrator for the Week Ending December 2, 2016



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN

Monday, December 19, 2016
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

REVISED CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through November 30, 2016, Invoice 184, Account 5673-01M: \$734.22
3. Vote the Question of Approving the Invoice of December 8, 2016, for Special Town Counsel Anderson & Kreiger LLP for Legal Services in Reference to River's Edge Special Counsel, Reference #119665/5415-001: \$736.00
4. Vote the Question of Approving the Invoice of December 2, 2016, for TEC, Invoice 10746, Project 0558.05 Glezen Lane Neighborhood: \$2,040.00
5. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for the Wayland Children and Parents Association, Curious Creatures Event, from January 10-16, 2017, and the Kid's Concert, from January 19-25, 2017, 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
6. 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, from January 1-7, 2017, and from January 16-21, 2017, 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
7. Vote the Question of Approving the Following License Renewals for 2017:
 - China Rose LLC dba China Rose, 15 East Plain Street: Liquor License On Premise All Alcoholic, Common Victuallers License, Entertainment License
8. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Still River Winery, Wade Holtzman, Manager, on Saturday, January 7, February 11, and February 25, 2017, from 10:00 p.m. to 2:00 p.m.
9. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Mill River Winery, Rick Rousseau, Manager, on Saturday, January 7, January 28, February 11, February 25, and March 4, 2017, from 10:00 p.m. to 2:00 p.m.
10. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Stoneybrook Cider, LLC, Michael Lamontagne, Manager, on Saturday, January 14, February 11, and March 11, 2017, from 10:00 p.m. to 2:00 p.m.
11. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Carr's Ciderhouse, Nicole Blum, Manager, on Saturday, January 28, February 11, February 18, and March 4, 2017, from 10:00 p.m. to 2:00 p.m.

DEUTSCH WILLIAMS BROOKS
DeRENSIS & HOLLAND, P.C.
ONE DESIGN CENTER PLACE, SUITE 600
BOSTON, MASSACHUSETTS 02210-2327
(617) 951-2300
Fax (617) 951-2323

RECEIVED

DEC 14 2016

Board of Selectmen
Town of Wayland

INVOICE FOR LEGAL SERVICES

Town of Wayland
Town Building
41 Cochituate Rd.
Wayland MA 01778

Page 1
12/09/2016
Account No. 5673-01M
Invoice No. 184

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE

734.22

BALANCE DUE

\$734.22

DATE: DECEMBER 15, 2016
TO: NAN BALMER
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST *EP*
RE: GLEZEN LANE NEIGHBORHOOD TRAFFIC ASSESSMENT INVOICE - DECEMBER 2016

ACTION REQUESTED:

Payment approval

ACCOUNT BALANCE AND PAYMENT RECOMMENDATION:

The Town received the attached invoice for payment to TEC for December 2016 Glezen Lane Neighborhood. This expense of \$2,040.00 was incurred for meetings and other support.

Use of Gift Account funds requires Board of Selectmen approval under MGL Chapter 44, Section 53A. An action to approve the expenditure is included on the Consent Agenda.

Planning Gift Account NA, an account for neighborhood roads traffic improvements, is recommended to fund this expense.

\$ 11,356.17	Account Balance
6,750.00	Projected to complete design and bid documents (<i>previously approved</i>)
<u>2,040.00</u>	December Invoice
\$ 2,566.17	New Account Balance

Date 12/2/2016

Invoice # 10746

Town of Wayland
41 Cochituate Road
Wayland, MA 01778
Attn: Nan Blamer, Town Administrator

Project 0558.05 Glezen Lane Neighborhood

November 1, 2016 to November 30, 2016	% Complete	Fee	Previous	Current
Glezen Lane Neighborhood Traffic Assessment				
Task 1 - Initial Data Collection	100.00%	2,800.00	2,800.00	0.00
Task 2- Neighborhood Traffic Assessment	100.00%	9,800.00	9,800.00	0.00
Task 2A- Amend Data Request	100.00%	1,500.00	1,500.00	0.00
Task 3- Meetings/Other Support Technical Professional 15 12 hours @ \$170/hour				2,040.00
Task 4- Existing Conditions Survey & Base Plan Prep	100.00%	4,500.00	4,500.00	0.00
Task 5- Design & Permitting	75.00%	9,000.00	6,750.00	0.00
Task 6- Construction Bidding Documents	0.00%	3,500.00		0.00
SERVICES				
Preparation for and attendance at Middlesex Court Hearing on 12/1/16				

Handwritten initials: TB

Total \$2,040.00

DiNapoli, MaryAnn

From: Samantha Richter <samantha.d.richter@gmail.com>
Sent: Monday, December 12, 2016 3:11 PM
To: DiNapoli, MaryAnn
Subject: WCPA Sandwich Board Request

Hello MaryAnn,

Please see a revised board request below - thank you so much!

On behalf of the Wayland Children and Parents Association, I would like to request permission to place our sandwich boards for the events listed below. I realize it's very short notice for the first event, so I completely understand if it's not possible to get on the agenda for tonight's meeting.

Holiday Sing-a-long at Traditions, Dec 16th: Boards placed Dec 13-16
Curious Creatures Event, Jan 16th: Boards placed Jan 10-16
Kids Concert, Jan 25th: Boards placed Jan 19-25

Dad's Drop In play, January 7th: Boards placed Jan 1-7
Dad's Drop In play, January 21st: Boards placed Jan 16-21

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

DATE: DECEMBER 16, 2016
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: 2017 LICENSING

China Rose, LLC, dba China Rose, at 15 East Plain Street, has met the required fire and building code conditions, and its licenses are ready to be approved:

Liquor License On Premise All Alcoholic
Victualler License
Entertainment License

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 15, 2016

Wade Holtzman
Still River Winery
104 Bolton Rd.
Harvard, MA 01451

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

Dear Mr. Holtzman:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 7th to March 11th 2017 from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written in a cursive style.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F
*To be completed by the licensed farm-winery and returned to the
Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

1. Applicant Information:

Name of Licensed Farm-Winery		Still River Winery			
Farm-Winery License Number		FW-60	State of Issue	MA	
Contact Person		Wade Holtzman			
Address		104 Bolton Rd.			
City	Harvard	State	MA	Zip	01451
Phone Number	978 415-9463	Email	wade@stillriverwinery.com		
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)		Wayland Winter Farmers' Market			

2. Event Information:

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

3. Event Description	
What are the date(s) and time(s) of the event?	January 7 - March 11, 2017, 10AM-2PM
Is this an annual event?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
How does this event promote local agriculture?	The Market provides a venue for farmers to sell vegetables, fruit, meat, honey, dairy products, animal fiber and wine.
Are all or some of the products at the event grown and produced in Massachusetts?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
How many exhibitors have products that are grown or produced in Massachusetts?	85+
What is the total number of exhibitors at event?	50 - 65 vendors per week
Does the event include Massachusetts farmers selling their own goods? (If yes, please attach a list of vendors with brief descriptions)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the event include competitive agriculture?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Does the event have operational guidelines or rules? (If yes, please attach a copy)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the event been inspected by the Department in the last two years? If yes, what was the date of the inspection(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please identify: _____

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

THE COMMONWEALTH OF MASSACHUSETTS
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Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 15, 2016

Rick Rousseau
Mill River Winery
41 Railroad Ave.
Rowley, MA 01969

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

Dear Mr. Rousseau:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 7th to March 11th 2017 from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written in a cursive style.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources
251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/egr



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F
*To be completed by the licensed farm-winery and returned to:
By Mail: Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114
By Email: Rebecca.Davidson@State.ma.us with the subject line "Agricultural Event Certification"
(A separate application must be completed for each event)

In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.

- Signed and dated application with farm-winery license number
- List of vendors with brief descriptions of products for current year/season
- Event operational guidelines or rules for current year/season
- Resume of event manager or description of experience
- Plan depicting the premises and specific location where the license will be exercised. See Template 1.
- Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. See Template 2.

1. Applicant Information					
Name of Licensed Farm-Winery	Mill River Winery				
Farm-Winery License Number	FW-69	State of Issue	MA		
Contact Person	Rick Rousseau				
Address	41 Railroad Ave				
City	Rowley	State	MA	Zip	
Phone Number	978 495 2405	Email	RLeR@millriverwines.com		
Correspondence preference	<input type="checkbox"/> Regular Mail		<input checked="" type="checkbox"/> Email		
<i>Note: Approval/denial letters will be sent regular mail.</i>					
Do you intend to sell, sample, or both? Check all that apply.					
<input checked="" type="checkbox"/> Sell		<input checked="" type="checkbox"/> Sample			

2. Event Information					
Name of Agricultural Event	Wayland Winter Farmers' Market				
Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy)	<input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy)	<input type="checkbox"/> Other Agricultural Event		
If you selected "Other Agricultural Event", how does this event promote local agriculture?					
Event Address	397 Boston Post Road				
City	Wayland	State	MA	Zip	01778
Event Phone Number	508-358-2283	Event Website			

www.russellsgardencenter.com/html/winterfarmersmarket/html

3. Event Description

What are the date(s) and time(s) of the event?

Start date 1 / 7 / 17 End date 3 / 11 / 17 Time 10:00AM - 2:00PM
Month Day Year Month Day Year

If this is a weekly event, on what day of the week does the event occur? Saturday

If the event is an agricultural fair, does the event include competitive agriculture?

 Yes No N/A

Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?

 Yes No

If yes, identify:

4. Event Management

Name of Event Manager

Peg Mallett

Email Address

mallettpeg@gmail.com

Phone Number

508-355-2253 ^{ext} 336

Is this person the on-site manager?

 Yes No

If no, identify on-site manager (include contact information):

If there are multiple managers, list them and include contact information:

Attach on-site manager(s) resume(s) or list any credentials or training of the on-site manager(s):

Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.

Peg Mallett has been the Market Manager of the Wayland Summer Market since 2005 (Inaugural year) and the Manager of the Wayland Winter Market since it began in 2010.

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Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 15, 2016

Michael Lamontagne
284 Morgan St.
South Hadley, MA 01075

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

Dear Mr. Lamontagne:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 7th to March 11th 2017 from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written in a cursive style.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F
*To be completed by the licensed farm-winery and returned to the
Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

1. Applicant Information:							
Name of Licensed Farm-Winery		Stoneybrook Cider, LLC					
Farm-Winery License Number		FW-111		State of Issue		MA	
Contact Person		Michael Lamontagne					
Address		284 Morgan Street					
City		South Hadley		State		MA	
				Zip		01075	
Phone Number		1-413-896-9474		Email		stoneybrookcider@gmail.com	
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)				Wayland Winter Farmers' Market			

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

3. Event Description	
What are the date(s) and time(s) of the event?	January 7 - March 11, 2017, 10AM-2PM
Is this an annual event?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
How does this event promote local agriculture?	The Market provides a venue for farmers to sell vegetables, fruit, meat, honey, dairy products, animal fiber and wine.
Are all or some of the products at the event grown and produced in Massachusetts?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
How many exhibitors have products that are grown or produced in Massachusetts?	85+
What is the total number of exhibitors at event?	50 - 65 vendors per week
Does the event include Massachusetts farmers selling their own goods? (If yes, please attach a list of vendors with brief descriptions)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the event include competitive agriculture?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Does the event have operational guidelines or rules? (If yes, please attach a copy)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the event been inspected by the Department in the last two years? If yes, what was the date of the inspection(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes, please identify: _____

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

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 15, 2016

Nicole Blum
Carr's Ciderhouse
295 River Dr.
Hadley, MA 01035

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

Dear Ms. Blum:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 7th to March 11th 2017 from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written in a cursive style.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F
*To be completed by the licensed farm-winery and returned to:
By Mail: Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114
By Email: Rebecca.Davidson@State.ma.us with the subject line "Agricultural Event Certification"
(A separate application must be completed for each event)

In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.

- Signed and dated application with farm-winery license number
- List of vendors with brief descriptions of products for current year/season
- Event operational guidelines or rules for current year/season
- Resume of event manager or description of experience
- Plan depicting the premises and specific location where the license will be exercised. See Template 1.
- Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. See Template 2.

1. Applicant Information						
Name of Licensed Farm-Winery	CARR'S CIDERHOUSE					
Farm-Winery License Number	65	State of Issue	MA			
Contact Person	NICOLE BLUM					
Address	295 RIVER DR					
City	HADLEY	State	MA	Zip	01035	
Phone Number	413-336-7363	Email	colin@agr nicole@carrs ciderhouse2.com			
Correspondence preference	<input type="checkbox"/> Regular Mail		<input checked="" type="checkbox"/> Email			
<i>Note: Approval/denial letters will be sent regular mail.</i>						
Do you intend to sell, sample, or both? Check all that apply.						
<input checked="" type="checkbox"/> Sell			<input checked="" type="checkbox"/> Sample			

2. Event Information			
Name of Agricultural Event	Wayland Winter Farmers' Market		
Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy)	<input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy)	<input type="checkbox"/> Other Agricultural Event
If you selected "Other Agricultural Event", how does this event promote local agriculture?			
Event Address	397 Boston Post Road		
City	Wayland	State	MA Zip 01778
Event Phone Number	508-358-2283	Event Website	

www.russellsgardencenter.com/html/winterFarmersMarket/html

3. Event Description			
What are the date(s) and time(s) of the event?			
Start date	1 / 7 / 17	End date	3 / 11 / 17 Time 10:00AM - 2:00PM
	<small>Month Day Year</small>		<small>Month Day Year</small>
If this is a weekly event, on what day of the week does the event occur? Saturday			
If the event is an agricultural fair, does the event include competitive agriculture?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, identify:			
4. Event Management			
Name of Event Manager		Peg Mallett	
Email Address	mallettpeg@gmail.com	Phone Number	808-358-2283 ext 336
Is this person the on-site manager?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If no, identify on-site manager (include contact information):			
If there are multiple managers, list them and include contact information:			
<p>Attach on-site manager(s) resume(s) or list any credentials or training of the on-site manager(s): <i>Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.</i></p> <p>Peg Mallett has been the Market Manager of the Wayland Summer Market since 2005 (Inaugural year) and the manager of the Wayland Winter Market since it began in 2010.</p>			



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

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

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

1. Public Comment, 12/8/16, re: 150 Main Street Appeal Concerns

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

1. Spreadsheet, Wayland Budget Draft FY 2018
2. Amended Memorandum of 12/12/16 from Beth Klein, Town Clerk, re: Offices to be Elected at the 2017 Annual Town Election
3. Independent Auditors' Report, 12/12/16, from Melanson Heath to Board of Selectmen

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

1. Memorandum of 12/15/16 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Zoning Articles and Street Acceptance Article for the Spring Annual 2017 Town Meeting
2. Draft Minutes of December 5, 2016



TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN

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TOWN ADMINISTRATOR
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BOARD OF SELECTMEN
Monday, December 19, 2016
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

CORRESPONDENCE

Selectmen

1. Public Comment, 12/14/16, re: 150 Main Street Non Conformity, and 12/8/16, re: 150 Main Street Appeal Concerns
2. Public Comment, 12/13/16, Sign at Town Building Entrance, Route 27
3. Public Comment, 12/12/16, Intersection of Parkland Drive and Grace Road
4. Memorandum of 11/30/16 from Michael Staiti, Trustee, and Brian Boggia, Director, Wayland Housing Authority, to Wayland Housing Trust, re: 132 and 222 Commonwealth Avenue
5. Letter of 12/6/16 from CMG Environmental, copied to Board of Selectmen, re: Public Commentary on 11/3/16 Draft, Partial Permanent Solution with Conditions Report, Boston Post Road
6. Director of Public Health Report, December 12, 2016

Minutes

7. Economic Development Committee, November 4, 2016
8. Wayland Housing Partnership, October 18, 2016

Region

9. Letter of 12/9/16 from Boston Region Metropolitan Planning Organization re: Development Process and Milestones – FFYs 2018-2022 TIP

State

10. Letter of 12/2/16 from Executive Office of Health and Human Services re: 2015 Water Fluoridation Quality Award
11. Letter of 12/7/16 from Massachusetts Historical Commission re: Acceptance of Reeves Tavern to the National Register of Historic Places

DiNapoli, MaryAnn

From: Paul and Gretchen Dresens <pdresens@yahoo.com>
Sent: Wednesday, December 14, 2016 7:17 PM
To: Anderson, Lea; Nolan, Joseph F.; Karlson, Cherry; Antes, Mary; Jurist, Louis; Selectmen
Cc: Gretchen Dresens; Balmer, Nan
Subject: 150 Main Street non conformity

Board of Selectmen

I am unable to attend the Board of Selectmen's meeting this Monday, December 19. I wanted to reiterate my request that the Board of Selectmen approve new Town Counsel to meet/work with the Building Commissioner to help determine the best process to make the 150 Main Street CVS development fully conform with our Bylaws.

I am forwarding you a copy of an email I sent to the Building Commissioner summarizing a meeting we had to discuss just some of the bylaw non-conformity in relation to 150 Main Street to help understand the impact of some of these violations.

I am sure KP is aware of case law that is in support of the Building Commissioner revoking the Building Permit (*Iannuccillo, Jr. v. ZBA of Salisbury*, 87 Mass. App. Ct. 1108 (2015).) There is even case law that supports the ZBA hearing my appeal (*Roberts v. Southwestern Bell Mobile Sys., Inc.*, [429 Mass. 478](#), 492 (1999)).

Let me reiterate - I am not looking to stop development at the former Finnerty's site, but rather make appropriate changes to the plan so that it conforms with our Bylaws. I am hopeful that the Town can resolve this issue so that the development is fully conforming.

Gretchen Dresens

From: Paul and Gretchen Dresens <pdresens@yahoo.com>
Date: December 13, 2016 at 2:33:13 PM EST
To: Geoffrey Larsen <glarsen@wayland.ma.us>
Cc: Elizabeth Reef <ereef@wayland.ma.us>, Gretchen Dresens <pdresens@yahoo.com>
Subject: summary of our meeting 12/9
Reply-To: Paul and Gretchen Dresens <pdresens@yahoo.com>

Geoff

Thanks for meeting with me on Friday to discuss the town's bylaws and 150 Main Street plans. I've detailed our conversation below.

RESTRICTIVE COVENANT

When the Planning Board voted to remove Condition 30, they decided to replace it with a Restrictive Covenant. The Planning Board's 2016 provisional approval of the site plan states explicitly that the easement may never be turned into a street:

"The Board hereby approves the Applicant's request for the removal of Condition 30 from Decision 02-2013, subject to the condition that when the Board's decision becomes final 150 Main Street, LLC, shall forthwith and no later than the issuance of the first building permit, register in the Land Court a restrictive covenant, in legal form acceptable to Town Counsel, prohibiting 150 Main Street, LLC, and its successors and assigns from ever establishing the "Way" shown on Land Court Plan No. 12716B as a street within the meaning of the Town's Zoning Bylaws.

The covenant prepared and filed by 150 Main Street, LLC on 7/19/2016 in court and stamped by the Building Department on 7/20/2016 is substantively different from what the Planning Board approved and allows for the possibility that Hammond Road becomes a way in the future:

"150 Main Street, LLC and its successors and assigns shall not seek to have the land declared of treated as a "street" as that term is nor defined by the Wayland Zoning Bylaw ("Any public way used for vehicular traffic, or any private way used as a public way for such traffic") without first obtaining approval from the Wayland Planning Board for such declaration or treatment"

Changing the easement back into a street will have huge impact to me as it allows development to the back corner of the property.

SCENIC ROAD

West Plain Street is designated as a scenic road. Ch 158-11 allows a single, 12' drive. "... A new driveway shall not exceed 12 feet in width." There are two planned driveways, measuring 28' and 26'. In addition, the Physical Alteration permit granted to 150 Main limits the width to 18'.

REDUCED PARKING/SCREENING

As we talked about how screening and reduced parking are intertwined. It makes sense to detail screening inadequacies first.

Per 506.8.1 abutters who are adjacent to commercial parking are afforded screening protection from parking lots that contain parked vehicles, headlight glare, noise and other unsightly views associated with a parking lot, and the

screening is to be year-round. The plan does not provide year-round screening (506.8.1) from the parking facilities for abutting residences on Main Street. The southern half of the Main Street frontage contains low growing bushes (2'-3') and deciduous (lose their leaves in the fall) trees and shrubs. The current landscape plan is nonconforming since the part of the frontage on Main Street is low growing (2'-3') which would not screen a car. In addition, the section is deciduous so that screening would be non-existent from later fall through the winter and into the spring.

In addition, the northeast corner of the property on Main Street, across from me, is slated for snow storage.

Lack of required Special Permit for reduced parking:

The plan doesn't have the required amount of parking for building size/use – about 30 less spaces. Instead of requiring a Special Permit for reduced parking, Condition 31 was added that states

“During initial construction of the improvements on the site, the Applicant shall not construct the parking spaces as shown on the site plan along Main Street and the spaces along West Plain Street and shall make the landscaping and other improvements in the areas of said spaces as shown on the Landscaping Plan dated May 31, 2013. In the event the Board determines that the construction of said parking spaces is necessary, it shall send the Applicant written notice of its determination. Within ninety (90) days of receipt of such notice, weather permitting, the applicant shall construct the parking spaces, landscaping and other site improvements as shown on the plan dated May 31, 2013.....”

The plan provides land-banked landscaped strip along Main Street and West Plain Street that is allocated parking spaces if “the Board determines that the construction of said parking spaces is necessary.” These can be seen in one of the site layout plans provided in 150 Main's file. If the Board determines that the owners build out all the required parking spaces, there will be NO screening as the parking spaces will directly abut the sidewalk (which is non-compliant as well).

Clearly a Special Permit is required so that the risk of parking space build out is eliminated.

CURBS AND SIDEWALKS IN BUSINESS DISTRICTS

Sidewalks are required to be placed on the property lot. Specific widths and frontage requirements also apply. The approved site plan shows the sidewalk on West Plain Street in the public right of way, not on the lot. The sidewalks also do not meet the width and frontage requirements (4' buffer between the street and start of sidewalk, a 5' sidewalk, a 4' buffer between sidewalk and parking spaces). (§198.1002.1.7 and 198.1106.)

Hopefully you will be provided access to KP (town counsel) to help sort out the plan and bylaw violations, as it happened prior to your tenure

Gretchen

DiNapoli, MaryAnn

From: Paul and Gretchen Dresens <pdresens@yahoo.com>
Sent: Thursday, December 08, 2016 3:43 PM
To: Karlson, Cherry; Anderson, Lea; Antes, Mary; Jurist, Louis; Nolan, Joseph F.; Selectmen
Cc: Gretchen Dresens
Subject: 150 Main Street appeal concerns
Attachments: Dresens Building Permit Appeal with supplemental information - submitted.pdf

Board of Selectmen

I appreciate the time to hear public comment on Monday, December 5 as it related to the various appeals to the building permit granted to 150 Main Street. As you heard, many are concerned with the process and outcome. I am extremely concerned with the town's lack of responsibility for their errors. I am ever hopeful that this board will review the ZBA hearing. I thought it is also important that you see a copy of my appeal. While I don't expect the Board to involved itself in the content/merit of the appeal, it would be helpful to understand the scope of the bylaw non-conformity.

I am ever hopeful that this can be resolved locally. An option, perhaps, would be for the town's new counsel to review procedure, this particular town error and my appeal and offer an alternative option so that I do not pay the heavy consequence for Wayland's clerical error. I consider this option unacceptable.

Thank you
Gretchen Dresens

August 17, 2016
Amended October 6, 2017

I, Gretchen Dresens of 155 Main Street, Wayland, MA do submit the following supplemental appeal of the Building Commissioners issuance of a building permit to 150 Main Street LLC for the construction of a CVS pharmacy. I incorporate by reference my appeal previously filed dated August 17, 2016, a copy of which is attached as Exhibit 1A and 1B.

ILLEGAL HEARINGS

The Planning Board's meeting of July 13, 2016, to discuss and vote on the removal of Condition 30 and addition of the Restrictive Covenant, was not properly published. Chapter 6 of Wayland Town Code requires that the Planning Board's meeting be published in the Wayland Town Crier. "Whenever notice of a public hearing is required by law to be given by publication, at least one such notice shall be published in the Wayland Town Crier or a successor newspaper." This meeting was not published in the Wayland Town Crier as required.

The July 13, 2016 meeting had to be held because the June 7, 2016 meeting was not properly noticed. In addition, the July 13, 2016 Planning Board meeting also was not properly noticed.

At the July 13, 2016 meeting, the Planning Board stated that it had already held a meeting on these issues - "had discussed this" and "had made up a decision." Merely because there were a few people who spoke at the July 13, 2016 Planning Board meeting does not make up for the fact that the Planning Board had held an improper meeting on both June 7 and July 13, 2016 in violation of the Open Meeting Laws.

REMOVAL OF CONDITION 30 AND THE RESTRICTIVE COVENANT

Condition 30 was incorporated into the Site Plan to explicitly require 150 Main Street, LLC to merge all lots within the proposed development before any rights could be exercised.

Condition 30 states "Prior to exercising any rights under this decision, the Applicant shall provide written evidence to the Planning Board, in acceptable legal form as determined by Town Counsel, showing that the way (known as Hammond Road) shown on Land Court Plan No. 12716B has been eliminated by merging the fee in the way into the lot or lots adjoining said way, subject to an easement for Lot 4 on said plan"

Exhibit 2: Approved Site Plan, Planning Board Decision 02-2013, dated June 18, 2013

Per the Planning Board minutes from the 8/4/2014 meeting when 150 Main, LLC initially requested the removal of Condition 30. Specifically (my emphasis added):

"K. Murphy asked Lanza to remind the Board why the condition is in the decision and Lanza noted that Hammond way was, in his opinion, a private way open to the public. As such, set-backs apply to the way and the submitted plan would have to be amended. If the way was a private way not open to the public, then set-backs do not apply and the submitted plan was acceptable. The applicant had

proposed removing the way altogether by merging adjoining parcels. The condition was then created to require that this step be completed before the decision would become effective. "

Exhibit 3 – Planning Board minutes, dated 8/5/2014

Planning Board Decision 03-2016, dated 7/14/2016, removes Condition 30 from the site plan, and replaces it with a Constrictive Covenant. The decision states that "The purpose of Condition 30 was to preclude the Applicant or its successors from taking an inconsistent position in the future by treating the Way as a street for some possible financial gain". This statement is in conflict of the previously stated reason for Condition incorporation.

Exhibit 4 – Planning Board Decision, 03-2016, dated 7/14/16

Further, there is an exchange between Town Counsel and 150 Main Street, LLC specifying an agreement to eliminate Condition 30 in exchange for 150 Main Street, LLC dropping two outstanding suits they hold against the Town of Wayland.

"From: Mark J. Lanza
Sent: Monday, May 02, 2016
To: Charles Le Ray
Subject: RE: 150 Main Street

I am all set with the restrictive covenant as you revised it. Since the lots haven't been merged and the Land Ct. plan hasn't been modified to change "Way" to "Easement", I can't certify compliance with Condition 30. However, I can recommend that the PB delete it.

What about the other key component of the settlement – submission of the 2 building plan?

In addition to dismissal of the pending Land Ct. case, the 2 constructive approval claims must be withdrawn.

Thanks
Mark"

Exhibit 5 – email exchange between 150 Main Street LLC and Town Counsel

It is worthy to note that the date of the email is May 2, 2016, which is prior to the first hearing of June 7th. The Restrictive Covenant and the dropping of Condition 30 were discussed outside of a public hearing.

In addition, there is an email exchange between Town Counsel and Town Planner, dated June 6, 2016, one day prior to the first Planning Board hearing, discussing the Planning Board decision to remove Condition 30 and replace with a Restrictive Covenant that precludes a street on the property.

**"From: Sarkisian, Sarkis
Sent: Monday, June 6, 2016
To: Mark Lanza
Subject: 150 Main Street**

Hello Mark,

Reminder that we have a Planning Board meeting tomorrow night at 7:15 P.M. to discuss Executive Session 150 Main Street. The Chair asked if it would be possible to have a written motion regarding the removal of condition 30 prepared before the meeting. We were going to include in the motion the language that it could never become a right of way. Correct? Please let me know. I will be here till 7 tonight or you can call be anytime on my cell 508-*-****.**

Thank you."

Exhibit 6 – email exchange between Town Planner and Town Counsel

Both of these emails clearly exhibit that the Planning Board's decision to remove Condition was done prior to any public hearing and without the benefit of a public input.

Condition 30 was removed during a non-compliant meeting. Further, the intent and purpose of Condition 30 has not been satisfied. Further, the decision to remove Condition 30 was decided prior to any hearing and out of public view. Therefore Condition 30 should not have been removed from the Approved Site Plan.

RESTRICTIVE COVENANT

The Planning Board voted to remove Condition 30 and replace with a Restrictive Covenant. The intent of the Restrictive Covenant is to prevent 150 Main Street, LLC from ever converting Hammond Road (the easement) back into a right-of-way for financial gain. The easement would always be considered an easement. The Planning Board's 2016 provisional approval of the site plan removed Condition 30 on the new condition that Town Counsel accept a restrictive covenant before a building permit could be issued.

The covenant prepared and filed by 150 Main Street, LLC on 7/19/2016 in court and stamped in by the Building Department on 7/20/2016 had not been accepted by Town Counsel by the time of the Building Permit issuance on 7/19/2016, as required by Planning Board decision 03-2016.

In addition, the covenant was substantively different from what the Planning Board approved and allows for the possibility that Hammond Road becomes a way in the future, the exact result that Condition 30 was supposed to prevent. The Restrictive Covenant that was discussed at the Planning Board meeting of July 13, 2016 did not reference the possibility of 150 Main Street petitioning the Wayland Planning Board in the future. Nor did the Planning Board discuss the possibility that the Town of Wayland could make Hammond Road a public way in the future. In other words, the Planning Board

approved the removal of Condition 30 based upon the assumption that Hammond Road would never become public street. The actual Restrictive Covenant provides two possibilities of that happening in the future. Whether by design or inadvertence, the Restrictive Covenant as recorded does not reflect the terms and conditions that were discussed at the Planning Board meeting.

The Planning Board's 2016 provisional approval of the site plan, and removal of Condition 30, states explicitly that the easement may never be turned into a street. "The Board hereby approves the Applicant's request for the removal of Condition 30 from Decision 02-2013, subject to the condition that when the Board's decision becomes final 150 Main Street, LLC, shall forthwith and no later than the issuance of the first building permit, register in the Land Court a restrictive covenant, in legal form acceptable to Town Counsel, prohibiting 150 Main Street, LLC, and its successors and assigns from ever establishing the "Way" shown on Land Court Plan No. 12716B as a street within the meaning of the Town's Zoning Bylaws.

Exhibit 4 – Planning Board Decision, 03-2016, dated 7/14/16

Exhibit 7 – Restrictive Covenant as submitted to Building Department

Thus, the building permit was issued in violation of the Planning Board decision 03-2016 on two counts: the covenant had not been approved by Town Counsel and the building department had not received any covenant at the time of permit issuance.

Paying special attention to the dates in the email chain between 150 Main Street LLC and Town counsel found in documents available at the Building Department, Town Counsel stated his approval in May of a draft that was written by 150 Main Street, LLC. This email chain is presented by 150 Main Street, LLC. as approval by Town Counsel of the final version required by the 7/13/2016 meeting of the Planning Board as justification for granting the building permit

Exhibit 5 – email exchange between 150 Main Street LLC and Town Counsel

LOT CONSOLIDATION

Part 1:

The area of the proposed development is comprised of several lots. There are at least 7 lots registered in Land Court purchased by 150 Main St. LLC, Book 01395 pg 148, as well as the 'way' in which 150 Main Street, LLC owns the fee (Land Court case 11-SBQ-12716-03-001). The plot plans registered in Land Court depicting 7 lots are dated 1946 and is still current record.

Exhibit 8 – Land Court maps

The current definition of a lot clearly states that a lot is a single parcel without any internal boundaries.

Lot – An area of land in one ownership with definite external boundaries and without any other legal boundaries or lines that are internal to said external boundaries, excepting easements (Amended 4-7-2011 ATM by Art. 19)

The current Wayland bylaw regulates any building permit decisions in all respects.

198 - 205.3. No building permit may be issued under any application of any kind unless the plans and specifications that shall accompany such application, and the intended use of any building, structure or lot under such permit, shall be in all respects in conformity with the provisions of this Zoning Bylaw.

[Amended 5-20-1990 ATM by Art. 13; 4-7-2011 ATM by Art. 19]

The lots at 150 Main Street had not been consolidated at time of permit as required by current bylaw that precludes interior lines within a lot.

Further, Town Counsel stated on 7/13/2016 that "Building lots need to be consolidated prior to building permit." This statement pertains to complying with the current bylaw and is different than Condition 30 in the Planning Board's 2013 provisional site approval document, which required the elimination of the lot known as Hammond Road.

<http://www.waycam.tv/#!government-on-demand/apn36> , minute 25

The building permit is in violation of two bylaws: (1) The definition of a lot §198-104 and (2) current bylaw prevails §198-205.3

Part 2:

Within the non-compliance of Lot Consolidation, the Building Permit application attempts to make the argument that in the past, the property was treated as one lot. The Building Commissioner states in an email " It appears reasonable to determine that the several legal lots that constitute the past and present site plan have merged for zoning purposes by virtue of the permitted past commercial use controlled by ZBA decision #72-28."

In 1972 a variance was granted for setbacks for parking improvements for the restaurant at 148 Main Street. ZBA #72-28 allowed expansion of the building lacking required setback on a single lot. No parking lot construction was involved; usage was to conform to the parking. It also left the way/now easement with no parking on it.

The Building Commissioner further states that, in part, the decision to grant a building permit is based on a plot plan circa 1972. That plan is **unstamped**, and informal in appearance. It apparently was used by the Zoning Board of Appeals in decision 72-28. That plan shows none of the 7 separate lots registered in Land Court.

Exhibit 9 – Email exchange between Building Commissioner and 150 Main Street LLC.

Exhibit 10 – Wayland Board of Appeals Amended Decision, No. 72-28

Exhibit 11 – Unstamped informal plan

The applicants in their Building Permit Application refer to a zoning definition of Lot from 1972 (refer to 198-205.3). The 1972 bylaw Section II was very nonspecific: "A lot is that area of land described in an application for a permit."

Current zoning and the current definition of Lot must be used.

Not only does the current bylaw apply, but the prior variance does not apply because the buildings and usage are different. MGL 40A- Sec 10 specifies reasons for granting a variance relating to soil conditions, shape, or topography of such land or structures. The restaurant building (for which the variance was granted) is to be demolished and a new retail building constructed on a different portion of the properties that involves multiple lots. The proposed building on Lot 8 intrudes with parking onto another lot, the easement (formerly the way). Variances are granted for a specific intended use for a specific building shape. A variance granted for parking lot improvements for a restaurant does not carry over for a new pharmacy building as they are different intended uses and shape.

Potential Conflict of Interest: The Building Commissioner contacted consultant Todd Chapman of Samiotes Consulting, Inc. for opinion on permitting over multiple lots Samiotes Consulting, Inc is 150 Main Street LLC's septic contractor for the project, and is thus not impartial. According to Samiotes Consulting, Inc, "It is common practice to combine smaller lots in common ownership to form a larger lot for the purposes of obtaining a building permit. There is no regulation that requires a separate plan be prepared or recorded as a requirement for the combining of lots." This statement does not take into consideration that this is registered land or Wayland By-laws.

Exhibit 12 – Mail from Samiotes Consulting, Inc to Building Commissioner

The building permit should not have been issued since there are internal lot lines, which is in violation to Wayland's bylaws.

Applications need to conform to current zoning bylaws. Issuing a permit based on out-of-date bylaws is egregious.

REDUCED PARKING

The Planning Board approved a 14,400 sq. foot CVS Pharmacy at 150 Main Street, LLC. According to Town zoning regulations (506.1.1) a building of this size should have approximately 103 parking spaces available for customers and one space for every two (2) employees. As stated by 150 Main Street, LLC there will be six employees at the CVS. The approved site plan shows 74 spaces for customers and three (3) additional spaces for employees.

Condition 31 was included in the Site Plan to justify the reduced parking.

Condition 31 states "During initial construction of the improvements on the site, the Applicant shall not construct the parking spaces as shown on the site plan along Main Street and the spaces along West Plain Street and shall make the landscaping and other improvements in the areas of said spaces as shown on the Landscaping Plan dated May 31, 2013. In the event the Board determines that the

construction of said parking spaces is necessary, it shall send the Applicant written notice of its determination. Within ninety (90) days of receipt of such notice, weather permitting, the applicant shall construct the parking spaces, landscaping and other site improvements as shown on the plan dated May 31, 2013.....”

Exhibit 2: Approved Site Plan, Planning Board Decision 02-2013, dated June 18, 2013

Town bylaw requires a special permit for reduced parking, not a condition in the site plan

§198-506.1.1.

For general retail businesses, commercial and personal service establishments, parking facilities on the basis of one parking space per 140 square feet of gross floor area. In addition to this amount, one parking space for every two employees shall be provided.

[Amended 5-5-2004 ATM by Art. 16]

§ 198-603, The number of parking spaces may be reduced by the granting of a special permit from the Site Plan Approval Granting Authority, in accordance with if the applicant demonstrates that such parking spaces will not be needed for the proposed use, subject to the condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record.

CURBS AND SIDEWALKS IN BUSINESS DISTRICTS

Town bylaws have specific requirements for sidewalks and curbs in business districts. These requirements serve as a protective buffer for pedestrians due to increased traffic generated by businesses and assures that a sidewalk will remain if a street bordering a business district needs to be widened or realigned with an existing street. For these reasons sidewalks are required to be placed on the property lot. In addition, specific widths and frontage requirements apply in order to protect pedestrians from vehicles. The approved site plan shows the sidewalk on West Plain Street in the public right of way and does not meet the width and frontage requirements.

§198.1002.1.7

“In the event of the construction, reconstruction or substantial alteration of any building or structure that is used or intended to be used, in whole or in part, for any industry trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street lot line and to be constructed the full width of the lot, except where driveways exist. The sidewalk shall be separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing sidewalks on abutting land.” [Amended STM by Art. 11]

198.1106.1

Amended 4-28-1975 ATM by Art. 26; 4-28-1986 ATM by Art. 27; 4-7-2011 ATM by Art. 19]

"In both Business Districts A and B, in the event of the construction, reconstruction or substantial alteration of any building or structure that is used, or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purpose, there shall be constructed as part of such construction, reconstruction or substantial alteration a raised granite curb at least six inches in height along the edge of the street, except at approved driveway openings. There also shall be a paved pedestrian sidewalk no less than five feet in width set back no less than four feet from street lot line for the entire length of the lot frontage; provided however, where driveways exist, the sidewalk shall be separated from the remainder of the lot with a strip four feet wide in which suitable evergreen shrubs or other landscaping approved by the ZBA shall be maintained in good condition. The strip between the sidewalk and the street shall be maintained in good condition as a grass area. The sidewalk location shall be such as to join in a reasonable manner existing or planned sidewalks on abutting land."

Scenic Roads Bylaw Article IV (Code of the Town of Wayland)

West Plain Street is designated as a scenic road in the area where the CVS is proposed to be built. It is my understanding that no notice has been given and no hearing has been held regarding the scenic roadway regulations. It also appears that the plans call for driveways that are sixteen (16) feet, fourteen (14) feet greater than the allowed width of twelve (12) feet.

Ch 158-11 allows a single, 12' drive. "... A new driveway shall not exceed 12 feet in width." There are two planned driveways, measuring 28' and 26'.

Further, the Physical Alteration Permit dated 8/19/2015 explicitly limits the width of the driveway to 18'.

Exhibit 13 – Physical Alteration Permit, dated 8/19/15

SCREENING OF THE PARKING LOT TO ADJACENT RESIDENTIAL PROPERTIES:

Wayland's town bylaws provide protection to residents who abut commercial properties. Abutters who are adjacent to commercial parking are afforded screening protection from parking lots that contain parked vehicles, headlight glare, noise and other unsightly views associated with a parking lot. Specifically, adjacent abutting residential properties shall be screened year round. The current approved sight plan does not provide year-round screening (506.8.1) from the parking facilities for abutting residences on Main Street.

The southern half of the Main Street frontage contains low growing bushes (2'-3') and deciduous trees and shrubs. In addition, the northeast corner of the property on Main Street will contain snow storage. Further, the angle of the entrance to the "loading area" is too sharp of an angle for any truck coming from Main Street, or west on West Plain Street, to enter the loading area. Those trucks will enter the regular entrance and park in the parking lot.

Exhibit 14 – Landscape Plan as submitted by 150 Main Street LLC for Building Permit application

In addition, the Plan provides a land-banked landscaped strip along Main Street and West Plain Street that is allocated parking spaces. If the need arises at a future date, construction of parking spaces on this strip would remove ALL screening on Main Street. Condition 31 states "During initial construction of the improvements on the site, the Applicant shall not construct the parking spaces as shown on the site plan along Main Street and the spaces along West Plain Street and shall make the landscaping and other improvements in the areas of said spaces as shown on the Landscaping Plan dated May 31, 2013. In the event the Board determines that the construction of said parking spaces is necessary, it shall send the Applicant written notice of its determination. Within ninety (90) days of receipt of such notice, weather permitting, the applicant shall construct the parking spaces, landscaping and other site improvements as shown on the plan dated May 31, 2013....."

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

606.2.1.6 – Screen objectionable features from adjacent properties and roadways

1102.1.1.3 – Properties in abutting residential districts shall be protected from headlight glare by such methods as the ZBA may require.

507.1 – "...Loading areas shall be screened from any view from a street...."

The current plan does not provide adequate year round screening. **The screening will be completely removed if the Applicant is required to construct the land-banked parking spaces.** By not providing year-round screening, or any screening at all, the investment in our property will decline and the quality of my family's day-to-day life is harmed. We will experience headlight glare, views of parked cars and the unloading of trucks and a lack of noise buffering.

Site Plan conditions have not been met, therefore a building permit should not have been issued:

198-602, 602.1 - "SPA shall be a prerequisite to the issuance of any special permit, permit and/or variance required by this Zoning By-Law, ..."

198-205, 205.3 - "No building permit may be issued under any application of any kind unless the plans and specifications that shall accompany such application, and the intended use of any building, structure or lot under such permit, shall be in all respects in conformity with the provisions of this Zoning Bylaws. [Amended 5-20-1990 ATM by Art. 13; 4-7-2011 ATM by Art. 19],"

This plan is not a by-right plan, and is in violation of several Wayland Zoning bylaws.

I respectfully request that the Zoning Board of Appeals rescind the building permit until the site plan is fully compliant with all Zoning and Procedure requirements. As a resident, and in particular an abutter, I depend on the enforcement of current zoning to protect my home investment, and my family's quality of day-to-day life

DiNapoli, MaryAnn

From: Senchyshyn, John
Sent: Tuesday, December 13, 2016 1:22 PM
To: DiNapoli, MaryAnn
Subject: FW: Sign at Town Building Entrance Rte 27
Attachments: IMG_20161213_0003.pdf

From: Turner, Richard
Sent: Tuesday, December 13, 2016 12:52 PM
To: Balmer, Nan; Keefe, Ben; Senchyshyn, John; Karlson, Cherry
Subject: Sign at Town Building Entrance Rte 27

Nan

There was some discussion at the selectmen's meeting on 12/12/16 about the new sign that is proposed for the entrance to the town building to include the Children's way the discussion was about reversing the banner signs under the town building entrance sign by putting children's way sign at the top and the Veterans Memorial sign on the bottom as a Veteran I do not support this idea nor do some other Veterans that I have discussed this with . The children's way is a private entity and should be on the bottom as illustrated on the attached drawing. here is some background about the veterans memorial sign the Veterans memorial committee committee paid for the first sign and got authorization to install it on the present sign from the proper board. please include this in the selectmen's packet for the next meeting on 12/19/16

Richard P. Turner USN Ret
Veterans Graves Officer
7 Nob Hill Road
Wayland, Ma 01778-2216
Tel 508-358-4294
Fax 508-358-0842
Mobile 508-320-5398
Email rturner@wayland.ma.us

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, December 12, 2016 3:18 PM
To: DiNapoli, MaryAnn
Subject: FW: Intersection of Parkland Dr. and Grace Rd.
Attachments: Ralen Letter.doc

correspondence

From: Irving, Robert
Sent: Thursday, December 08, 2016 10:14 AM
To: Balmer, Nan; Lindeman, Michael
Subject: RE: Intersection of Parkland Dr. and Grace Rd.

Hi Nan,

The Parkland Dr./Grace Road intersection improvements come under the jurisdiction of the Board of Public Works. In 2012 residents of Parkland Dr. and Charles Street made an application for traffic calming to the Board of Public Works. I believe that Kevin Dandrade from TEC was involved in formulating a plan to better distinguish traffic flow at that large open space intersection by developing a traffic island.

For the police part, we increased enforcement, especially around the times that crew practice was occurring at the Town Beach. As you can see from the attached letter, this has been an issue going at least back to 2008. Slow Children signs were placed on Parkland in 2012 and in 2015 the BOS authorized two new stop signs at MaGuire Road and Grace Road to establish a four-way stop there.

The police department is not responsible for removing trees. It is my understanding that trees on the town's right of way are removed after a tree hearing.

Bob

From: Balmer, Nan
Sent: Thursday, December 08, 2016 9:00 AM
To: Lindeman, Michael; Irving, Robert
Subject: FW: Intersection of Parkland Dr. and Grace Rd.

Mike, Bob
Would you provide an answer to accompany this when it goes to the Selectmne?
Thanks

From: Selectmen
Sent: Thursday, December 08, 2016 8:18 AM
To: Balmer, Nan
Subject: FW: Intersection of Parkland Dr. and Grace Rd.

From: Terrence Kane [<mailto:tk119@aol.com>]
Sent: Wednesday, December 07, 2016 8:49 AM

To: Selectmen

Subject: Intersection of Parkland Dr. and Grace Rd.

There is no need for a new traffic island at this location, just some speeding tickets issued on Parkland Dr. should be sufficient. This has been an issue ever since the crew teams started maybe 10 years ago. I live on Maguire rd. and walk my dog on Parkland Dr. and see 1st hand some of the speeders and wave my hands to them to slow down and most do. Mostly happens when the high schools get out in mid afternoon and around 6 PM when practices end. I spoke with some Wayland town workers and they said even with a new island, Parkland Dr. will be a straight shot down the road-- will there be stop signs near this new island? Seems this will be a nuisance more for the neighbors and I've been told there have not been any accidents there anyways. This will obviously be a hard area to snow plow too if the island gets put in.

I am basically a life long resident and want to know who authorized this new plan. Exactly which Dept. has jurisdiction to make these decisions?? And when were they made? I also asked recently about taking down some rotten trees along some of Wayland's streets and got the most convoluted replys from some of the town employees. Where has Common Sense gone in this Town???? Please direct this letter to the proper Depts. Ref. these issues I've mentioned. thank You--- Terry Kane 508-653-5692

Memo

Date: November 30, 2016

To: Wayland Housing Trust

From: Michael Staiti, Trustee
Brian Boggia, WHA

Re: 132 Commonwealth Avenue
222 Commonwealth Avenue

Summary:

Discuss the allocation of WHT funds for the following two purposes:

1. Conversion of 132 Commonwealth Avenue from a five bedroom single family unit into two (2), two bedroom units, thereby increasing Wayland's affordable housing inventory by one unit. Estimated cost to do so is \$60,000-80,000.
2. Appropriate up to \$10,000 for engineering, legal and architectural work to design a second structure (third unit) at 222 Commonwealth Road under a Local Initiative Program application.

132 Commonwealth Avenue

Background:

Wayland Housing Authority (WHA) purchased this property in 1980 as a two family property. However, the two family status was illegal and when the WHA applied for two family zoning, an abutter protested and the WHA was forced to convert the building to a single family unit of five bedrooms. According to Brian Boggia, the WHA has had trouble renting such a large property over the years and has also found the property to be costly to operate. It is the WHA's preference to convert this property back to a two family.

In 2007, the WHA went through a LIP process to convert the property back to a two family and went as far as design plans and cost estimates. A comprehensive (permit under Mass GL Ch 40B) was granted on

November 13, 2007 and funds were appropriated. However, HUD which has final decision on releasing a unit declined to release the unit at the time for conversion.

Proposal:

Appropriate WHT funds to:

1. Refile for a comprehensive permit (estimated at \$3,000 or less); and
2. Upon approval appropriate up to \$80,000 to convert the property to a two family.

This would increase the number of affordable units in Wayland by one unit at a relatively low cost and also, help solve a long standing issue for WHA.

222 Commonwealth Avenue

Background:

222 Commonwealth Avenue is currently a two family property on a 30,000 SF lot. The property is located in a R-20 zone and the structure is non-conforming due to side setback violation (7.5 feet on right side of lot). The unit is part of WHA's inventory and has a relatively new, six bedroom septic system built in 1995. The system is currently underutilized as the existing structure has a total of four bedrooms.

Based on initial analysis, Brian Boggia and I feel a third unit could be added to the site in a cost effective manner through either a special permit process with the Planning Board or a LIP process with the Board of Selectmen and ZBA.

Permitting Options:

The WHT has three potential options when trying to add units to existing WHA sites:

1. File a Local Initiative Program application under MA GL Ch40b with the Board of Selectmen and then the Zoning Board of Appeals. Viable, somewhat expensive and subject to political process with neighbors/BOS/ZBA.
2. Request a hardship variance from the ZBA. Unlikely as hard to show hardship.
3. File for a special permit with the Planning Board. This option was brought up by a member of the ZBA I talked to informally and has not been vetted with the building inspector or the town planner as of this meeting date.

Cost Estimates:

Initially, I estimate \$10,000 to perform the following tasks:

1. Create site plan for accessory structure;

2. Create floor plans and elevations for new structure;
3. Complete LIP application for filing with Mass Housing, BOS and ZBA;
4. Create building specifications, engineering plans, framing plans and window schedule for new structure;
5. Create septic plan and file with BOH.

Steps 1, 2 & 3 should be completed first and then used to a) file with state and local boards; and b) perform initial cost estimate. Estimated cost of these steps: \$4-5k.

Funds for steps 4 & 5 would only be spent once we had approvals and performed more detail cost estimate. These steps allow us to file for a building permit with the Town of Wayland.

Construction:

Construction would be awarded through a RFP process. Initial construction costs for 1,000 SF, 2 Bedroom, 1.5 bath unit are estimated at \$200,000 - \$225,000. This assumes local building fees are waived and existing septic has adequate capacity for the two new bedrooms. I estimate approximately six months to construct the new unit once permits are issued.

Financial Viability:

See attached financial model. In summary, assuming total investment by the WHT of \$225,000, the project with or without debt financing would yield a 6% return on investment.

Issues:

- Determine if special permit or LIP process is the best way to proceed;
- Determine who can complete LIP application;
- Confirming septic capacity/design;
- Determine who would have final ownership-WHA or WHT;
- Decide on use of leverage;
- Establish an RFP process-cost, who handles, how award is made...
- Other

CMG ENVIRONMENTAL, INC.

December 6, 2016

Mr. Louis J. Burkhardt III
Raytheon Company
50 Apple Hill Drive
Tewksbury, MA 01876

**Re: Public Commentary on 11/3/16 Draft
Partial Permanent Solution with Conditions Report
Boston Post Road, Wayland MA
DEP RTN 3-13302; CMG ID 2002-003**

Dear Mr. Burkhardt:

The following is my public commentary on the November 3, 2016 draft Partial Permanent Solution with Conditions (PPSwC) Report pertinent to the former Raytheon facility in Wayland, Massachusetts dated and prepared by Environmental Resources Management (ERM).

For the record, the Wayland Board of Selectmen has retained me to provide technical review of document submittals and other activities at the Site on behalf of the Town of Wayland, especially those that involve compliance with Massachusetts Department of Environmental Protection (DEP) requirements and the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000). As in past document reviews, I have prefaced my comments with ERM’s heading designations (where applicable) for ease of comparison, used uppercase roman numerals to identify each comment, and endeavored to limit comments to substantive issues.

I) PROPERTY ADDRESS – On the title page, signature page, Page 1-1 (Sections 1.0 & 1.1), Page 3-1 (Section 3.1.1), and Page 4-1 (Section 4.1) of the draft PPSwC Report; and also in Appendix A (notification letter), and 8 times in Appendix B (Copy of Activity and Use Limitation); ERM lists the subject property address as 433 Boston Post Road. However, there is no such address listed in Town of Wayland municipal records, and the correct address of the subject property (the former Hamlen property) is 444 Boston Post Road according to Wayland Assessor’s Records.

Listing an improper address for the PPSwC location is potentially a violation of the requirement set forth at 310 CMR 40.1056(1)(a) to provide the disposal site address. The actual release tracking number (RTN) 3-13302 disposal site address (430 Boston Post Road) does not appear in the text of the draft PPSwC Report except in the headers of the appended data tables. However, the draft PPSwC Report is clear that the former Hamlen Parcel is a portion of the Raytheon Company RTN 2-13302 (& 3-22408) ‘disposal site,’ and both the report text and the attached figures make it obvious where the former Hamlen property is located in conformance with 310 CMR 40.1056(2)(a).

Wayland requests that Raytheon correct the address references in the PPSwC Report, and also explicitly state that the subject former Hamlen property is a portion of the Raytheon Company disposal site addressed as 430 Boston Post Road. Since the Notice of Activity and Use Limitation

67 HALL ROAD
STURBRIDGE, MA 01566
PHONE (774) 241-0901
FAX (774) 241-0906

560 SOUTH MAIN STREET
NEW BRITAIN, CT 06051
PHONE (866) 304-7625
FAX (860) 223-5454

(AUL) is already recorded with the Middlesex South District Registry of Deeds, the proper way to correct its address references is to record a “Confirmatory Notice of Activity and Use Limitation.” [The marginal reference on the current deed for this parcel (Middlesex South District Registry of Deeds Book 41001, Page 463) also incorrectly indicates the property address as 433 Boston Post Road, which may be where the error originated.]

II) TIER IB PERMIT REFERENCES – In Section 1.1 (Page 1-1), Section 3.1.1 (Page 3-1), and Section 4.1 (Page 4-1) of the draft PPSwC RAO report, ERM lists the Tier IB Permit number for the former Raytheon property (133939). It is certainly true that DEP issued Tier IB Permit #133939 to Raytheon Company for release tracking number (RTN) 3-13302 effective December 13, 2000. However, revisions to the MCP regulations effective April 25, 2014 eliminated the Tier I permit process. Therefore references to Tier IB Permit #133939 are now useful only as historic information.

Wayland recommends that Raytheon either eliminate references to the former Tier IB Permit number from the PPSwC Report, or else place an explanatory footnote at the first such reference which explicitly states that DEP no longer uses the Tier I Permit process.

1.1 PROPERTY LOCATION AND DESCRIPTION

III) On Page 1-2 of the draft PPSwC Report, ERM states an AUL “was placed on the land in 2006 following remediation of a corner of the property.” For clarity, Wayland recommends that Raytheon replace the words “a corner” with “the northeasterly corner” (or other wording to that effect).

2.1 SITE DESCRIPTION

IV) On Page 2-1 (second paragraph) of the draft PPSwC Report, ERM states that the Site is located in a Zone II area and “therefore considered as a potential current and future source of drinking water.” The MCP definition of a current drinking water source area from 310 CMR 40.0006(12) is:

Current Drinking Water Source Area means groundwater located:

- (a) within the Zone II for a public water supply;
- (b) within the Interim Wellhead Protection Area for a public water supply;
- (c) within the Zone A of a Class A surface water body used as a public water supply; or
- (d) within 500 feet of a private water supply well.

Since the Site (both the former Hamlen property and the larger former Raytheon property surrounding it) is within the Zone II for Wayland’s Baldwin Pond wellfield public water supply, the proper description of groundwater usage is as a current drinking water source area (not a *potential* current drinking water source area).

In the same paragraph, ERM states that “there is no current use of groundwater as a source of drinking water on or surrounding the Site,” which is a misleading statement given the Zone II designation. It would be correct to say there is no current *withdrawal* of water from the Site (the former Hamlen property) for drinking water purposes. There is also an irrigation well located at the nearby Russell’s Garden Center property (397 Boston Post Road, Wayland Assessor’s Map 23 Lot 015) so it is also incorrect to state there is no current use of groundwater ‘surrounding the Site.’

Wayland requests that Raytheon revise the wording of the third sentence in the second paragraph of Section 2.1 of the PPSwC Report to indicate that Site groundwater is considered a current drinking water source. The Town recommends either striking the fourth sentence or revising it to

state there is no current withdrawal of groundwater from the Site for drinking water purposes. Nonetheless, Wayland concurs with the final sentence of this paragraph: "Groundwater is not subject to this [PPSwC] report."

V) PREVIOUS PROPERTY OWNERSHIP – In the fourth paragraph on Page 2-1 of the draft PPSwC Report, ERM lists incorrect dates of property transfer for the former Raytheon property:

- Wayland Meadows Limited Partnership acquired the property from Continental Assurance Company on October 10, 1997 (not October 1) – see Middlesex South District Registry of Deeds Book 27793, Page 126); and
- Wayland Business Center, LLC acquired the property from Wayland Meadows Limited Partnership on December 10, 1997 (not December 1) – see Book 27797, Page 52.

If the purpose of this paragraph is to provide a brief history of property ownership during the years that Raytheon occupied this property (1955-1995), it would be useful to include reference to the four prior property transactions (I had previously researched this information for a different project):

- Herbert S. & Mary E. Wentzel to Raytheon Manufacturing Company on May 19, 1954 (Book 8256, Page 441);
- Raytheon Manufacturing Company to Norman Barnes on February 11, 1958 (Book 9101, Page 136);
- Norman Barnes to National Boulevard Bank of Chicago on July 14, 1958 (Book 9184, Page 4); and
- National Boulevard Bank of Chicago to Continental Assurance Company on June 18, 1968 (Book 11524, Page 165).

Furthermore, ERM omits any reference to ownership of the subject property (the former Hamlen property) in this, or any other, section of the draft PPSwC Report. I had also previously researched this ownership information:

- Mainstone Farm Trust acquired the subject property on May 1, 1936 (Book 6023, Page 195 – 8th parcel of land therein described);
- Devins H. Hamlen and James M. Hamlen acquired the subject property on December 29, 1970 (Book 11937, Page 566 – Parcel III therein described);
- Devins H. Hamlen acquired the subject property individually on September 18, 1997 (Book 27708, Page 472 – Parcel 2 therein described); and
- Raytheon Company acquired the subject property from Devins H. Hamlen on September 24, 2003 (Book 41001, Page 463).

Wayland requests that Raytheon provide a past ownership history of the subject former Hamlen property in the PPSwC Report with some or all of the information presented above. The Town also recommends that Raytheon incorporate additional past ownership information on the abutting former Raytheon property as warranted.

2.4 RELEASE BACKGROUND

2.4.2 Surface Water

VI) In the third paragraph of Section 2.1 of the draft PPSwC Report (page 2-5). ERM states:

Based on these findings, a portion of the copper in surface water and possible sediment appears to be related to background or “local conditions” as defined in MassDEP guidance.

Section 310 CMR 40.0006(12) of the MCP provides the following definition:

Background means those levels of oil and hazardous material that would exist in the absence of the disposal site of concern, including both Natural Background and Anthropogenic Background.

The MCP further defines ‘Anthropogenic Background’ as:

Anthropogenic Background means those levels of oil and hazardous material that would exist in the absence of the disposal site of concern and which are:

- (a) attributable to atmospheric deposition of industrial process or engine emissions and are ubiquitous and consistently present in the environment at and in the vicinity of the disposal site of concern;
- (b) attributable to Historic Fill;
- (c) associated with sources specifically exempt from the definition of disposal site or release as those terms are defined in MGL c. 21E and 310 CMR 40.0006;
- (d) releases to groundwater from a public water supply system; or
- (e) petroleum residues that are incidental to the normal operation of motor vehicles.

Neither the MCP nor the Massachusetts Wetland Protection regulations (310 CMR 10.10) provide a regulatory definition of “local conditions.” However, Section 9.4 of DEP’s Guidance for Disposal Site Risk Characterization (Policy #WSC/ORS-95-141, April 1996) defines this term as follows:

Local conditions are concentrations of OHM that are higher than background levels, but nevertheless ubiquitous throughout the vicinity of the site and are attributable to sources other than the site in question.

It is clear from the latter definition that DEP does not consider “local conditions” to be the same as “background.” It is therefore inappropriate for ERM to equate those terms in the referenced paragraph of the draft PPSwC Report. It appears from context that ERM intends to cite ‘releases from a public water supply system’ as the source of elevated copper at the Site.

Wayland requests that Raytheon revise this paragraph of the PPSwC Report to state that elevated copper concentrations in Site surface water and sediment may be due to Anthropogenic Background (or other wording to that effect).

VII) REPORT COMPLETENESS – I compared the draft PPSwC Report to the requirements set forth at 310 CMR 40.1056 specifying the content of Permanent Solution Statements. The only omissions of any MCP requirements I noted were regarding the specific address of the former Hamlen property (see Comment I above); and there is no discussion of the applicability of a Permanent Solution DEP submittal fee pursuant to 40.1056(3). ERM initially classified RTN 3-13302 as Tier 1A in May 1996, but DEP assigned Tier 1B status to this ‘disposal site’ (including the former Hamlen property) effective December 13, 2000. The “Timely Action Schedule and Fee Provisions” regulations set forth at 310 CMR 4.00 state that DEP does not assess a Permanent Solution submittal fee for Tier classified disposal sites.

The Town of Wayland requests that Raytheon include a short explanation of why no Permanent Solution submittal fee is due for this PPSwC Report.

RECENT DOWNGRADIENT PROPERTY STATUS REPORTS

I would also like to take this opportunity to provide public commentary on the recent “Downgradient Property Status Opinion for Chlorinated Volatile Organic Compounds in Groundwater” and “Downgradient Property Status Opinion Termination for RTN 3-13302” reports that Raytheon submitted to DEP on June 3 and October 17, 2016 respectively.

VIII) PIP PROCESS – The original (11/9/00) Public Involvement Plan (PIP) for RTN 3-13302 states that Raytheon would notify interested persons (those on the ‘PIP Mailing List’) of significant milestones in remediation progress at the former Raytheon property (430 Boston Post Road), including the submittal of ‘Phase’ reports, Immediate Response Action (IRA) or Release Abatement Measure (RAM) Plans, and Response Action Outcomes (RAOs). Section 4.3.2 of the PIP also states that:

Raytheon will provide specific opportunities for the public to submit comments about documents concerning the Site. When key documents are available in draft form, they will be provided to the information repositories, and a notice of their availability will be sent to the Mailing List.

The specific listing of “documents available for public comment” includes ‘Phase’ reports, IRA & RAM Plans, and RAOs. Raytheon revised the PIP in 2004, but Section 4.5.2 of the July 13, 2004 revised PIP lists the same documents as “available for public comment.” This list does not specifically address Downgradient Property Status (DPS) reports. However, I believe that DPS reports would qualify as ‘key documents’ since a DPS report is the regulatory equivalent of an RAO report¹ in that submittal of a DPS report effectively terminates the involvement of a ‘Potentially Responsible Party’ at a given ‘disposal site’ (with the exception of addressing any ongoing IRA conditions). Furthermore, Raytheon provided a draft DPS Opinion for public commentary under RTN 3-22408 dated June 19, 2007 (on which I provided public commentary dated 7/20/07). Thus there is clear precedent for public commentary on a DPS report for the former Raytheon property within the PIP process.

Wayland would like to know why Raytheon chose not to provide a draft of either the June 2016 DPS Opinion or the October 2016 DPS Termination for RTN 3-13302. At the most recent (11/17/16) PIP public meeting, LSP John Drobinski of ERM explained that DPS is not one of the categories listed in the PIP as ‘documents available for public comment’ which is factually true but not in keeping with how the Town understands the PIP, nor does it comport with past precedent.

At this juncture public commentary on these DPS reports is moot since they are already submitted to DEP. Nonetheless, I offer the following comments for the record.

IX) JUNE 2016 DPS OPINION – Wayland understands that Raytheon and ERM have put a major effort into understanding chlorinated volatile organic compound (VOC) distribution in ground-

¹ More correctly a “Permanent Solution” report, since DEP replaced the term ‘RAO’ with either ‘Permanent Solution’ (formerly a Class A or B RAO) or ‘Temporary Solution’ (formerly a Class C RAO) effective 4/25/14.

water at and adjacent to the southerly portion of the former Raytheon property (RTNs 3-13302 & 3-22408). The Town also agrees that ERM puts forth a consistent argument that there are two separate and distinct plumes of chlorinated VOC contamination in groundwater, located from approximately 11-70' below grade ("Plume 1") and from 21-80' below grade ("Plume 2"), both of which appear to originate from some other parcel of land than the former Raytheon property at 430 Boston Post Road.

Wayland would like to know what assistance Raytheon is prepared to provide to owners or operators of the eight identified potential source properties to determine if they are in fact a source of chlorinated VOC release to groundwater (and if so, how can they best remediate that release). These eight properties as identified by ERM and Raytheon are:

- Cook's Automotive (356 Boston Post Road),
- Starmer's Texaco (338 Boston Post Road),
- CVS Pharmacy (325 Boston Post Road),
- The commercial property occupied by LaBelle Roofing (304 Boston Post Road),
- Wayland Cleaners (298 Boston Post Road),
- Wayland Village shopping center (297-319 Boston Post Road),
- The Wayland Post Office (277 Boston Post Road), and
- Shepard's Mobil (268 Boston Post Road).

The Town acknowledges that Raytheon is not responsible for chlorinated VOC releases that they did not cause or did not otherwise originate on the property they formerly occupied at 430 Boston Post Road, but it is unlikely that any of these other property owners or operators would have the resources to undertake environmental investigations as extensive as those that Raytheon and ERM have conducted to date. Wayland believes it would be appropriate for Raytheon and ERM to share their expertise and understanding of subsurface conditions with environmental consultants for these other properties since we are all working towards the common goal of eliminating the threat of contamination to the Town's public water supply.

X) OCTOBER 2016 DPS TERMINATION – The stated purpose of ERM's "Release Notification Form (RNF) and Downgradient Property Status Opinion Termination" for RTN 3-13302 is "to administratively delink" RTN 3-13302 "from upgradient and offsite sources" of VOCs. Raytheon submitted an RNF (Form BWSC103) as an attachment to this letter which indicates 120-day reporting conditions in groundwater of 17 µg/L PCE (tetrachloroethene) and 72 µg/L TCE (trichloroethene). There are several problems with this submittal:

- Most importantly, DEP offers no regulatory mechanism for 'de-linking' RTNs. The point of linking RTNs in the first place is to allow remediation of a 'disposal site' to proceed on a single regulatory timeline when there may be multiple reportable conditions identified at that disposal site for which DEP has issued separate RTNs. When a Potentially Responsible Party links a secondary RTN to a primary RTN for a particular disposal site, the secondary RTN is administratively closed but the Potentially Responsible Party must still address those reportable conditions which prompted its reporting (via response actions under the primary RTN).
- Were it possible to 'de-link' RTNs, it would be logically necessary for there to be at least two RTNs in order to 'de-link' a secondary RTN from the primary one. DEP guidance and policy is that the earliest-issued RTN is the primary RTN. It

appears that Raytheon submitted the attached Form BWSC103 so that DEP would issue a new RTN to identify chlorinated VOCs in groundwater (at 430 Boston Post Road). Should DEP choose to issue a new RTN, it would obviously be on a later date than 3-13302 (issued 1/2/96); thus RTN 3-13302 would become the primary RTN, and the putative new RTN would begin its own MCP timeline. If that is Raytheon's intention, it would be simpler to submit a Form BWSC103 for 120-day conditions and then not link it to RTN 3-13302.

- The form BWSC103 indicates the 'date when release occurred' as March 15, 1996, which appears to be the date when Raytheon previously reported 17 µg/L of PCE and 72 µg/L of TCE to DEP (not the date of any identified release). DEP issued RTN 3-13574 to identify this 120-day reporting condition, which Raytheon subsequently linked to primary RTN 3-13302 on November 28, 2000. It is not likely that DEP would issue a different RTN for the same conditions already reported on this property in 1996. Furthermore, submitting a 120-day notification for a release identified over 20 years previous is a clear and obvious violation of the time frame for such reporting set forth at 310 CMR 40.0315(1).
- Section C of the Form BWSC103 attached to the October 2016 DPS Termination is not filled out correctly in that there are no entries under "O or HM Released" and "PCE" and "TCE" are entered in the column for "CAS Number, if known." The proper entries would be:

O or HM Released	CAS Number, if known
Tetrachloroethene (PCE)	00127-18-4
Trichloroethene (TCE)	00079-01-6

- Submittal of a Form BWSC103 as an attachment to the DPS Termination letter report (which is itself an attachment to a DPS Transmittal Form BWSC115) is not the procedure DEP has provided for notification of a 120-day reporting condition. If Raytheon intends to appropriately submit this information, they should do so using the eDEP system and a Form "BWSC103-120 Day."
- DEP intends for a DPS submittal to identify contamination that has migrated in or on groundwater (or surface water) to a particular property. Raytheon recently did just that by submittal of the June 2016 DPS Opinion for RTN 3-13302 with regards to chlorinated VOC contamination migrating in groundwater onto the former Raytheon property at 430 Boston Post Road. (They had also previously submitted a DPS Opinion for RTN 3-22408 in June 2007 with regards to methyl tertiary butyl ether contamination that migrated via groundwater onto this property.) By submitting a DPS Termination for RTN 3-13302, Raytheon has effectively informed DEP that chlorinated VOC contamination in groundwater at 430 Boston Post Road is associated with RTN 3-13302. This appears to be exactly opposite of what the text of the October 2016 report states. It also negates the recent June 2016 DPS Opinion submittal.

Wayland requests that Raytheon provide an explanation of their motivation for submitting the October 2016 DPS Termination. If the purpose is to obtain a new RTN assigned to a different Potentially Responsible Party, the Town believes that this is a matter which should be brought

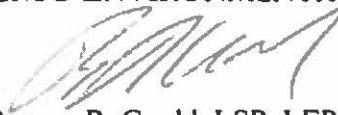
through the PIP process. If the purpose is to remove Raytheon as the Potentially Responsible Party for RTN 3-13574 (or another secondary RTN currently linked to RTN 3-13302), Wayland believes that this is also a matter which should be brought through the PIP process.

The DPS Opinion Termination letter report indicates that “recent conversations with MassDEP” prompted submittal of the DPS Opinion Termination. Wayland requests that Raytheon provide further information regarding those conversations, since they appear to have direct bearing on groundwater assessment and cleanup within the Zone II for the Town’s Baldwin Pond Wellfield. In addition, for the purpose of full disclosure I recommend that Raytheon discuss the DPS reports at the next PIP meeting.

EOCR

As always, I thank you in advance for your timely response to this commentary on behalf of the Town of Wayland.

Sincerely,
CMG ENVIRONMENTAL, INC.



Benson R. Gould, LSP, LEP
Principal

- cc: Environmental Resources Management (John C. Drobinski, P.G., LSP & Lyndsey Colburn, P.G.)
Mr. J. Andrew Irwin, Wayland
Ms. Anette Lewis, Wayland
Massachusetts DEP (Pat Donahue, Larry Immerman & Karen Stromberg)
National Parks Service (% Jamie Fosberg)
Mr. Lewis Russell, Wayland
Mr. Harvey & Ms. Linda Segal, Wayland
Ms. Kimberly Tisa, U.S. EPA Region I
Wayland Health Department PIP Repository (% Director of Public Health Julia Junghanns)
Wayland Board of Selectmen (% Town Administrator Nanette F. Balmer)
Wayland Business Center, LLC (% Paula Phillips, Congress Group Ventures)
Wayland Conservation Commission (% Conservation Administrator Brian J. Monahan)
Wayland Fire Chief David Houghton
Wayland Water Division (% Water Superintendent Donald Millette)



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

4 BOS

6

RECEIVED

DEC 14 2016

Board of Selectmen
Town of Wayland

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

Wayland Board of Health Director's Report December 12, 2016

Septic work and building approvals- construction is slowing down although soil testing appointments have continued and there are still many visits to our office and project submittals. We also continue to have numerous meetings with residents to provide guidance for potential home renovations/septic projects as well as future potential subdivision projects.

Ruth Mori PHN/Nurse Leader – Narcan Training has been provided for the Community Health Nurses. We are still waiting for shipment of the nozzles component that was recalled. Once the replacement parts are received we will be ready to supply narcan at the school nurse offices and town building.

Annual Town Meeting Articles

Recreational Marijuana-Town Planner Sarkis Sarkisian and I met with new Town Counsel regarding the recently passed Law legalizing recreational use of marijuana in Massachusetts. In hopes of providing the town with adequate time to determine how to prepare we discussed the idea of a potential 1-year moratorium. The Town Planner will be inviting the BoH to a joint meeting with the Planning Board to discuss this on January 3rd.

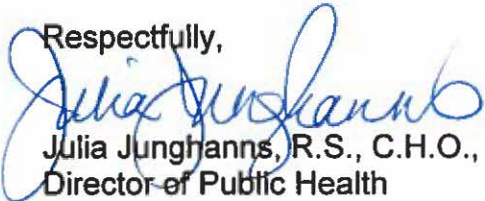
Plastic bag ban Bylaw, and Polystyrene Food Container Bylaw-For phased town wide bans on single use plastic checkout bags and polystyrene containers. These 2 articles are being petitioned by a resident and group called "Transition Wayland". The articles both list the Board of Health as the enforcing authority. Office staff is still in the process of gathering information and data from other communities that are involved with similar bylaws/bans. These initiatives would not be "zero" cost to the town as indicated on the draft articles, the article as written involves, inspections, fines and enforcement. This would be an unfunded mandate and based on preliminary information from other towns would be a lot of additional work for town Health Department staff. The petitioner would like to come to our next BoH meeting to speak to the Board.

Wayland Cares Executive Committee- I attended this meeting along with other key town officials of the committee. Initiatives of Wayland Cares Department were presented by Jason Verhoosky, Prevention Specialist, including grant and budget reporting, new website work and marijuana legislation/future efforts.

Disposal of old barrels/drums-The barrels/drums that were removed from the Castle Hill Conservation land and have been moved to the transfer station and are being stored onsite. Clean Harbors has inspected the barrels and provided an estimate for disposal. At this time we are working to identify who will pay the disposal fee.

Mahoney's Garden Center-staff is witnessing soil testing tomorrow morning in preparation for a possible affordable housing (residential) project.

Respectfully,

A handwritten signature in blue ink, appearing to read "Julia Junghanns", is written over the typed name and title.

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

**Minutes
Economic Development Committee
Town of Wayland MA
Office
November 4, 2016**

Present: Becky Stanizzi, Seth Roman, Jim Grumbach, Frank Panaccio

Guests: Sarkis Sarkisian, Town Planner

Becky Stanizzi called the meeting to order at 8:15 a.m. in the Planning Office of the Town Building.

River's Edge

- A recommendation was provided by the River's Edge Advisory Committee to the Board of Selectmen to proceed with the Wood Partners proposal
- Some of the factors include: Wood Partners projected a higher amount of spending on project costs which could imply a higher level of quality, an estimated \$3M budgeted for soil remediation, and more underground parking which would imply a premium for the property
- While Baystone's proposal implies a higher price for the land, REAC believes that Wood Partners' proposal would be better for the town by providing better rents in the long term and more tax revenue for the town. In addition, they provided a more attractive design for the site.
- Project should be awarded in December, followed by 30 days for the land disposition agreement
- Expect to break ground in January 2018 and open in the summer of 2019
- The project is expected to generate \$500,000 to \$700,000 per year in net taxes vs an original estimate of \$300,000

Town Center

- David Costello from National Development stated that they are close to signing a deal with a provider of shared office space which will occupy one of the empty spaces
- There is currently \$5,000 available for Town Center branding and there is an initiative to raise additional funds for branding

Rail Trail / Bike Path

- There will be a ground breaking on November 15th at 9am
- MBTA and DCR will be in attendance
- This is to be a part of the Mass Central Rail Trail which spans for 104 miles

Whole Foods

- Whole Foods is expected to leave the current location in March 2017 and Fresh Market will move in
- Fresh Market intends to renovate the current plaza and expects to open in late fall 2017

Finnerty's

- New appeals were filed and developers are trying to move ahead as quickly as possible

Next meeting: Friday, December 9th at 8am

Meeting adjourned at 9:15am, 4-0 vote

Respectfully submitted, Frank Panaccio



WAYLAND HOUSING PARTNERSHIP

Minutes – October 18, 2016

Submitted by Rachel G. Bratt

Unanimously approved: Dec. 13, 2016

Attending: Mary Antes, Joanne Barnett, Kathy Boundy, Rachel Bratt, Chris Di Bona, Pat Harlan, Armine Roat

Absent: Stephanie May

Also attending, Jennifer Steel, WHP representative to Municipal Affordable Housing Trust

At 7:37 Rachel called the meeting to order.

Minutes of September 13: Several corrections were made. Mary moved to accept as corrected. Kathy seconded. Unanimously approved.

Jennifer Steel's possible appointment as a member of the WHP: Mary indicated that Jennifer's appointment as the WHA's representative on the WHP is due to be discussed at the WHA's next meeting, later this week. We are looking forward to Jennifer becoming a full voting member of the WHP.

Consultant report on Housing Organizational Structure: There was discussion about the process used in hiring the consultant and in her scope of work. This report was commissioned by the Town Administrator, Nan Balmer, in order to better inform her about the various groups in town that work on housing issues.

- While the consultant met with various people, including committee chairs, she did not schedule meetings with each of the full committees.
- Kathy indicated that the report could have been laid out better, with more clarity about the exact statutory responsibilities of each committee. Overall, she noted that there could have been more specificity about the baseline of each organization, including exact roles and obligations.
- WHP members were unanimous in their enthusiasm for the hiring of at least a ½ time professional staff person. Mary noted that Brian Boggia was exploring whether the part-time housing planner in Needham may have ideas for Wayland's staffing needs. The report outlines a fairly extensive and ambitious list of tasks that this person would be expected to fulfill. Mary recalled that the Town had rejected the idea of joining the Regional Housing Services Office, since the sharing of a professional did not seem like a good idea.
- Mary also reported that the WHA is interested in continuing to do monitoring.
- WHP members were open to the idea of a merger with the Housing Trust, but the pros and cons of such a move would need to be carefully evaluated.
- Jennifer noted that we need a clear vision of our priorities and a brief set of action steps that the Town can use as a real blueprint for moving the housing agenda forward. While the HPP was recently submitted and approved by the state, WHP members acknowledged that this does not provide the needed guidance. Mary also noted that the goal of producing 25 units/year is not realistic. It is not clear how many market rate units are produced each year. Jennifer offered to draft such an outline for discussion at our next meeting. She will send it out in advance of that meeting.
- Another task for the WHP may be to review and update the 40B guidelines. Mary said she would send the electronic version of the last update.

- WHP members were eager to make sure that there will be a clear process, going forward, for reviewing the various recommendations. Rachel agreed to write a letter to Nan indicating her desire for group input before any decisions are made. The Joint Housing Committee may be a good forum for that to occur.

Habitat update: Mary mentioned that the problem regarding the assessment of Habitat homes has been resolved, with the units being assessed for the actual sales price, rather than the market value. Since all property has to be taxed at the assessed value, the recent policy of Habitat International to use the market price for the assessment price was a major problem for all MA properties. Apparently, MA was being used as a test case and, clearly, it did not work for us. The third family is due to move into their home in a month or two and the last family will not move in until the sweat equity requirement is met.

River's Edge: Chris noted that a developer has been identified by the River's Edge Committee: Wood Partners. This recommendation has been sent to BOS. There are quite a few steps that need to be gone through before a contract can be signed.

Next meeting of WHP, if needed: November 29 @ 7:30
Final meeting for 2016 scheduled for December 13.

At 9:05 Chris made a motion to adjourn, seconded by Pat.



BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

Stephanie Pollack, MassDOT Secretary and CEO and MPO Chair
Karl H. Quackenbush, Executive Director, MPO Staff

December 9, 2016

Ms. Cherry C. Karlson
Chair, Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, Massachusetts 01778-2697

Re: Development Process and Milestones—FFYs 2018–2022 TIP

Dear Ms. Karlson:

The Boston Region Metropolitan Planning Organization (MPO) is beginning its annual process of developing the Transportation Improvement Program (TIP) for federal fiscal years (FFYs) 2018–2022. The TIP is the implementation arm of the MPO's Long-Range Transportation Plan, *Charting Progress to 2040*. As such, the TIP prioritizes federal funding for transportation infrastructure projects throughout the metropolitan area. I am writing to invite your municipality to participate in this process, and to inform you of significant milestones.

Each municipality should identify the person who will communicate, on behalf of that municipality, directly with the MPO staff's TIP Manager, Alexandra (Ali) Kleyman, in developing this important document. According to our records, the current TIP Contact for Wayland is Sarkis Sarkisian. If this information is no longer accurate, please notify Ali (contact information below) by December 19, 2016, with the name of your new TIP contact.

The major milestones in this year's TIP development schedule are listed below. Milestones in bold indicate the steps for which municipalities are responsible and the dates by which each step must be completed.

Municipalities Identify New TIP Contacts	December 19
Municipalities Fill in Project Information in the Online TIP Database	January 19
Municipalities Confirm Projects in Draft TIP Universe	January 26–February 2
MPO Staff Complete Project Evaluations	February 23
Municipalities Submit Feedback on Project Evaluations	March 9
MPO Staff Post First-Tier List of TIP projects for programming in FFY 2022	Mid-March

MPO Discusses Staff Recommendation	Late March/Early April MPO Meetings
MPO Releases Draft FFYs 2018–22 TIP for Public Review and Comment Period	End of April

To answer municipalities' questions and help guide you through the TIP process, the MPO will be hosting **virtual TIP workshops**. **These conference calls—taking place on January 4 and January 11—will give municipalities in each subregion a chance to speak with MPO staff about the TIP process, ask questions about current projects, and receive updates about developing projects.**

In addition to the virtual TIP workshops, please feel free to contact Ali with questions about the TIP process at any time that is convenient for you. We strongly encourage you to participate in these opportunities to get your questions answered. In addition, as usual, municipal representatives are invited to attend and participate in all MPO meetings.

More information about the TIP is available on the MPO's website at <http://www.ctps.org/tip>. If you have any questions, please contact Alexandra (Ali) Kleyman, TIP Manager, at akleyman@ctps.org or 857-702-3709.

Sincerely,



Karl Quackenbush
Executive Director
KQ/AK/ak
Cc: TIP Contact Sarkis Sarkisian

Virtual TIP workshops will take place on January 4 and January 11, 2017. Specific time slots are planned for each MAPC subregion as follows:

Wednesday, January 4, 2017	Wednesday, January 11, 2017
<ul style="list-style-type: none"> • Call-in Number: 857-702-3739 • ID: 1567 • Password: 691 	<ul style="list-style-type: none"> • Call-in Number: 857-702-3739 • ID: 4909 • Password: 850
North Shore Task Force 1:00 PM–2:00 PM	South West Advisory Planning Committee 10:00 AM–11:00 AM
North Suburban Planning Council 2:00 PM–3:00 PM	MAGIC 1:00 PM–2:00 PM
Three Rivers Interlocal Council 3:00 PM – 4:00 PM	Inner Core Committee 2:00 PM – 4:00 PM
MetroWest Regional Collaborative 4:00 PM–5:00 PM	South Shore Coalition 4:00 PM–5:00 PM

In addition to these allotted times, please feel free to contact Ali with questions about the TIP process at any time that is convenient for you. We strongly encourage all municipalities to participate in these opportunities to get your questions answered. In addition, as usual, municipal representatives are invited to attend and participate in all MPO meetings.

More information about the TIP is available on the MPO's website at <http://www.ctps.org/tip>. If you have any questions, please contact Alexandra (Ali) Kleyman, TIP Manager, at akleyman@ctps.org or 857-702-3709.



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

10

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

December 2, 2016

Dear Water Quality Awardee,

I am pleased to present you with a *2015 Water Fluoridation Quality Award* from the U.S. Centers for Disease Control and Prevention (CDC). A total of 51 Massachusetts communities received this award. Fluoridation of public water supplies in our country began more than 65 years ago. Today in Massachusetts 70% of our residents, more than 4 million people in 138 communities, are receiving the health and economic benefits of community water fluoridation. Each community's water system reports their fluoride level to the Office of Oral Health. We then monitor and document the results in the Water Fluoridation Reporting System (WFRS) managed by the CDC.

The CDC presents this Water Fluoridation Quality Award annually to public water systems that 1.) Adjust the fluoride concentration of their drinking water; 2.) Achieve a monthly average fluoride level that is in the optimal range for 12 consecutive months in a year; and 3.) Document their fluoride levels in CDC's Water Fluoridation Reporting System.

This award recognizes your investment in ensuring that every resident of your community receives the benefit of good dental health.

Thank you for your hard work and dedication and congratulations on this special recognition!

Sincerely,

Brittany Brown, RDH, BSDH
Director, Office of Oral Health
Massachusetts Dept. of Public Health

Cc Board of Health
Cc Mayor



2015

Water Fluoridation Quality Award

Wayland State of Massachusetts

The Centers for Disease Control and Prevention commends this water system for its consistent and professional adjustment of the water fluoride content to the optimum level for oral health for 12 consistent months. Consistent, high-quality water fluoridation practice, as demonstrated by this water system, is a safe and effective method to prevent tooth decay, improving the oral health of community residents of all ages.

Presented by the
Centers for Disease Control and Prevention
United States Department of Health & Human Services

National Fluoridation Engineer, Division of Oral Health
National Center for Chronic Disease Prevention
and Health Promotion



Centers for Disease
Control and Prevention
National Center for Chronic
Disease Prevention and
Health Promotion



11

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

December 7, 2016

Dr. John G. and Gretchen G. Schuler TRS
Schuler Realty Trust
126 Old Connecticut Path
Wayland, MA 01778

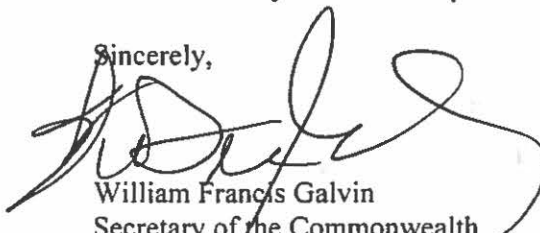
Dear Dr. and Ms. Schuler:

The Massachusetts Historical Commission is pleased to inform you that the Reeves Tavern, Wayland, Massachusetts, was accepted by the National Park Service, Department of the Interior, for listing in the National Register of Historic Places on November 15, 2016. A certificate recognizing the designation of this historic property in the National Register is enclosed.

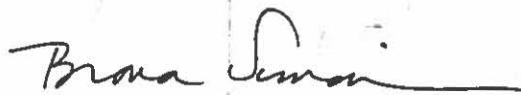
For your information, an explanation of the National Register of Historic Places is also enclosed. If you have any questions or wish further information, please do not hesitate to contact the Massachusetts Historical Commission.

We share with you a sense of pride that this historic building has been listed.

Sincerely,



William Francis Galvin
Secretary of the Commonwealth
Chairman, Massachusetts Historical Commission



Brona Simon
State Historic Preservation Officer
Massachusetts Historical Commission

Enclosure

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

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc



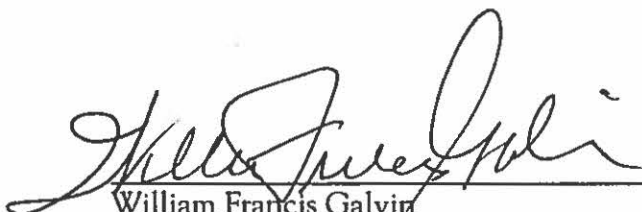
Peever Tavern

Wayland, Massachusetts

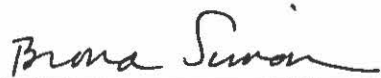
was accepted on *November 15, 2016* for inclusion in the

National Register of Historic Places

The National Register is the nation's official list of buildings, districts, sites, structures, and objects that retain their historical character and are important to our local, state, or national history. The National Register was established under the National Historic Preservation Act of 1966 and is administered in the Commonwealth by the Massachusetts Historical Commission.



William Francis Galvin
Secretary of the Commonwealth
Chairman, Massachusetts Historical Commission



Brona Simon
State Historic Preservation Officer

MASSACHUSETTS HISTORICAL COMMISSION
A Division of the Secretary of the Commonwealth