

PACKET

JAN 9

2017



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, January 9, 2017
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.

- | | | |
|---------|------|--|
| 7:00 pm | 1.) | Call to Order by Chair <ul style="list-style-type: none">• Review Agenda for the Public; Announcements |
| 7:02 pm | 2.) | Public Comment |
| 7:15 pm | 3.) | Petitioners Workshop for 2017 Annual Town Meeting |
| 7:30 pm | 4.) | Vote to Submit the Following Warrant Articles: <ol style="list-style-type: none">1. Standard Articles2. Allow Resident Aliens to Vote at Town Meeting3. Create Appointed Rather than Elected Town Clerk Position4. Revolving Fund Bylaw5. Amend Bylaw to Require Taxpayers to be in Good Standing as a Condition of Application for Licenses and Permits6. Clarification of Bylaw Allowing Non-resident Town Officials to Speak at Town Meeting |
| 7:50 pm | 5.) | Vote to Authorize Subcommittee and Appoint Mary Antes and Lea Anderson to Conduct Listening Session with Residents, and Approve Letters and Press Release |
| 8:00 pm | 6.) | Vote to Approve FY18 Town Administrator Goals |
| 8:10 pm | 7.) | Minutes: Review and Vote to Approve Minutes of December 12, 2016, and December 19, 2016 |
| 8:15 pm | 8.) | Report of the Town Administrator |
| 8:25 pm | 9.) | Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 8:30 pm | 10.) | Review Correspondence (See Separate Index Sheet) |
| 8:40 pm | 11.) | Selectmen's Reports and Concerns |
| 8:50 pm | 12.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |

BOARD OF SELECTMEN

**Monday, January 9, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland**

Proposed Agenda Page Two

- 8:55 pm 13.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to Litigation if an Open Meeting may have a Detrimental Effect on the Litigating Position of the Public Body and the Chair so Declares and Specifically, to Discuss Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, Relative to Property and Development Located Off Boston Post Road, and the Chair Declares that an Open Session may have a Detrimental Effect on the Town's Litigating Position
- 9:15 pm 14.) Adjourn

WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted in accordance with the law on or before January 15 or such time as may be fixed by the Board of Selectmen, and all such articles for Special Town Meeting must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

The Board of Selectmen and the Finance Committee encourage citizens to work with appropriate Town boards to achieve their goals whenever possible before submitting petitioners' articles.

ATM Time Line and Process

Date	Action	Responsibility
December / January	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting. Potential articles and the submission process may be discussed with the Selectmen.</i>	Board of Selectmen
On or before January 15 or such earlier time as may be fixed by the Board of Selectmen <i>(2017 DATE IS 1/17 AT 4:30 PM)</i>	<i>Submit petitioners' articles for Annual Town Meeting both on paper with signatures and by email (to mdinapoli@wayland.ma.us) in Microsoft Word. Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide comments, arguments in favor, and arguments against their articles at the time of submission. Signatures on the petition are verified by the Town Clerk.</i>	Town Administrator
January - March	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners. The Board may discuss substantive articles with petitioners or attend the Finance Committee's meeting with petitioners.</i>	Board of Selectmen
January - March	<i>Study each petitioner's article and prepare a report for the Warrant. The Committee meets with petitioners to discuss their articles at a public meeting. The Committee may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including pro and con arguments and the Committee's recommendation.</i>	Finance Committee
January - March	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report. Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.</i>	Petitioners
February	<i>Review articles for form, legislative intent, and procedural compliance. Provide main motion and the quantum of vote required for passage. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues and will not advise petitioners when there is a potential conflict of interest with the town.</i>	Town Counsel
Approximately 7 days prior to ATM	<i>Attend warrant article hearing. Petitioners should attend this hearing to review their warrant articles.</i>	Selectmen with Moderator and Finance Committee
ATM	<i>Move the article and make a brief presentation on the merits of the article. Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies must be prepared for the moderator and made available for people attending Town Meeting.</i>	Lead Petitioner
ATM	<i>Consider each article at Annual Town Meeting. Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Main motions in excess of 25 words that differ significantly from the warrant and amendments in excess of 10 words must be legibly written for submission to the moderator and made available to people attending Town Meeting. Please refer to the Moderator's Rules in the warrant for more detailed guidance.</i>	Town Meeting attendees

BOARD OF SELECTMEN POLICY:

IV. PETITIONERS' ACCESS TO TOWN COUNSEL

Subject to these guidelines, Town Counsel is available to consult with registered voters who have been identified as the lead petitioner and desire to submit or who have submitted an article for consideration at an annual or special town meeting, as a "petitioner's article" without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) suggesting language that reflects the petitioner's legislative intent in presenting articles for insertion in the warrant; (2) suggesting language to insure compliance with procedural requirements; and (3) preparing the main motion for Town Meeting. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues relative to their articles.
2. Prior to the deadline for filing articles for insertion in the warrant for the Annual Town Meeting, the Selectmen will conduct a "petitioners' workshop" at which prospective petitioners may ask general questions. The Town Administrator shall set reasonable limits on the scope of lead petitioner inquiries and the time allocated for consultation with Town Counsel.
3. Town Counsel may decline to assist the lead petitioner if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest. The Town Administrator may assign Special Counsel to assist the lead petitioner as appropriate.
4. Access to Town Counsel during Town Meeting sessions is not permitted.

Revised July 27, 2015

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER _____ DATE RECEIVED _____

DAY PHONE _____ EVENING PHONE _____

TITLE _____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE _____

ESTIMATED COST _____

ARTICLE: To determine whether the Town will vote to:

Add comments and pro and con arguments on the next page. Thank you.

#	Print Name Legibly	Signature	Print Street Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

Page 2

COMMENTS

PRO ARGUMENTS

CON ARGUMENTS

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

Lead Petitioner: The lead petitioner will serve as spokesperson for the article and will be the contact for the Finance Committee and the Board of Selectmen, and by the Planning Board if the petition is a zoning issue.

Date Received: The date received will be stamped on the petition when it is received by the Town Administrator and forwarded to the Town Clerk for certification.

2017

ANNUAL TOWN ELECTION/ANNUAL TOWN MEETING SCHEDULE

2016

- Mon Nov 21* Tax Classification Hearing
- Mon Dec 5* Board of Selectmen vote to open warrants for Annual Town Meeting and Election
- Mon Dec 5* Planning Board has preliminary meeting with Board of Selectman on Zoning and Planning Board articles, if required.
- Wed Dec 7* Notice of the opening of the warrant shall be sent to all Town boards and committees and as required by Town Code Section 36-2, shall be published in a newspaper of general circulation and posted at public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School.
- Mon Dec 12* Board of Selectmen and Finance committee meet with Audit Committee to hear FY 17 presentation from Auditors

2017

- Mon Jan 5* Nomination papers available from Town Clerk for Town Election
- Mon Jan 9* Petitioners' Workshop with Selectmen
- Mon Jan 9* Planning Board Public Hearing on Zoning Articles; Hearing to be continued or closed – Vote before Jan 17.
- Mon Jan 9* Selectmen vote any remaining warrant articles it will propose.
- Mon Jan 16* **Martin Luther King Jr, Day**
- Tues Jan 17* Deadline for submission of warrant articles at 4:30 p.m. (per Town Code Sec. 36-3) No article, other than one submitted by the Moderator, Town Clerk, or the requisite number of petitioners, shall be inserted in the warrant for any Town meeting unless so voted by a board, commission, committee, or other governmental body of the Town of Wayland by 4:30 p.m. on the date fixed by the Board of Selectmen for closing of the warrant for such meeting. (Town Code 36-3C)
- Tues Jan 17* Articles are draft ordered (A,B,C) by Town Administrator and distributed to Moderator, Finance Committee, Selectmen, Town Counsel and Town Clerk. Conveyance of submitted zoning by-law articles to the Planning Board, (Town Clerk per MGL c. 40A s.5)
- Tues Jan 17* Finance Committee approves letter to Board of Selectmen requesting debt exclusion ballot question, if any. (Earliest expected date of action.)

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

<i>Thurs Jan 19</i>	Town Counsel, Town Planner, Building Commissioner, Town Clerk and Town Administrator meet to review zoning articles, if needed
<i>Mon Jan 23</i>	Finance Committee ATM Article Hearing (Earliest expected date of action.)
<i>Mon Jan 30</i>	Finance Committee presents debt exclusion recommendation to Selectmen (if any proposed – N/A) (Earliest expected date of action.)
<i>Mon Jan 30</i>	Selectmen meeting with Planning Board on Town Meeting articles, if necessary
<i>Fri Feb 3 Noon</i>	Deadline for submission of sponsor’s report and petitioners’ comments to Finance Committee
<i>Mon Feb 6</i>	Board considers opening of STM Warrant (within annual) from Tuesday 2/7 through Tuesday 2/14 at 4:30 pm and sets all related dates at that time. Last date to set STM within annual is 45 days before or 2/16/16. The warrant for any Special Town Meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town Meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in § 36-2.
<i>Tues Feb 7</i>	Last day for submission of nomination papers to Town Clerk for Town Election (49 days before Election) GL c53, sec. 7
<i>Mon Feb 13</i>	Selectmen determine final (numbered) order of ATM warrant articles
<i>Tues Feb 14</i>	Planning Board discusses, votes reports on zoning articles (May be earlier)
<i>Thurs Feb 16</i>	Articles put in final form by Town Counsel.
<i>Mon Feb 20 – 24</i>	President’s Day and School Vacation week
<i>Tues Feb 21</i>	Selectmen accept public comment; discuss wording and vote on ballot questions (if any)
<i>Tues Feb 21</i>	Last day for Selectmen to submit ballot question to Town Clerk (35 days before election)
<i>Wed Feb 22</i>	Last date for Vehicle descriptions (valued at least \$10,000 from Parks, Recreation, Highway and Water only) prepared by procurement officer to be filed with Town Clerk per Town Code Sec. 19-7
<i>Wed Feb 22</i>	Deadline: Finance Committee article comments (with supporting charts and appendices) and Planning Board articles due to Board of Selectmen Town Administrator and Executive Secretary – <u>No changes accepted after this date.</u>
<i>Tues Feb 23</i>	Last day to withdraw nomination papers for Town Election (35 days) GL c 53, sec. 11

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

<i>Thurs Feb 23</i>	Town Clerk sends ballot to printer
<i>Thurs March 2</i>	Compilation of warrant completed and all changes made; Warrant to printer
<i>Wed March 8</i>	Last day to register to vote prior to Town Election / Town Meeting (20 days prior) GL c 39 sec 26, 28
<i>Mon March 13</i>	Motions for articles completed by Town Counsel and provided to Moderator and Town Clerk; Pre-Town Meeting to Review Motions this week.
<i>Mon March 13</i>	Final copy of Warrant delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director
<i>Mon March 13</i>	Selectmen vote and sign warrants for posting
<i>Thurs March 16</i>	Postal delivery of warrants (Town Code 36-2A, MGL c. 39, s10)
<i>Thurs March 16</i>	Motions for articles are posted at Town Building and Library
<i>Thurs March 16</i>	Town Clerk post warrants (Town Building, Library, Happy Hollow School, Cochituate Post Office) per Town Code Sec. 36-2A (at least 7 days prior to Annual Town Election and 14 days prior to Special Election) and under 36-1, posts on town sign boards no later than 2 weeks before election and town meeting
<i>TBD</i>	Candidates Night – League of Women Voters
<i>TBD</i>	Moderator’s Forum
<i>Mon March 27</i>	Selectmen conduct ATM Warrant Hearing at 7:00 p.m.; Finance Committee make presentation on any debt exclusion ballot questions
<i>Mon March 27</i>	Last day for Selectmen to review proposed motions and vote positions on Annual Town Meeting Warrant articles
<i>Tues March 28</i>	ANNUAL TOWN ELECTION
<i>Fri March 31</i>	Prepare and print final errata sheets, Moderator’s instructions to Town Clerk, tellers, and Planning Board reports (if necessary) for distribution at Town Meeting
<i>Fri March 31</i>	Warrants and lists delivered to Town Meeting site. List of non-resident employees provided to Moderator and Town Clerk
<i>Sun Apr 2</i>	ANNUAL TOWN MEETING (Sunday at 1:00 p.m.)
<i>April 3, 5, 6 (M & W, TH)</i>	Adjourned sessions of Annual Town Meeting (Monday, Wednesday and Thursday at 7:00 p.m. as necessary)

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

**2017 ANNUAL TOWN MEETING
POTENTIAL ARTICLES AS OF JANUARY 9, 2016**

STANDARD ARTICLES

1. RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN
2. PAY PREVIOUS FISCAL YEAR UNPAID BILLS
3. CURRENT YEAR TRANSFERS (INCLUDE PAST EMPLOYEE BENEFITS – SEPTAGE FACILITY / SUDBURY)
4. OPEB FUNDING
5. FY 2018 OMNIBUS BUDGET
6. COMPENSATION FOR TOWN CLERK
7. PERSONNEL BYLAW AND WAGE & CLASSIFICATION PLAN
8. CHOOSE TOWN OFFICERS
9. ACCEPT GIFTS OF LAND
10. SELL OR TRADE VEHICLES AND EQUIPMENT
11. RESCIND AUTHORIZED BUT UNISSUED DEBT
12. HEAR REPORTS

PLANNING BOARD ARTICLES/ZONING BY-LAW CHANGES

13. LIMITED SITE PLAN REVIEW
14. STREET ACCEPTANCE

POTENTIAL BOARD OF SELECTMEN ARTICLES

15. CREATE APPOINTED RATHER THAN ELECTED TOWN CLERK POSITION
16. REVOLVING FUND BYLAW
17. AMEND BY-LAW TO REQUIRE TAXPAYERS TO BE IN GOOD STANDING AS CONDITION OF APPLICATION FOR LICENSES AND PERMITS
18. ALLOW RESIDENT ALIENS TO VOTE AT TOWN MEETING
19. CLARIFICATION OF BY-LAW ALLOWING NON – RESIDENT TOWN OFFICIALS TO SPEAK AT TOWN MEETING

POTENTIAL ARTICLES FROM OTHER PUBLIC BODIES OR PETITIONERS

20. LIBRARY: AUTHORIZE GRANT APPLICATION AND APPROVE PRELIMINARY DESIGN
21. HISTORICAL COMMISSION: DEMOLITION DELAY BYLAW
22. BOPW FUND TRANSFER STATION ACCESS ROAD
23. BOPW: ACQUIRE ACCESS EASEMENT FROM HABITAT FOR HUMANITY
24. TOWN CLERK: WAIVE DOG LICENSE FEES FOR PERSONS OVER 70
25. COA: FUND STUDY FOR DESIGN OF 5 CONCORD ROAD FOR RE-USE
26. YOUTH ADVISORY COUNCIL: MORATORIUM ON LICENSING RECREATIONAL MARIJUANA DISPENSARIES
27. CPC PROJECTS
28. CPC BUDGET: SET ASIDE, AFFORDABLE HOUSING TRUST DEBT
29. PETITIONER: BAN ON PLASTIC BAGS FROM RETAIL STORES
30. PETITIONER: BAN STYROFOAM CONTAINERS

4.1) Recognize Citizens + Employees

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Recognize Citizens and Employees for Particular Service to the Town

COST: _____ NO COST: X COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. To recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. To recognize employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2017, subject to a minimum of 20 years of service;
3. To request Town Meeting observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2016 Annual Town Meeting.

A list of individuals qualifying for recognition shall be prepared prior to the printing of and so listed in the Warrant.

COMMENTS: This is a standard article that allows recognition and commendation of certain citizens and employees.

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

4.2) unpaid bills

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Pay Previous Fiscal Year Unpaid Bills

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will vote to:

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

COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission.

PROS: This is a standard Article that allows the Town to pay bills for the previous fiscal year.

CONS: There are no apparent arguments against this Article.

SIGNATURE OF CHAIR _____ DATE _____

4.3) Current Year Transfers

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Current Year Transfers

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT:

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

COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget.

PROS: These expenses were not reasonably anticipated when forecasting the FY2017 budget and they represent binding obligations of the Town.

CONS: The Board of Selectmen is not aware of any.

SIGNATURE OF CHAIR _____ DATE _____

4.4) OPEB Funding

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: BOARD OF SELECTMEN

DATE RECEIVED:

CONTACT PERSON: BRAIN KEVENY

TELEPHONE/Day:

TELEPHONE/Evening: _____

BOARD VOTE: _____

DATE OF VOTE: _____

TITLE: OPEB FUNDING

COST NO COST COST ESTIMATE AVAILABLE ON: 2/1/17

TEXT:

To determine whether the town will vote to:

a) authorize the transfer on \$ _____ from the following enterprise and revolving funds to the General Fund:

b) Appropriate an aggregate amount of -----to be deposited in the Town's Other Post-Employment Benefits Trust Fund which amount shall be provided by transferring the following sums of money form the enterprise and revolving funds:

c) Appropriate ----- to be deposited in the Town's Other Post-Employment Benefits Trust Fund and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, or otherwise.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE: _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Finance Committee DATE RECEIVED: January 9, 2017

CONTACT PERSON: Brian Keveny TELEPHONE/Day: (508) 358-3611

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: FY 2018 Omnibus Budget

COST: \$ _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes, and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

PROS: This budget reflects the cost of operating the Town in an efficient manner in order to maintain delivery of current levels of service to the residents of Wayland.

CONS: Some residents believe that this growth in Town spending and the resulting tax increases are unsustainable. Some have communicated that they feel the level of services should be reduced. Other residents believe that insufficient funds have been budgeted to perform all desired services.

SIGNATURE OF CHAIR _____ DATE _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Compensation of Town Clerk

COST: \$ _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2017, which salary and compensation is printed below.

SALARY SCHEDULE – TOWN CLERK

	<u>FY 2017</u>	<u>FY 2018</u>
Town Clerk	\$ 70,504	TBD

COMMENTS: This is a standard article that permits the Town to set the salary of the Town Clerk. Because the Town Clerk is an elected position, the salary of the Town Clerk does not fall within the Personnel Wage and Salary Classification Plan and Town Meeting must approve the salary of this position (the article sets the salary, the budget appropriates the monies). This process treats the Town Clerk in a manner comparable to other appointed Department Heads who may enjoy benefits not available to elected officials, such as automatic step increases, merit increases that recognize performance, and cost of living adjustments.

PROS: Some would say that the proposed salary reflects a fair compensation for the work performed considering all relevant factors.

CONS: Some would say that given current economic conditions, the Town can attract qualified candidates to seek the position at a lower salary. Others may say the salary is too low.

SIGNATURE OF CHAIR _____ DATE _____

4.7) Personnel Bylaws
+ wage plan

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Personnel Board DATE RECEIVED: 12/20/16

CONTACT PERSON: Deb Cohen TELEPHONE/Day: (508) 358-3623

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: 12/19/15

TITLE: PERSONNEL BY-LAWS AND WAGE AND CLASSIFICATION PLAN

COST: XX NO COST: _____ COST ESTIMATE: XX% increase of FY 17 wages for non-union employees.

TEXT: To determine whether the town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix TBD) previously adopted by the Town.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR  DATE 12/14/16

Town Counsel Approval _____ DATE _____

4.8) Choose Town
Officers

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Choose Town Officers

COST: _____ NO COST: COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot

Trustees of the Allen Fund
Fence Viewers
Field Drivers
Measurers of Wood and Bark
Surveyors of Lumber

COMMENTS: This is a standard article that permits the Town to fill various positions.

PROS: It is important to the Town to have all positions filled.

CONS: None.

SIGNATURE OF CHAIR _____ DATE _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Accept Gifts of Land

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

COMMENTS: This standard article allows the Town to accept gifts of land.

PROS: Acquisition of land by the town gives the town more control over the use of such land.

CONS: Land given to the Town may result in a slight loss of taxable real estate

SIGNATURE OF CHAIR _____ DATE _____

4.10) Vehicles + Equip.

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Sell or Trade Vehicles and Equipment

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

COMMENTS: This standard article allows the Town to sell used vehicles or other personal property.

PROS: The selling of used property contributes to the Town's general fund.

CONS: The Finance Committee is not aware of any.

SIGNATURE OF CHAIR _____ DATE _____

4.11) Rescind Debt

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Rescind Authorized But Unissued Debt

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to rescind the borrowings, authorized at the corresponding Town Meetings, that are deemed no longer necessary because the projects funded by the borrowings have been completed.

COMMENTS: The purpose of this article is to rescind borrowing authorization that is no longer necessary because the relevant projects have been either completed, are no longer being considered or been inactive for a long time. Passage of this article will rescind the borrowing authorized at the above mentioned Town Meetings, for the corresponding projects listed. It does not prevent the Town from funding a similar capital item in the future.

PROS: Approval of this article will remove the Town's ability to borrow for these items since it is no longer necessary. This action will increase the Town's existing borrowing capacity.

CONS: The Board is unaware of any.

SIGNATURE OF CHAIR _____ DATE _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Hear Reports

COST: _____ NO COST: X COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

- Board of Assessors
- Community Preservation Committee
- Energy Initiatives Advisory Committee
- Youth Advisory Committee

COMMENTS: This is a standard article that allows reports commissioned by the Town to be heard.

PROS: There are many boards and committee that are required to report to town meeting the work they complete over the past year. It is important to keep the Town informed as to their progress.

CONS: The Board is unaware of any.

SIGNATURE OF CHAIR _____ DATE _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen

DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer

TELEPHONE/Day: 508-358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____

DATE OF VOTE: _____

TITLE: REVOLVING FUND BYLAW

COST NO COST COST ESTIMATE AVAILABLE ON: _____

TEXT:

Revolving Funds (Part One)

To determine whether the Town will vote to amend Chapter 19 of the Town Code by inserting a new Section 10 entitled Revolving Funds, pursuant to the provisions of G.L. c.44, §53E½ as most recently amended by §86 of Chapter 218 of the Acts of 2016, establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows, or take any other action related thereto:

§___. Revolving Funds.

§___. Pursuant to G.L. c. 44, §53E ½, as amended by Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called), there are hereby established the following Revolving Funds for the departments listed below which shall be credited with the receipts collected in connection with the stated programs and activities and which shall be expended by the authorized Town board, department or officer for the purposes of such programs and activities listed below:

	REVOLVING FUND	AUTHORITY TO SPEND FUND	REVENUE SOURCES	USE OF FUNDS
1	Transfer Station	DPW Director and Board of Public Works	Transfer Station fees for stickers, recycling, Pay as You Throw bags and miscellaneous related revenue	Personnel costs, hauling and tipping fees, equipment repairs and replacement, supplies, uniforms, fuel, maintenance of building and grounds, indirect costs and miscellaneous related expenses for the operation of the Transfer Station.
2	Recreation: Programs	Recreation Director and Commission	Recreation program and event user fees, sponsorships and miscellaneous related revenue (excluding beach and field / gym user fees)	Personnel costs, vendor payments, supplies, transportation, indirect costs and miscellaneous related expenses for recreation programs (excluding expenses for beach and fields / gym)

3.	Recreation: Fields and Gym	Recreation Director and Recreation Commission	Fees paid for the use of natural and turf fields and for use of the gym in Town Building, Art Center and Tot Room	Expenses for the maintenance, operation and improvement of natural and turf fields and Town Building gym, Art Center and Tot Room and indirect costs.
4.	Recreation: Beach	Recreation Director and Recreation Commission	Membership, day passes and rental fees paid for the use of the Town Beach.	Personnel costs, vendor payments and miscellaneous related expenses for the maintenance and improvement of the Town Beach including buildings and facilities, indirect costs.
5.	Council on Aging	Council on Aging Director and Council on Aging	Council on Aging program user fees, and miscellaneous related revenue	Vendor payments, supplies, transportation, indirect costs and miscellaneous related expenses for Council on Aging programs
6.	School Department – Professional Development	School Business Manager, Superintendent and School Committee	Teachers' user fees for training programs and miscellaneous related revenue	Training program costs, instructional fees and materials
7.	School Department – Curriculum	School Business Manager, Superintendent and School Committee	Departmental receipts from parents for materials	Instructional materials

§ _____. All Revolving Funds are subject to the annual limitations on expenditure and established by _____.

Revolving Funds (Part 2)

To determine whether the Town will vote pursuant to G.L. c. 44, §53E ½, as amended by Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called), to set the following annual limitations on expenditures for revolving accounts authorized by bylaw for Fiscal Year 2018, or take any other action related thereto:

1. Transfer Station - \$-----
2. Recreation: Programs - \$-----
3. Recreation: Fields and Gym \$-----
4. Recreation: Beach \$-----
5. Council on Aging - \$-----
6. School Department/Professional Development -----
7. School Department/Curriculum -----

COMMENTS:

The Town operates and accounts for certain programs and services that are funded by “user fees” through revolving funds authorized under G.L. c.44, §53E ½ . As a result of changes in this statute in 2016, the Town is authorized to establish these funds under a Revolving Fund by-law.

For FY 18, the Town Administrator recommends adding a new revolving fund for Fields and Town Gym and a new revolving fund for Beaches under this section of MA general law. Field and gym revenues and expenses are currently accounted for in the Recreation: program revolving fund. Beach revenues and expenses are currently accounted for in a revolving fund established under section G.L. c.44, §53D.

Creation of the two new accounts will require a transfer of balances from field and gym user fees and beach users to the appropriate new revolving funds.

PROS:

The Municipal Modernization Act allows the town additional authority to establish and change revolving fund caps through its own by-law. (THIS WILL BE SUMMARIZED IN THE FINAL ARTICLE)

Establishment of an account for Fields / Gym will provide for greater transparency and improved management through matching of revenues and expenses for the natural and turf fields and gym in a single account.

Changing from a section 53D account to a 53 E ½ account for Beaches will allow the Recreation Commission to retain excess funds in a beach account to use in the future rather than sweeping the fund to a balance of \$10,000 as required by the current section 53D account. A 53 E ½ account will also provide for one set of legal rules for staff to follow in managing the accounts.

CONS:

SIGNATURE OF CHAIR _____ DATE: _____

§ _____. **Payment agreements.** Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ _____. **Waiver of denial.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property. This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes; section thirty-three of chapter one hundred and one; children work permits; section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses; section twenty-one E of chapter one hundred forty; dog licenses; section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping licenses; section twelve of chapter one hundred and thirty-one; marriage licenses; section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits; section one hundred and eighty-one of chapter one hundred and forty.

COMMENTS:

The Municipal Modernization Act allows the Town to deny licenses and permits under certain circumstances, to property owners who are delinquent with regard to payment of property taxes

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE: _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer TELEPHONE/Day: 508-358-3621

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Authorize Local Voting Rights for Permanent Resident Aliens Residing in Wayland

COST: _____ NO COST: COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Wayland, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, residents of the town of Wayland who are aliens lawfully admitted for permanent residence in the United States and who meet all qualifications for registering to vote except U.S. citizenship, may, upon application, have their names entered on a register of qualified permanent resident alien voters and may thereafter vote in any election for local offices, local ballot questions, and at Town Meeting.

Section 2. The Wayland Board of Selectmen is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.

COMMENTS: Massachusetts General Laws provides that every citizen eighteen years or older may vote in elections or at Town Meeting, subject to three exceptions (incarcerated felons, persons under a guardianship, and those disqualified because of corrupt election practices). Mass. G.L. ch. 51 § 1. The Fourteenth Amendment to the U.S. Constitution provides that all persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside.

Similar articles have passed Town Meeting in Amherst, Cambridge, Newton, and Brookline instructing the respective state representatives to submit bills that would provide an exemption from voting rights in town elections and at town meeting for nonresident aliens. None of these bills have been approved by the legislature. Most recently, H4306 was introduced in the legislature after Amherst approved such an article at Town Meeting last year. The bill was considered by the Joint Committee on Election Laws on February 17, 2011. As of February 23, 2011, no action had been taken on H4306.

The article would allow permanent resident aliens to vote in Wayland town elections and at Town Meeting. Even if this article were approved by Town Meeting, the State Legislature would have to provide an exception to the general rule set out in General Laws before the article could become effective.

A similar article was approved by Annual Town Meeting in 2006 and 2011. In each of two legislative sessions (2007-08 and 2009-10) Rep. Conroy introduced a bill, based upon the Town of Wayland article of 2006, but the Legislature did not pass the implementing bill either session. Technically, a newly approved Town article is required for each legislative session that a Home Rule Petition is filed before the legislature.

PROS: Resident aliens in Wayland cannot vote, although they work, pay taxes, send their children to school, and even must register to serve in the military. This is "taxation without representation" and it is simply unfair.

The U.S. Constitution gives states and municipalities the right to decide who is eligible to vote. From 1776 until 1926, 22 states and federal territories allowed non-citizens to vote in local, state and even federal elections. These rights were gradually repealed due to anti-immigrant sentiment in the late 1800s and early 1900s. Now, however, non-citizen voting is allowed in all member states of the European Union. Within Massachusetts, nearly identical articles have been passed in Amherst, Cambridge, Brookline, and Newton, but await an enabling act from the state legislature to take effect.

Within Wayland, the number of non-citizen residents is small, almost 3% of the population, and within those 3% are as wide of a range of viewpoints as the population at large. This is not a group that can vote as a block and change the outcome of elections. It is simply a block that is not represented.

The decisions we make in our local elections are purely local. This article would allow all resident aliens to participate fully in our civic life. Arguments of questionable loyalty to our country are beside the point here; we do not decide within Wayland whether to invade foreign countries or to whom we send foreign aid.

Our Constitution abolished state citizenship in 1789, so we do not have "Massachusetts Citizens" or Wayland citizens, for that matter. What we have are a group of people who happen to live here, some U.S. citizens, some not. Some of these people have been residents for decades, and cannot vote. And yet, a passerby from another state who moved here yesterday can vote.

It can take many years, especially in the new post-9/11 world, to obtain citizenship, the typical requirement for voting rights. It is unfair to deny active residents the right to vote on local matters in the interim. At a local level, all members of our community have the same stake in the decisions made at a local level, and all should have the same voice.

CONS: To allow non-citizens to vote undermines the value of citizenship. If a resident wants to vote in elections, at any level, that resident should seek U.S. citizenship. A non-citizen who wants greater participation in the civic duties can find numerous ways to participate. The administration at the polls could be a logistical challenge due to different voter lists and required proof of status for permanent resident aliens.

SIGNATURE OF CHAIR _____ DATE _____

4.19) Non-resident
Town Officials

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen

DATE RECEIVED: January 9, 2017

CONTACT PERSON: Nan Balmer

TELEPHONE/Day: 508-358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____

DATE OF VOTE: _____

TITLE: Amend Chapter 36. Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials

COST NO COST COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the town will vote to amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, as follows with changes in italics:

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

COMMENT: Chapter 36, Section 18 was amended by Town Meeting in 2016 to allow Town Counsel to be included in the list of town officials for whom a vote of Town Meeting is not required for permission to answer questions. The proposed change adds the requirement that all of the non-resident town officials listed must receive permission of the Moderator to answer questions raised by voters.

PROS: This change in language makes explicit the Town's requirements for allowing nonresident officials to answer questions at Town Meeting.

CONS: Care must be taken by Town officials to be sure questions raised by voters can be answered without additional preparation.

SIGNATURE OF CHAIR _____ DATE: _____

5) Listening Sessions

DATE: JANUARY 9, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: LISTENING SESSIONS

RECOMMENDED ACTION:

VOTE TO AUTHORIZE SUBCOMMITTEE AND APPOINT MARY ANTES AND LEA ANDERSON TO CONDUCT LISTENING SESSIONS WITH RESIDENTS AND TO APPROVE LETTER AND PRESS RELEASE

BACKGROUND:

At a prior meeting the Board discussed whether two Selectmen (Antes, Anderson) would conduct "Listening Sessions" with residents

Because this activity would be done on behalf of the Board of Selectmen, the two members conducting the "Listening Sessions" would be considered a sub-committee of the Board which must meet in a publicly accessible space and which will be subject to Open Meeting law requirements including the posting of meetings and agendas and the preparation of meeting minutes. Attached is the opinion of Town Counsel on this matter.

Attached are a draft letter and press release drafted by Selectmen Antes for your consideration and approval. Revisions will be necessary to comply with the Open Meeting Law.

DRAFT LISTENING SESSION MATERIALS FROM SELECTMAN ANTES

1/9/17

ARTICLE

The Wayland Board of Selectmen is planning a series of listening sessions where small groups of residents can meet to talk about how town government is working for them. The purpose is to learn more about resident satisfaction as a guide to future actions the Board might take. The results of these conversations will be compiled and shared with the Selectmen, the staff, and the public. This is an opportunity to hear from the silent majority as well as those who regularly attend public meetings.

A standard set of questions will be discussed at each facilitator-led meeting. They include your experience with town departments, what has worked well and what could be improved, and how town government can best to communicate with you.

About 10 meetings will be held between mid-January and mid-February, a three to four-week period, in public buildings and private homes. A list of dates, locations, and times is forthcoming.

If you would like to attend a meeting, please contact the host of the meeting you would like to attend or Mary Antes [508 358-2571 or email (mantes2@verizon.net)]. We would like to limit the number of people at each meeting to no more than 15 so that participants will have ample time to share their views.

LETTER

Dear Wayland Resident,

The Board of Selectmen would like to invite you to attend an informal meeting of residents to talk about what is working and not working in town government. The responses will help to guide future actions the Board might take.

A number of meetings will be held over a three to four week period so you can choose to attend one that is convenient for you. Each meeting will last about 1 ½ hours and will be limited to 10 to 15 people so that participants will have ample time to share their views.

A standard set of questions will be discussed at each facilitator-led meeting. They include your experience with town departments, what has worked well and what could be improved, and how town government can best to communicate with you.

We encourage you to take advantage of this opportunity to communicate with your elected officials. Please let Mary Antes [508 358-2571 or email (mantes2@verizon.net)] know which meeting you would like to attend.



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

March 8, 2016

OML 2016 – 33

Michael Embury
Town Administrator
2198 Main Street
Brewster, MA 026310

RE: Open Meeting Law Complaint

Dear Mr. Embury:

This office received a complaint from Ruth Courtneil dated December 1, 2015, alleging that the Brewster Beach Survey Work Group (the Work Group) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. Specifically, the complaint alleges that the Work Group does not follow the Open Meeting Law, including posting notice and creating minutes of its meetings. The complaint was originally filed with the Work Group on or about October 29, 2015, and you responded, on behalf of the Work Group, to the complaint by letter dated November 9, 2015.

We appreciate the patience and cooperation of the parties while we reviewed this matter. Following our review, we find the Work Group is a public body subject to the Open Meeting Law. In reaching this decision, we reviewed the original complaint; the response; and the request for further review filed with our office. We also spoke by telephone with you several times in January 2016.

FACTS

We find the facts as follows. In 2015, the Town of Brewster was in the process of developing a coastal management plan, which included the consideration of changing coastal conditions, beach preservation, and access to public beaches. On July 20, 2015, the Brewster Board of Selectmen (the Board) voted “that the [Town Administrator] create a 5 member work group on beach acces. (sic).” The Board asked the Work Group to develop a survey for residents about public access to Town beaches. Leading up to the Board’s vote, the Board had discussed residents’ concerns with beach preservation and access to Town beaches. The ultimate goal of the Work Group is to create and distribute a survey Town



residents and ultimately submit the results to various Town boards, including the Board, for their review and possible action. The Work Group is not charged with considering the survey results or making any recommendations to the Town Administrator or the Board.

Pursuant to the Board's vote, then-Town Administrator Charles Sumner appointed five individuals to the Work Group. Other than the appointment process, the Town Administrator has played no role in the work of the Work Group. Although it has a defined membership, the Work Group does not take votes or require the presence of a quorum in order to meet. To date, the Work Group has operated under the assumption that it is not a public body because it was created by the Town Administrator and it had no decision-making authority. However, it posts notice of its meetings and permits members of the public to attend and participate at its meetings.

DISCUSSION

The Open Meeting Law defines a "public body," in relevant part, as "a multiple member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose[.]" G.L. c. 30A, § 18. The Supreme Judicial Court recognized an exemption to the definition of "public body," however, in Connelly v. School Committee of Hanover, 409 Mass. 232 (1991). In Connelly, the Court held that, where an individual public official creates a committee to advise that person on a decision that the official has the sole authority to make, that committee is not subject to the Open Meeting Law. Id. at 235.

The Town contends that, because the Work Group was created by the Town Administrator, it falls within the Connelly exception. While the Town Administrator made the appointments to the Work Group, he did so at the express direction of the Board. Because the Work Group was not created solely by the Town Administrator and its charge was not something solely within the Town Administrator's authority, the Connelly exception does not apply. See OML 2015-93; OML 2014-56.¹

Because the Connelly exception does not apply, we must determine whether the Work Group is a public body. To determine whether a multiple-member entity is a public body subject to the Open Meeting Law, there are three factors we consider:

1. The entity must be "within" government and not excluded from the definition of "public body;"
2. The entity must be a "body" empowered to act collectively; and
3. The entity must serve a "public purpose."

The Work Group satisfies all three prongs of this test. First, because it was created by the Town Administrator at the explicit direction of the Board, it is an entity within

¹ Open Meeting Law determinations may be found at: <https://www.mass.gov/ago/openmeeting>.

government. Second, unlike a focus group, which we have deemed are generally not public bodies because they take no collective action, see OML 2012-20, the Work Group has an established membership of five members, who are collectively tasked with creating a survey. Thus, it is empowered to act collectively. See OML 2015-46. Finally, it serves a public purpose because its function is to create a survey on residents' Town beach use and compile the results to distribute to various Town public bodies for their review and possible action. Accordingly, we find that the Work Group is a public body subject to the Open Meeting Law. Because we find that the Work Group is a public body subject to the Open Meeting Law, we find that it violated the law by failing to comply with the Law's requirements.

We take this opportunity to remind the Work Group of its obligations under the Open Meeting Law going forward. Notice of every meeting must be posted "at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays" and every notice shall include "the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). A public body is also required to "create and maintain minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made and actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). Finally, all members of a public body must review the Attorney General's Open Meeting Law Guide and certify in writing that they have reviewed the Guide.²

CONCLUSION

For the reasons stated above, we find that the Work Group is a public body subject to the Open Meeting Law, and therefore violated the Law by failing to comply with its requirements. We order immediate and future compliance with the law's requirements, and we caution that similar future violations could be considered evidence of intent to violate the law. Further, we order the Work Group to create minutes for all previous meetings to the best of its ability, through whatever means are available, including the memories and individual notations of the attendees. Compliance with this order should occur within sixty (60) days of the Work Group's receipt of this letter.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Work Group. Please feel free to contact our office at (617) 963-2540 if you

² The Attorney General's Open Meeting Law Guide can be found here:
<http://www.mass.gov/ago/docs/government/oml/oml-guide.pdf>.

have any questions regarding this letter.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Ruth Courtnell
Brewster Beach Survey Work Group

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Balmer, Nan

Subject: FW: Wayland - Open Meeting Law - BOS Subcommittees
Attachments: OML-2016---33-Brewster-Beach-Survey-Work-Group.pdf

From: Carolyn M. Murray [<mailto:CMurray@k-plaw.com>]
Sent: Friday, January 06, 2017 9:17 AM
To: Balmer, Nan
Cc: Amy E. Kwesell
Subject: FW: Wayland - Open Meeting Law - BOS Subcommittees

Good morning, Nan,

As a general rule, whenever a quorum of a public body, such as the Board of Selectmen, meets, the meeting must be posted, open and accessible to the public, and minutes kept. Two members of a five-member board do not constitute a quorum, so the meetings of this two-member "Listening Session" group would not have to be posted, open to the public or minutes kept, unless those two members are considered a sub-committee of the Board of Selectmen.

The Attorney General's office applies the following factors to determine if a multiple-member entity is a public body subject to the Open Meeting Law:

1. The entity must be "within" government and not excluded from the definition of "public body."
2. The entity must be a "body" empowered to act collectively; and
3. The entity must serve a "public purpose."

For your convenience, I have attached an opinion from the Attorney General that addresses a similar issue for your review.

Applying these factors to the "Listening Sessions" group, you state that this entity was authorized by consensus of the Board at its December 19 meeting. It is not clear whether the two members were "appointed" by the Board or volunteered, but based on the definition of "public body" under the Open Meeting Law, the formality surrounding the creation of the entity is not dispositive. The Open Meeting Law defines a "public Body" as "a multiple-member board...or subcommittee within the executive or legislative branch ...however created, elected, appointed or otherwise constituted, established to serve a public purpose...and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body." See G.L. c. 30A, §18. Where these two members of the Board of Selectmen comprise a body formed by the Board of Selectmen for the purpose of identifying and prioritizing public concerns and reporting back to the full Board, it is my opinion that these two members comprise a subcommittee, and therefore a public body, as defined under the Open Meeting Law. Accordingly, the meetings of the "Listening Sessions" group must be posted 48 hours in advance, excluding Saturday's, Sunday's and legal holidays, and minutes kept. In addition, their meetings must be open to the public, unless there is a basis for convening in executive session, which also requires that the meetings be held in a location that is physically accessible to all members of the public who wish to attend.

You have also asked about the “agenda planning meetings” attended by the Chair and Vice Chair of the Board of Selectmen. You have advised that the attendance of both members of the Board of Selectmen at these “agenda planning meetings” is an informal practice that evolved and was not a specific subcommittee created by the Board of Selectmen. Nonetheless, by virtue of being members of the Board of Selectmen, this entity is “within” the government. As you know, the Open Meeting Law requires all topics that the Chair reasonably anticipates will be discussed at a meeting to be listed on the meeting agenda, therefore, it follows that the Chair must be involved with the agenda planning meetings. If the Vice Chair attends these meetings at the invitation of the Chair or the Town Administrator for the sole purpose of being informed and not for any decision-making or policy development, such as in case the Vice Chair should have to actually Chair all or a portion of the upcoming meeting, then it is unlikely that these planning sessions constitute a meeting of a subcommittee or public body. However, if these meetings are attended by the Chair and Vice Chair at the direction of the Board of Selectmen and if the two members act collectively to develop topics to be placed on the agenda, to set goals or priorities, or leads to a form of a report or recommendation on such topics to the full Board, these two members could be considered a subcommittee of the Board of Selectmen as discussed above, which in my opinion, would trigger the requirements of the Open Meeting Law.

If you have any further questions, please contact me.

Thank you,
Carolyn

Carolyn M. Murray, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110

STATEMENT OF VISION, GOALS, OBJECTIVES AND ACTIONS

JANUARY 9, 2017

**TOWN ADMINISTRATOR'S VISION OF THE ROLE OF TOWN ADMINISTRATOR IN WAYLAND
TOWN GOVERNMENT**

- The Town Administrator provides administrative leadership under the policy direction of the Board of Selectmen to Wayland town government, within the bounds of local and state law, Board policy, and the International City Managers Code of Ethics. The Town Administrator has a duty to remain apolitical, act under the direction of the Board of Selectmen as a whole, and act in the best interests of the town as a whole.
- The Town Administrator's chief role is to provide all available facts and information to the Board of Selectmen that is relevant to Board decisions and assists the Board, through the Board Chair, in managing effective decision-making processes. The Town Administrator makes policy recommendations to the Board.
- The Town Administrator supports the work of town boards and committees, respecting their diverse responsibilities and independent authority as legally elected entities, standing committees, and advisory committees.
- The Town Administrator is responsive to inquiries from the public and promotes a culture of respect for the public within the organization.
- The Town Administrator and Assistant Town Administrator and Department Heads manage the operations of the town within the authority and policies set by appointed and elected bodies, while promoting an organizational culture of teamwork, communication, mutual respect and accountability.

GOALS, OBJECTIVES, AND ACTIONS

GOAL 1: SUSTAIN AND IMPROVE THE QUALITY OF LIFE IN WAYLAND

OBJECTIVE A: Provide well designed market rate and affordable rental housing at Rivers Edge at reasonable cost to the town.

ACTION: *Working under the Board of Selectmen, and with the support of legal counsel, work on the next steps including issuance of Notice of Award, execution of Development Agreement and provide support and management as required and appropriate through project construction.*

OBJECTIVE B: Provide new affordable housing.

ACTION: Working through a CPA funded affordable housing consultant, support the work of the town's housing committees to develop new affordable housing and to comply with state legal requirements for affordable housing.

GOAL 2: ASSURE THAT LOCAL GOVERNMENT RESOURCES ARE USED RESPONSIBLY AND EFFICIENTLY

OBJECTIVE A: Create a cohesive financial management group that is in compliance with MA General Law and serves the needs of the town.

ACTION: Work collaboratively with the Finance Team to carry out the recommendations of the Collins Center Report including implementation of new information technology changes and applications; respond to Auditor's Management letter.

OBJECTIVE B: Develop a management structure that improves town decision-making and management.

ACTION: Working through a Steering Committee and using a Community Compact Grant, develop recommendations to improve the town's management structure.

ACTION: Work on the foundation built in 2016 to improve the Town's budget process through the adoption of long term financial management strategies and the presentation and monitoring of accurate revenue and expense budgets.

ACTION: Manage the transition to new Town Counsel in a way that maximizes benefit to the Town and holds the line on costs.

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OBJECTIVE C: Develop and improve town financial policies and procedures.

ACTION: Working through a Steering Committee and using a Community Compact Grant, develop recommended financial policies on the use of free cash, issuance of debt and decisions on investment; develop a standard process and forms to prepare the annual operating and capital budget; develop an informational report on weekly expense warrants.

ACTION: Working with boards and committees and Town Counsel, update the Town's Revolving Fund structure as allowed under the Municipal Modernization Act and provide the Board with a recommended Town Meeting article.

OBJECTIVE D: Continuously improve the effectiveness of town services to the public.

ACTION: *Develop an action plan including measurable objectives for all departments. Institute a performance evaluation program for regular personnel incorporating information from boards and committees.*

ACTION: *Work together with Annual Town Meeting Article proponents and Finance Committee to improve the presentation of articles in the warrant.*

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GOAL 3: IMPROVE THE RESPONSIVENESS OF WAYLAND TOWN GOVERNMENT

OBJECTIVE A: Create public awareness about the actions of the Board of Selectmen and the activities of town departments.

ACTION: *Develop a written communications strategy and policy, emphasizing the use of social media to promote the awareness of residents about the policies, actions and initiatives of Town government.*

ACTION: *Provide residents with information about local government through a quarterly newsletter and periodic programs broadcast on WayCam.*

OBJECTIVE B: Provide efficient permitting processes that are user friendly for the public.

ACTION: *Through a team approach with the permitting departments, identify and develop ways to insure the permitting process is coordinated among departments and user friendly for the applicants.*

OBJECTIVE C: Create a culture of open government within all town departments.

ACTION: *Plan and institute a program to increase compliance with the open meeting, public records and ethics laws including training for staff and volunteers, adoption of board of selectmen policies and / or town by-laws and systematic communication with appointed and elected bodies.*

OBJECTIVE D: Improve Town Building working environment for staff and residents.

ACTION: *Working with Facilities Director, develop a manageable plan to work toward more efficient use of Town Building.*

Accepted by Board of Selectmen:

minutes



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

**Board of Selectmen
Meeting Minutes
December 12, 2016
Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland**

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

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

J. Nolan paid tribute to DPW Director Stephen "Stubby" Kadlik who just passed away. He asked for a moment of silence. L. Anderson announced that she will be attending a hearing on civil service at the State House with J. Senchyshyn and Police Chief R. Irving.

New Conservation Administrator Linda Hanson introduced herself to the Board.

A2. Public Comment G. Dresens, 155 Main Street, followed up with the Board from last week's meeting. She wanted to make sure the Board is doing everything it can regarding the 150 Main Street appeal.

N. Leifer, East Plain Street, told the Board that she wrote a letter to the Building Commissioner. She read aloud the scenic road bylaw to the Board and asked them to pay close attention to bylaw violations.

C. Karlson noted that she has met with Town Counsel about this situation and has asked what authority they have with Boards that are not directly under their jurisdiction.

A3. Liquor Licenses: Vote to Approve Change of Manager The Board met with the new Coach Grill manager, Joseph Battafarano, and the new Bertucci's manager, Randy Melnick to discuss their Change of Manager applications.

Coach Grill L. Anderson moved, seconded by J. Nolan, to approve the Change of Manager application for Joseph Battafarano at the Coach Grill at 55 Boston Post Road. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Bertucci's M. Antes moved, seconded by J. Nolan to approve the Change of Manager application for Randy Melnick at Bertucci's Italian Restaurant at 14 Elissa Avenue. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Discussion with Financial Advisor Clark Rowell about February Borrowing and Ratings Outlook C. Karlson introduced C. Rowell, the Town's Financial Advisor. C. Rowell stated that the town is anticipating borrowing \$14.2 M. He said Mainstone will be financed over 30 years with a sale date set for March 6, 2017. C. Rowell said that he is concerned about Wayland's rating and there is a reasonable chance the town will be downgraded. He said that Moody's will be concerned that reserves are below 20% of revenues. They will be looking for an indication that Wayland will reduce use of free cash for operating expenses. L. Jurist asked

what it would cost the town to be downgraded. C. Rowell said it's not a dramatic amount in cost if downgraded; however, being rated as a Aaa is something very special in the market.

A5. FY16 Audit: Meet with Scott McIntyre, Melanson and Heath, Chris Cullen, Audit Committee member, and Finance Director B. Keveny C. Karlson noted that Wayland won a 2015 Financial Reporting award from GFOA (Government Finance Officers Association). She thanked the Town's Finance Director, Brian Keveny, for the excellent work on the CAFR (Comprehensive Annual Financial Report). S. McIntyre stated that the audit schedule went very well in 2016. The records were all in good working order. He said all financial statements are in compliance. He stated that the Middlesex Retirement contribution net pension liability increased and it is widely expected to fluctuate. S. McIntyre also discussed the short-term perspective outlook, total revenues, and total expenditures. He stated that there is a letter with recommendations, including improving automation in the Tax Collector's office and implementation of the Municipal Modernization Act changes.

A6. Meet with Wastewater Management District Commission to Discuss Payment in Lieu of Betterment Agreement for Wastewater Capacity at 5 Concord Road Wastewater Management District Commission member Sam Potter stated that he has been in touch with the Conservation Commission and that they are ready to execute the agreement with Wayland Commons and take the land (Lot 8) for conservation purposes. S. Potter said that they are ready but wanted to make sure the Board was ready to take on the wastewater capacity. The Board gave S. Potter and the WMDC assurance that they support it and will work to get it done. They also said they will put together a written document regarding the purchase of wastewater capacity and the details as approved by 2016 Annual Town Meeting.

A7. FY18 Budgets under Selectmen, Refer to Finance Committee The Board stated that the approach tonight would be to discuss funding the budget, new positions, and refer budgets under the Board of Selectmen to the Finance Committee. B. Keveny discussed new hires, step increases, COLA's, and payroll. B. Keveny passed out a free cash schedule to the Board detailing what free cash would look like over a 5-year period. He stated that their approach is trying to come up with a use of free cash that satisfies the community but also a number that Moody's is happy with. He stated that these are competing forces but will hopefully make everyone somewhat happy. The Board stated they support the approach presented by B. Keveny. L. Anderson asked about the Fire Dept. needing more personnel and possibly paying for it from the ambulance fund. She asked B. Keveny if that was possible. He said it is possible, but he would have to talk to Chief D. Houghton about some details to know for sure. He said he recommends it initially if it's financially supportable in the future. L. Jurist stated that we can't ignore public safety requests just to save money. L. Anderson noted that the Board has heard requests from Police Chief R. Irving for many years asking for an additional officer. C. Karlson suggested adding one new position for the Fire Department so the town can get data and see if it's helping. C. Karlson said she's not sure she would support any of the new positions, except for the extra hours for the Conservation Administrative Assistant. The Board agreed that they support the extra 6 hours for the administrative assistant in the Conservation office. The Board agreed they would like to hear from the Personnel Board on the Fire and Police positions before recommending anything to FinCom.

A8. Review Town Administrator Goals for 2017 N. Balmer listed off several goals she has for 2017. The goals relate to Rivers Edge, a management program for affordable housing, implementing the Collins Center report, community compact grants, and improving town building workflow. She said she is open to suggestions concerning communications and Town Center. J. Nolan stated that social media has to be a priority. N. Balmer agreed and said it hasn't been a priority and she would like to see a consultant brought in. The Board agreed to set aside \$15,000 for a social media consultant.

A9. Review Potential Annual Town Meeting Articles C. Karlson expressed concern that many article forms get turned in that are not completely filled out. She said it would be very helpful to have it mandatory that forms are completely filled out. She said that if you have a standard article that has already been done, there is no need to recreate a form. She stated that now is the time to send out instructions to departments and chairs on how to fill out the form. M. Antes discussed the possibility of having another Petitioner's Article authorizing the Board to request legislation to allow permanent resident aliens in Wayland to vote. The Board agreed to support it again but only if there was room for it. They suggested M. Antes prepare the article just in case. C. Karlson discussed the email from G. Harris letting the Board know of his interest in bringing forth an article clarifying language on Attendance and Participation of Nonresident Town Officials at Annual Town Meeting and he wanted to see if the Board had any interest in the article. The Board stated that they would like to see what the Moderator has to say about it first.

A10. Minutes: Review and Vote to Approve Minutes of November 21, 2016 M. Antes moved, seconded by L. Anderson, to approve the minutes of November 21, 2016 as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review and Approve Consent Calendar (See Separate Sheet) J. Nolan moved, seconded by M. Antes, to approve the consent calendar with an amendment to remove Item 3. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. N. Balmer said the Police Chief has responded to the resident in Item 1 (Intersection of Parkland Drive and Grace Road), and she has asked that the BOPW respond to the resident as well. Included in correspondence was a complimentary letter to the Wayland Police Department on their Citizen's Academy from a participant. The Board announced they did not get the Mainstone grant.

A13. Report of the Town Administrator N. Balmer said she is focusing on the Community Compact grants and the Collins Center suggestions over the next 6 months. She said the draft economic impact analysis related to Rivers Edge just came in so the Board will see that in early January. M. Antes read the letter of support to the Islamic Center aloud. M. Antes suggested putting Children's Way sign on top of the Veterans Memorial sign. She said there is a health insurance transition update from J. Senchyshyn in the packets. The Board supported adding maintaining the town clock.

A14. Selectmen's Reports and Concerns M. Antes said she would like to start holding listening sessions in January and February to find the best way to communicate with residents. The Board agreed that early in the year is a good time to start them. C. Karlson asked if N. Balmer followed up with Scott Walters about possible childcare for Annual Town Meeting. She said she has not, but will follow up. The Board agreed that writing an article to explain why the tax rate is going up is a good idea.

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

A16. Adjourn There being no further business before the Board, L. Anderson moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:10 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

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

1. Application for a Change of Manager from BBRG TR, LLC dba Coach Grill, Received November 28, 2016
2. Application for a Change of Manager from Bertucci's Restaurant Corporation, Received November 30, 2016
3. Town of Wayland Financing Schedule, Proposed Bond Issue (Revised, December 5, 2016) with Debt Service Schedule and Preliminary Official Statement
4. Memorandum of 12/9/16 to Board of Selectmen re: FY16 Audit and FY15 Management Letter
5. Memorandum of 12/12/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Payment in Lieu of Betterment (PILOB) To Wastewater Management District Commission for 5 Concord Road (Library)
6. FY18 Budgets under the Board of Selectmen
7. Memorandum of 12/12/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Goals 2016-2017
8. Potential Articles as of December 12, 2016, for the 2017 Annual Town Meeting
9. Draft Minutes of November 21, 2016
10. Report of the Town Administrator, December 9, 2016



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BOARD OF SELECTMEN

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

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

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:30 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.

C. Karlson announced that the town has started public records training and KP Law will hold a training session for Board and Committee members on Jan 11.

A2. Public Comment Board of Public Works member M. Lowery thanked all of the town employees, board, and committee members who came to Stephen Kadlik's funeral services last week. He also thanked M. Lindeman and J. Doucette for their hard work.

G. Dresens, 155 Main Street, gave the Board a petition with over 125 signatures requesting that the Building Commissioner sit down with KP Law to ensure that the site plan complies with the bylaw.

A7. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar, with an amendment to the Farmers' Market liquor licenses to change the start times to 10:00 a.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson stated that the CPC voted to support funding for the housing consultant. L. Anderson said that the letter from CMG Environmental about the Raytheon property was very informative. J. Nolan said that he has heard from R. Turner regarding the Children's Way sign being placed above the Veterans sign and he does not support it. The Board also discussed the intersection of Parkland Drive and Grace Road and the letter about TIP from the Boston Regional Metropolitan Planning Organization.

A3. Meet with Representatives of the Planning Board to Review Proposed Annual Town Meeting Articles Town Planner S. Sarkisian discussed potential articles for the Annual Town Meeting with the Board. The articles included: pre-existing nonconforming lot and structures, building height, limited site plan review, a wireless communications bylaw, a temporary moratorium on recreational marijuana, and street acceptance. He said the Planning Board will meet on Jan. 3 to start the discussion. C. Karlson asked if the Planning Board has discussed a total review of the zoning bylaw. S. Sarkisian said the Planning Board is not interested in doing that and instead wants to see funds spent doing studies of Route 20 and attacking the issues presented in the articles for Annual Town Meeting.

L. Anderson moved, seconded by M. Antes to have Town Planner S. Sarkisian ask the Planning Board to consider these zoning amendments for consideration at Annual Town Meeting. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. 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: 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 C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen 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), a discussion of 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), 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 a discussion of civil service with respect to the Police Union; and a discussion of an arbitration filing with respect to the Police Union, and a discussion of strategy with respect to a pending actions regarding Bernstein, et al, v. Planning Board; Boelter et al v. Wayland Board of Selectmen, 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), a discussion of 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: 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. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by members of the School Committee, members of the Finance Committee, members of the Personnel

Board, School Superintendent Paul Stein, Assistant School Superintendent Brad Crozier, Finance Director Brian Keveny, Assistant Town Administrator John Senchyshyn, and Town Labor Counsel Liz Valerio. The Board will reconvene in open session in approximately eighty minutes.

The Board returned to open session at 8:23 p.m.

A6. 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

L. Anderson moved, seconded by J. Nolan, to approve and release the executive session minutes of January 25, 2016, February 22, 2016, June 13, 2016, October 17, 2016, October 24, 2016, and November 15, 2016. 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 approve for release with redactions the executive session minutes of June 6, 2016, July 25, 2016, and September 26, 2016. 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 approve and hold the executive session minutes of November 21, 2016, and December 5, 2016. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Minutes: Review and Vote to Approve Minutes of December 5, 2016 L. Anderson moved, seconded by M. Antes, to approve the minutes of December 5, 2016, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Selectmen's Reports and Concerns M. Antes reported that she has drafted an article on listening sessions planned for January or February and will work with N. Balmer and C. Karlson to submit it to the local press. L. Anderson discussed her trip to the State House with J. Senchyshyn, Police Chief R. Irving and Lt. P. Swanick last Thursday for a hearing on civil service. L. Anderson also noted complaints about the condition of the snow-covered sidewalks at the intersection of Rtes. 20 and 27 on Sunday. C. Karlson noted for the record that the Board received a copy of the School Budget from Superintendent P. Stein.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Chair said, "I know of none."

A11. Adjourn There being no further business before the Board, J. Nolan moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 8:32 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

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

1. Invitation from MetroWest Regional Transit Authority, 12/19/16, Presentation to Vietnam Veterans at 50th Year Commemoration , December 31, 2016, 15 Blandin Avenue, Framingham

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 ADMINISTRATOR'S REPORT

WEEK ENDING JANUARY 6, 2017

REFERRAL OF DEPARTMENTAL BUDGETS TO FINANCE COMMITTEE

The attached correspondence was sent to the Finance Committee with regard to the Board's vote to support the overall FY 18 budget plan presented by the Town Administrator and Finance Director, the departmental budgets under the Selectmen, and the addition of 6 hours per week to the position of Conservation Department Assistant.

The next steps in the budget process will be a follow up discussion on capital projects and new personnel and the presentation of the Town Administrator's recommended budgets for departments not under the jurisdiction of the Selectmen.

NOTICE TO BOARD AND COMMITTEE CHAIRS – PUBLIC RECORDS LAW MEETING

This is a reminder, Wayland Town Counsel Carolyn Murray and KP Law Managing Attorney Lauren Goldberg will conduct an informational seminar regarding the new law and its impacts for boards and committees on **Wednesday night, January 11, 2017**, in the Large Hearing Room of the Wayland Town Building, 41 Cochituate Road. The presentation will begin promptly at 7:00 pm. While all Board and Committee members are invited and can hopefully participate, we ask that at least one member of your Board or Committee attend to become acquainted with the changes in the Law. As background, on June 3, 2016, the Massachusetts Legislature enacted, "An Act to Improve Public Records," Chapter 121 of the Acts of 2016 (<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121>). Chapter 121 makes significant changes to the Public Records Law, and as a result, public entities throughout the state are required to adjust their public records practices. The new requirements become effective January 1, 2017. It is important to understand how the changes will impact municipal operations. Please share this email with your Board and Committee members. This is an important change in Public Records Law, and we hope that you are able to attend. , and if you have any questions, please contact John Senchyshyn, Assistant Town Administrator, at jsenchyshyn@wayland.ma.us.

DATE: DECEMBER 15, 2016

TO: FINANCE COMMITTEE

FROM: NAN BALMER, TOWN ADMINISTRATOR

**RE: REFERRAL OF DEPARTMENTAL BUDGETS UNDER THE BOARD OF SELECTMEN
TOWN ADMINISTRATOR'S RECOMMENDATION**

The Board of Selectmen met on December 12, 2016 and agreed to:

1. Refer to the Finance Committee the attached preliminary FY 18 departmental operating budgets under the Selectmen's jurisdiction. The departmental budgets were created in a consistent, detailed format by Financial Analyst Elizabeth Doucette and include both the departmental request and the Town Administrator's recommended funding.
2. Support the preliminary FY 18 funding plan recommended by the Town Administrator and Finance Director which includes the reduction of free cash to fund budget deficits, includes pay as you go funding for certain recurring expenses and certain capital expense, and limits the the use of debt.
3. Support the addition of 6 hours per week, from 29 hours to 35 hours, for the position of Conservation Department Assistant.

The Selectmen agreed to continue its consideration for future recommendation to the Finance Committee:

1. Requests for other new positions and,
2. Capital requests

The Town Administrator will provide the Finance Committee:

1. Recommended budgets for departments not under the Selectmen's jurisdiction by January 15th. These will be created in the same detailed format as the departmental budgets for departments under the Selectmen.
2. Income estimates for revenue producing departments.

Please provide any Finance committee comments to me to improve the budget process. Please see the requirements of the Town Code below.

Thank you.

**REQUIREMENTS OF THE TOWN ADMINISTRATOR AND BOARD OF SELECTMEN REGARDING
BUDGET PREPARATION:**

The Town Administrator and Selectmen have the following responsibilities under the Town Code for budget preparation:

UNDER CHAPTER 60:

The Town Administrator will work with the Finance Director and Finance Committee to:

1. Develop long term financial strategies for the Town;
2. Establish budgetary guidelines to be used in the development of annual budgets;
3. Review budgets of all town departments and make recommendations to the affected boards and committees and the Finance Committee about priorities important to budget development,
4. Evaluate actual expenditures and receipts against budgets and coordinate with affected department heads, and
5. Obtain Finance Committee approval for Reserve Fund transfers, in advance of spending, when possible.

UNDER CHAPTER 19:

1. Departments Under Selectmen: One month prior to the 15th of December in each year, for all Town boards, officers and committees under the jurisdiction of the Board of Selectmen, the Town Administrator shall submit to the Board of Selectmen detailed estimates of the amounts deemed necessary for the administration of all such boards, offices, or departments for the ensuing fiscal year, including both capital and expense items.
2. Departments Under Selectmen: For Town boards, officers and committees under the Board of Selectmen's jurisdiction, the Town Administrator shall submit preliminary budgets to the Finance Committee by December 15th of each year.
3. Departments Not Under Selectmen Prior to January 15 of each year, unless another date is agreed to, the Town Administrator shall review and make recommendations to the Board of Selectmen with respect to the budget requests, including both capital and expense items, and income estimates of all other Town boards, committees, offices and departments except for the School Committee.
4. Departments Under Selectmen: In addition, the Board of Selectmen shall, no later than the 15th of January in each year, unless another date is agreed to, make both a capital and expense budget recommendation to the Finance Committee for the ensuing fiscal year for each Town board, officer and committee under its jurisdiction.

CC: Board of Selectmen



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BOARD OF SELECTMEN

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JOSEPH F. NOLAN

BOARD OF SELECTMEN

Monday, January 9, 2017
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Request of Broomstones Inc., 138 Rice Road (One Curling Lane), for a Change of Sunday Opening Hours from its Current Opening Hour of 12:00 noon to a New Opening Hour of 10:00 a.m. (Sunday Brunch Hours)
3. Vote the Question of Approving the Request from Broomstones Inc., 138 Rice Road (One Curling Lane), for an Extension of the Hours during which Alcoholic Beverages may be Sold, from a 12:00 a.m. Midnight Closing Hour on Saturday, January 14, 2017, to a 1:00 a.m. Closing Hour on Sunday, January 15, 2017, for the Annual Men's Invitational Bonspiel
4. Vote the Question of Approving the Request for Exemption as Required by Massachusetts General Laws 268A Section 20(b) for Patricia Freeman to Work as the Ski Program Director this Winter with the Recreation Department
5. Vote the Question of Approving the Appointment of Robert Duffy to the Municipal Affordable Housing Trust Fund Board as the Representative of the Planning Board for a Term to Expire on June 30, 2017
6. Vote the Question of Approving the Acceptance of the Grant of Wetlands Restriction at 6 Brook Trail Road, Wayland
7. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for the Annual Summer Camp Fair at the Lincoln Sudbury Regional High School from January 14-22, 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
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 Coastal Vineyards, David Neilson, Manager, on Saturday, January 14, January 28, February 11, February 25, and March 11, 2017, from 10:00 a.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 Turtle Creek Winery, Kip Kumler, Manager, on Saturday, January 21, February 11, February 25, and March 4, 2017, from 10:00 a.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 Artisan Beverage Cooperative, Garth Shaneyfelt, Manager, on Saturday, January 14, 2017, February 11, 2017, and March 11, 2017, from 10:00 a.m. to 2:00 p.m.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

000012-CL-1340
ABCC License Number

WAYLAND
City/Town

December 16, 2016
Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

<input type="checkbox"/> New License	<input type="checkbox"/> Change Corporate Name	<input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)	<input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC)
<input type="checkbox"/> Transfer of License	<input type="checkbox"/> Change of DBA	<input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)	<input checked="" type="checkbox"/> Change of Hours
<input type="checkbox"/> Change of Manager	<input type="checkbox"/> Alteration of Licensed Premises	<input type="checkbox"/> Change of License Type (i.e. club / restaurant)	<input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder
<input type="checkbox"/> Change of Beneficial Interest	<input type="checkbox"/> Change of Location	<input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt)	<input type="checkbox"/> Management/Operating Agreement

APPLICANT INFORMATION

Name of Licensee: D/B/A:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Manager:

(i.e. restaurant, package store)
 (Annual or Seasonal)
 (i.e. Wines and Malts / All Alcohol)

Granted under Special Legislation? Yes No
 If Yes, Chapter
 of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority:

Please indicate what days and hours the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

Changes to the Premises Description	Indoor Area Total Square Footage <input type="text"/>	<table border="1"> <thead> <tr> <th>Floor Number</th> <th>Square Footage</th> <th>Number of Rooms</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Floor Number	Square Footage	Number of Rooms									
Floor Number	Square Footage		Number of Rooms											
Patio/Deck/Outdoor Area Total Square Footage <input type="text"/>	Number of Entrances <input type="text"/>													
Seating Capacity <input type="text"/>	Number of Exits <input type="text"/>													

Abutters Notified: Yes No

Date of Abutter Notification:

Date of Advertisement:

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

January 9, 2017
Date APPROVED by LLA

**Broomstones Curling Club, Inc.
1 Curling Lane, Wayland, MA 01778**

RECEIVED

DEC 16 2016

**Board of Selectmen
Town of Wayland**

December 16, 2016

Wayland Board of Selectmen
Office of the Board of Selectmen
41 Cochituate Rd
Wayland, MA 01778

Dear Selectmen:

On December 16, 2016 the Board of Directors of Broomstones Curling Club, Inc. unanimously approved a resolution to request the modification of our Liquor License to include Sunday Brunch hours (opening at 10 am on Sundays) and allow us to be open 8am - midnight daily, 10 am - midnight on Sundays. (excluding state and town regulations on holiday observations).

We respectfully request that the Board of Selectmen approve this request to enable us to host events that require these extended hours. Broomstones has been an active member and good neighbor in the Wayland community and we appreciate your consideration in this matter.

Respectfully,



Brian F. McCafferty
President, Broomstones Curling Club



Date January 4, 2017

Board of Selectmen
Town of Wayland

Dear Board of Selectmen,


On behalf of Broomstones Curling Club we would like to request an extension of our liquor license to close 1 hour later (1am) on Saturday January 14, 2017. The weekend of January 12 – 14, 2017 is our annual Men's Invitational Bonspiel. There will be over 20 teams from around the US and Canada in attendance. Thank you for your consideration in this matter.

Sincerely,

Kathleen Ellen Holewa

Kathy Holewa/Bar Manager Broomstones Curling Club

138 Rice Road/1 Curling Lane





RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665

Jessica Brodie, Director

MEMO

December 28, 2016

To: Nan Balmer, Town Administrator
CC: MaryAnn DiNapoli
From: Jessica Brodie, Recreation Director

Re: Ethics Exemption - MGL 268A Section (b) – School Employees working for a Recreation Department

Dear Nan,

This memo is to request that the Board of Selectmen Review and vote on Request for Exemption as required by MGL 268A Section 20 (b) for Patricia Freeman to work as our Ski Program Director this winter. Town Counsel has previously advised the vote of this exemption is required for employees working for two departments, in this case teachers working for the Recreation department seasonally.

VOTE: To approve the Request for Exemption as required by MGL 268A Section 20 (b) for Patricia Freeman to work as our Ski Program Director this winter with the Recreation Department.

Please let me know if you have any questions regarding this request.

Thank you,

Jessica Brodie, CPRP
Recreation Director

Attachments:

- Language from the Ethics Laws that applies to this exemption
- 20b Exemption forms from applicable employees

Below are additional details for each employee, as well as the outline of how they will meet the requirements for the exemption:

- **Patricia Freeman** will work for the Recreation Department for one season (5 weeks) of our annual Ski Program for a total of approx. 25 hours.

These school employees working for the Recreation Department will meet the requirements of the exemption by:

- Working less than 500 hours, outside of their regular working hours in a position where the duties are not the same as their regular job
- Being hired after all seasonal positions have been advertised and posted to the public
- Disclosure forms for each school employee have been filled out and filed with the Town Clerk
- The Recreation Director has filed a certification that no employee within its agency is available to perform the services as part of their regular duties
- That the Board of Selectmen approve the exemption

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

MUNICIPAL EMPLOYEE INFORMATION	
Name of municipal employee:	Patricia Freeman
Title/ Position	Ski Director
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Recreation, Town of Wayland
Agency Address	41 Cochituate Rd Wayland, MA
Office phone:	
Office e-mail:	pmmarthy@wayland.ma.us
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	Jan. 9, 2017
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee.
Write an X beside your financial interest.	<input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR <input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency. My financial interest in a municipal contract is: <input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position. <input type="checkbox"/> A municipal agency has a contract with me. <input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. <input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee.
	<input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>- OR -</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>Wayland Recreation 41 Cochituate Rd Wayland, MA 01778</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Seasonal employment</p>
<p>FILL IN THIS BOX OR THE BOX ABOVE</p>	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p> <p>Patricia Freeman hired seasonal employee SKI Director position</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. <i>Seasonal employment.</i>
Date when you acquired a financial interest	<i>When I read about open position. Nov. 2016</i>
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it. <i>none.</i>
Date when your immediate family acquired a financial interest	<i>none.</i>
Write an X to confirm each statement.	<p>FOR A CONTRACT FOR PERSONAL SERVICES –</p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	<i>Patria Freeman</i>
Date:	<i>12/22/16</i>

Attach additional pages if necessary.

NOT A PERSONAL SERVICES CONTRACT – File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

MGL 268 A Section 20 (b)

Question: I am a full-time teacher in a school district, working from September through June. I would like to take a summer job during July and August working for the recreation department in the town where I teach. May I do so?

Answer: A teacher may not have a financial interest in a contract with an agency of the town in which he works under §§ 7 and 20, which includes a second job in the same town, unless an exemption applies. You may only take this summer job if you can satisfy the requirements of the § 20(b) exemption. This will require that the town gave public notice of the availability of the recreation department job; that you do not work more than 500 hours in the recreation department job; that the head of the recreation department certifies that no one from the recreation department is available to do the job; and that the board of selectmen (or town council) approves the exemption. You will also have to file a written disclosure with the town clerk establishing that these requirements are met. A form for that disclosure is form no. 2b, which is available at: <http://www.mass.gov/ethics/disclosure-forms/municipal-employee-disclosure-forms/>

MGL 268 A Section 20. (a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or **(b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the**

contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section, or (c) to a special municipal employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract, or (d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, or (e) to a municipal employee who receives benefits from programs funded by the United States or any other source in connection with the rental, improvement, or rehabilitation of his residence to the extent permitted by the funding agency, or (f) to a municipal employee

if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section or (g) to a municipal employee who has applied in the usual course and is otherwise eligible for a housing subsidy program administered by a local housing authority, unless the employee is employed by the local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs or (h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such selectman shall not, except as hereinafter provided, receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive; provided, further, that no such selectman may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and, provided further, that no such selectman shall be eligible for appointment to any such additional position while he is still a member of the board of selectmen or for six

months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit any elected official in a town, whether compensated or uncompensated for such elected position, from holding one or more additional elected positions, in such town, whether such additional elected positions are compensated or uncompensated.

This section shall not prohibit an employee of a municipality with a city or town council form of government from holding the elected office of councillor in such municipality, nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that no such councillor may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and provided, further, that no councillor shall be eligible for appointment to such additional position while a member of said council or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by a municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling such action on such terms as the interest of the municipality and innocent third parties require. No such elected councillor shall receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive.

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in

any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding, or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section.

DiNapoli, MaryAnn

From: Sarkisian, Sarkis
Sent: Thursday, January 05, 2017 10:41 AM
To: DiNapoli, MaryAnn
Subject: Housing Trust Representative for the Planning Board

MaryAnn,

The Planning Board respectfully request that the Board of Selectmen appoint Robert Duffy as the Planning Board representative to the Wayland Housing Trust at their next scheduled meeting. Mr. Duffy has met with the Planning Board and has already attended a Housing Trust Board meeting.

Thank you.

Sarki
Sarkis Sarkisian
Director of Planning
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
508-358-3778



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

TO: Board of Selectman
DATE: December 27, 2016
FROM: Sherre Greenbaum
RE: Grant of Wetlands Restriction

Norton and Ellen Greenfeld would like to obtain a Certificate of Compliance for their property at 6 Brook Trail Road. An outstanding condition of the Order of Conditions issued on January 5, 1996, is the granting of a conservation restriction to the Town/Conservation Commission to ensure permanent protection of the wetland resource area (Condition #25).

The Commission discussed the condition with the Greenfelds at site visits and several meetings and agreed that a deed restriction on the Restricted Area as defined on the attached Sketch Plan rather than a conservation restriction would effectively ensure the same purpose. The drafting of a conservation restriction and the lengthy approval process by the state is thought to be too costly and complicated for such a small protected area.

Town Counsel approved the attached Grant of Wetlands Restriction which the Commission signed in December 2016. The Commission is now seeking approval by the Selectmen of its acceptance of the Wetlands Restriction. Once this is done the Greenfelds can formally request a Certificate of Compliance and close the file on their property.

GRANT OF WETLANDS RESTRICTION

The grant of Restriction is made as of this 17th day of November, 2016, by Norton R. Greenfeld and Ellen D. Greenfeld ("Grantor(s)") of 6 Brook Trail Road, Wayland, Middlesex County, Massachusetts.

WITNESSETH

WHEREAS, Grantors, being the owners in fee simple of that certain parcel of land located in Wayland, Middlesex County, Massachusetts, with the buildings and improvements thereon, pursuant to a deed from Roger D. Shapiro and Bonnie S. Shapiro dated November 23, 1982 and recorded at the Middlesex County (South) Registry of Deeds in Book 14798, Page 118, said parcel being marked 15 on a plan recorded with said Deeds in Book 8332, Page 77 and also known and numbered as 6 Brook Trail Road, Wayland, Massachusetts ("Premises").

WHEREAS, Grantors agree to prohibit the construction of certain improvements at the Premises through the granting of this Wetlands Restriction.

NOW, THEREFORE, Grantors do hereby GRANT to Wayland of Middlesex County, Massachusetts, a municipal corporation located in Middlesex County, having a mailing address of 41 Cochituate Road, Wayland, Massachusetts 01778, and acting by and through its Conservation Commission ("Local Approving Authority"), for no consideration, as a gift, with QUITCLAIM COVENANTS, a WETLANDS RESTRICTION ("Restriction"), in, on, upon, through, over and under the Premises.

Said restriction operates to restrict the Premises as follows:

1. Restriction. Grantors hereby restrict the construction or implementation of lawns and structures, whether permanent or temporary in nature, within the Natural Buffer Area as defined on the Sketch Plan, drawn by Samiotes Consultants Inc., dated August 29, 2016 and attached hereto as Exhibit A ("Restricted Area"), such that at no time shall there exist any form of grass or any kind of structure within the defined Restricted Area.
2. Severability. Grantors hereby agree that, in the event that a court of other tribunal determines that any provision of this instrument is invalid or unenforceable:
 - i. That such provision shall be deemed automatically modified to conform to the requirements for validity and enforceability as determined by such court or tribunal;
or
 - ii. That any such provision, by its nature, cannot be so modified, shall be deemed deleted from this instrument as though it had never been included herein.

In either case, the remaining provisions of this instrument shall remain in full force and effect.

3. Provisions to run with the land. The rights, liabilities, agreements and obligations created under this Restriction shall run with the Premises and any portion thereof for the term of this Restriction. Grantors hereby covenant for Grantors and Grantors' executors, administrators, heirs, successors and assigns and successors in title, to stand seized and to hold title to the Premises or any portion thereof subject to this Restriction.

The rights granted to the Local Approving Authority, its successors and assigns, do not provide, however, that a violation of this Restriction shall result in a forfeiture of Grantor's title to the Premises.

4. Incorporation into Deeds, Mortgages, Leases and Instruments of Transfer. Grantors hereby agree to incorporate this Restriction, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest and/or a right to use the Premises, or any portion thereof, is conveyed.
5. Term. This Restriction on the use of said land shall be a perpetual restriction held by a governmental body within the meaning of M.G.L. c. 184, section 26 and a gift for a public purpose within the meaning of M.G.L. c. 184, section 23.
6. Effective Date. This Restriction shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

[the remainder of this page is intentionally blank; signature page to follow]

ACCEPTANCE BY CONSERVATION COMMISSION

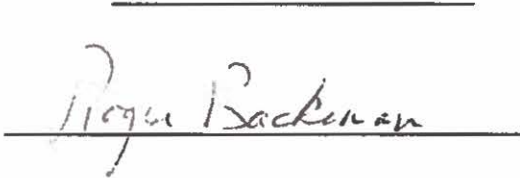
We, the undersigned, being a majority of the Conservation Commission of the Town of Wayland, voted to accept the foregoing wetlands restriction, as a gift, pursuant to M.G.L. c. 40, §8C, this 21 day of December, 2016.



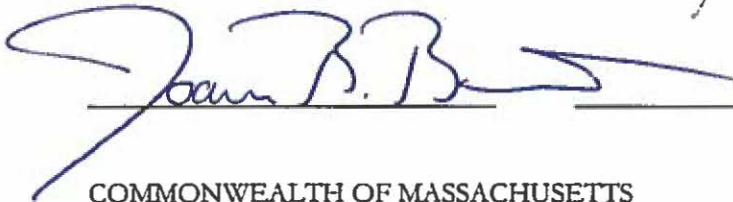
, Chair



Barbara Amell



Roger Backman



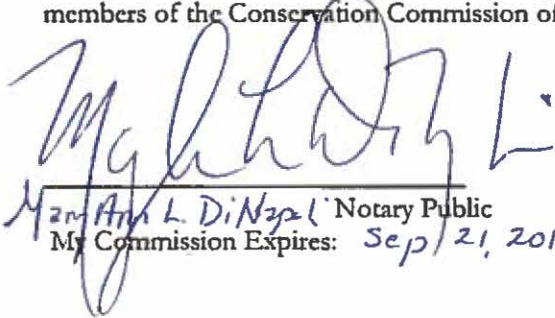
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

December 21, 2016

On this day, before me, the undersigned notary public,

personally appeared Sherre Greenbaum proved to me through satisfactory evidence of identification, which was personal recognition, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Conservation Commission of the Town of Wayland.



Mary Ann L. DiNapol Notary Public
My Commission Expires: Sep 21, 2018

**APPROVAL OF CONSERVATION COMMISSION'S
ACCEPTANCE OF WETLANDS RESTRICTION**

We, the undersigned, being a majority of the Board of Selectmen of the Town of Wayland, voted to approve the Conservation Commission of the Town of Wayland's acceptance of the foregoing wetlands restriction, as a gift, pursuant to M.G.L. c. 40, § 8C, this _____ day of _____, 2016.

, Chair

COMMONWEALTH OF MASSACHUSETTS

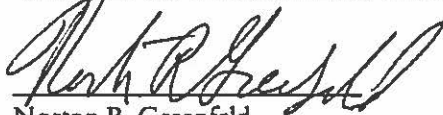
Middlesex, ss. _____, 2016

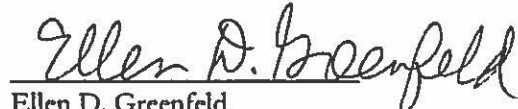
On this day, before me, the undersigned notary public, personally appeared

_____ and
proved to me through satisfactory evidence of identification, which was
_____, to be the persons whose names are signed on the preceding
document, and acknowledged to me that they signed it voluntarily for its stated purpose, as
members of the Board of Selectmen of the Town of Wayland.

Notary Public
My Commission Expires:

WITNESS the execution hereof under seal this 17 day of November, 2016.


Norton R. Greenfeld


Ellen D. Greenfeld

COMMONWEALTH OF MASSACHUSETTS

Middlesex.

NOV 17th, 2016

On this 17th day of November, 2016, before me, the undersigned notary public, personally appeared Norton R. Greenfeld and Ellen D. Greenfeld, proved to me through satisfactory evidence of identification, which was MASS ID to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily and for its stated purpose.



Notary Public

My Commission Expires



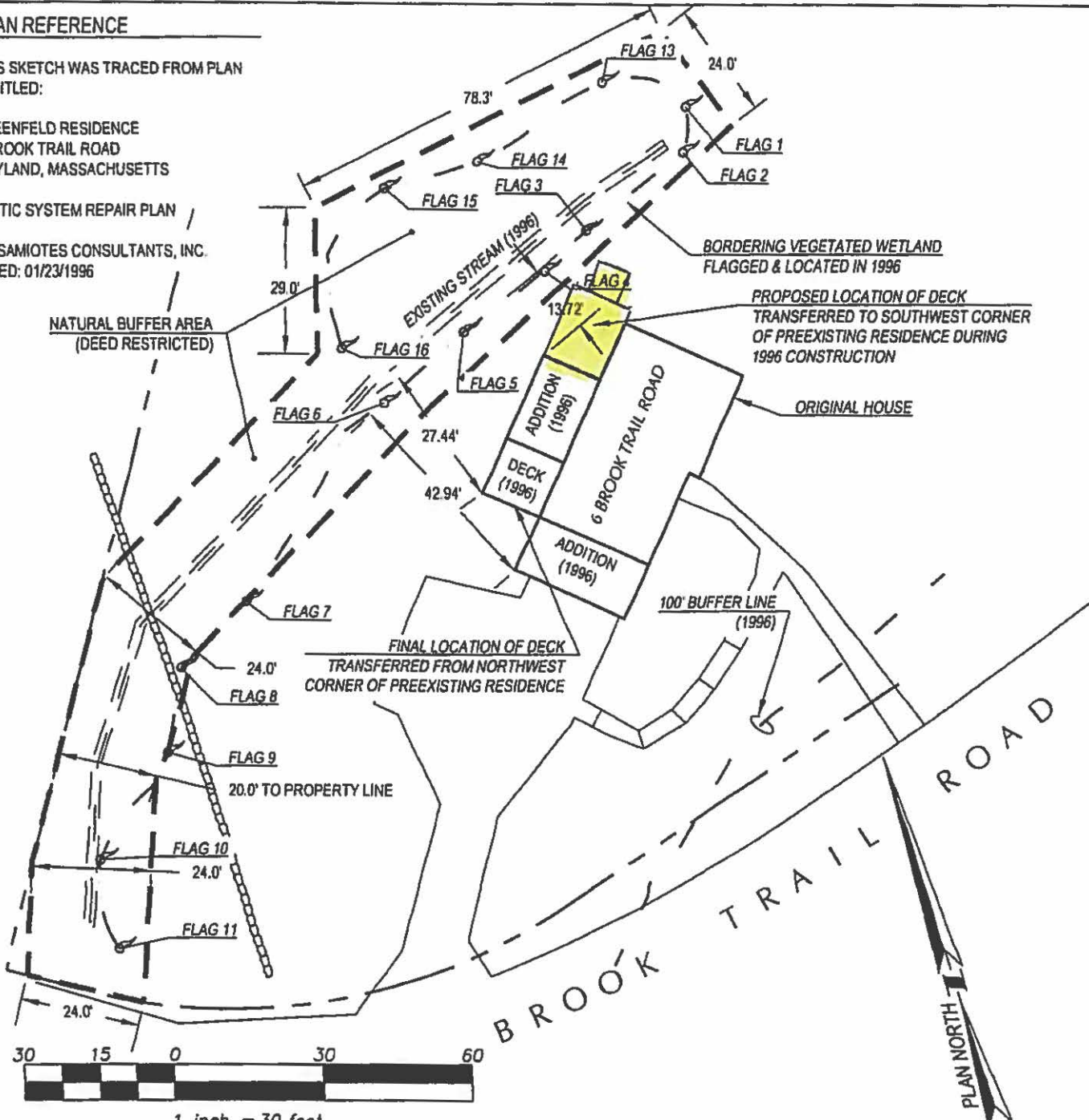
PLAN REFERENCE

THIS SKETCH WAS TRACED FROM PLAN ENTITLED:

GREENFELD RESIDENCE
6 BROOK TRAIL ROAD
WAYLAND, MASSACHUSETTS

SEPTIC SYSTEM REPAIR PLAN

BY: SAMIOTES CONSULTANTS, INC.
DATED: 01/23/1996



LEGEND

	BORDERING VEGETATED WETLAND		EDGE OF STREAM
	NATURAL BUFFER AREA		CENTERLINE OF STREAM
			100-FT BUFFER LINE

Sketch No. SKCE-001	Job #: 16076.00
Reference Drawing -	Drawn by: ED/PC
	Scale: 1" = 30'
	Date: REV. 11/11/2016

Project: 6 BROOK TRAIL ROAD
WAYLAND, MA
Title: DEED RESTRICTION SKETCH
Client: ELLEN GREENFELD
6 BROOK TRAIL ROAD
WAYLAND, MA

Samiotes Consultants Inc.
Civil Engineers + Land Surveyors
20 A Street
Framingham, MA 01701
T 508.877.6688
F 508.877.8349
www.samiotes.com



DiNapoli, MaryAnn

From: Kathy Kinzfogl <kinzfogl@comcast.net>
Sent: Tuesday, January 03, 2017 9:27 AM
To: DiNapoli, MaryAnn
Cc: kdelp241@gmail.com
Subject: 15th Annual Summer Camp Fair

Hi MaryAnn,

Happy New Year! My name is Kathy Kinzfogl and I am responsible for marketing our Annual Camp Fair. I am looking for your help again regarding the positioning of small sign/sandwich boards in Wayland. The signs advertise the Annual Summer Camp Fair being held at LSRHS on January 22. This is a Loring PTO Fundraiser that provides families with access to over 80 camps with various programs for kids from K-12. Admission is Free.

I would like to post the signs in Wayland the week leading up to the fair.

Please let me know if you need more information.

Thank you for your continued support.

Gratefully,

Kathy Kinzfogl



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

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

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

Dear Mr. Neilson:

Please be advised that your application for certification of 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	COASTAL VINOGRAPHS		
Farm-Winery License Number	FW-63	State of Issue	MA
Contact Person	DAVE NOLSON		
Address	61 PARDON HILL RD		
City	SOUTH DARTMOUTH	State	MA MA Zip 02748
Phone Number	508-642-3866	Email	INFO@COASTAL-VINOGRAPHS.COM
Correspondence preference	<input type="checkbox"/> Regular Mail		<input checked="" type="checkbox"/> Email
Note: Approval/denial letters will be sent regular mail.			
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 | 908-356-2253 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:

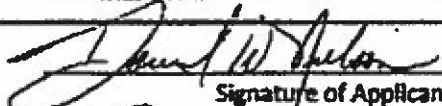
Attach on-site manager(s) resume(s) or list any credentials or training of the on-site manager(s):
 Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.

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

5. General

Attach or provide in the space below a plan depicting the premises and the specific location where the license will be exercised. See template for necessary elements to include.

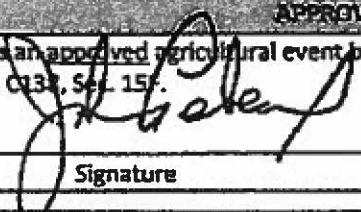
SEE ATTACHED

 Signature of Applicant	<u>11/12/16</u> Date
<u>DAVID W. NELSON</u> Name (please print)	<u>OWNER</u> Title (please print)
<u>FW-63</u> Farm-Winery License Number	<u>MA</u> State

FOR DEPARTMENT USE ONLY

APPROVAL

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. c.131, § 15F.

 Signature	<u>12/15/16</u> Date
--	-------------------------

DENIAL

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

_____ Signature	_____ Date
--------------------	---------------

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 20, 2016

Kip Kumler
Turtle Creek Winery
PO Box 601
Lincoln, MA 01773

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

Dear Mr. Kumler:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, 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		Turtle Creek Winery				
Farm-Winery License Number		FW 35	State of Issue		MA	
Contact Person	Kip Kumler					
Address	PO Box 601					
City	Lincoln		State	MA	Zip	01773
Phone Number		781 259 9976		Email	kipk@me.com	
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)				See item 2		

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.russellsgerdencenter.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):	

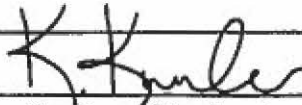
List or attach any credentials for training of the on-site manager (Attach resume if applicable):

Market Manager, Wayland Summer Farmers' Market, 2005-2016 Market Manager, Wayland Winter Farmers' Market, 2010-2016

4. General

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

see attached



Signature of Applicant

12/10/16

Date

FW35

Farm-Winery License Number

MA

State

FOR DEPARTMENT USE ONLY:

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. c.138, Sec. 15F.

Signature

Date

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

Signature

Date

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 28, 2016

Garth Shaneyfelt
Artisan Beverage Cooperative
324 Wells St.
Greenfield, MA 01307

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

Dear Mr. Shaneyfelt:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, 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 over a faint, circular official stamp.

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		Artisan Beverage Coop			
Farm-Winery License Number		FW-17	State of Issue		MA
Contact Person		Garth Shanley felt			
Address		324 Wells St			
City	Greenfield	State	MA	Zip	01301
Phone Number		413-773-9700	Email info@artbev.coop		
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)			Wayland Winter FM		

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):	


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

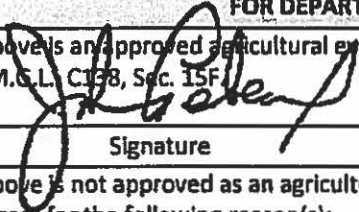
Market Manager, Wayland Summer Farmers' Market, 2005-2016 Market Manager, Wayland Winter Farmers' Market, 2010-2016

4. General

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

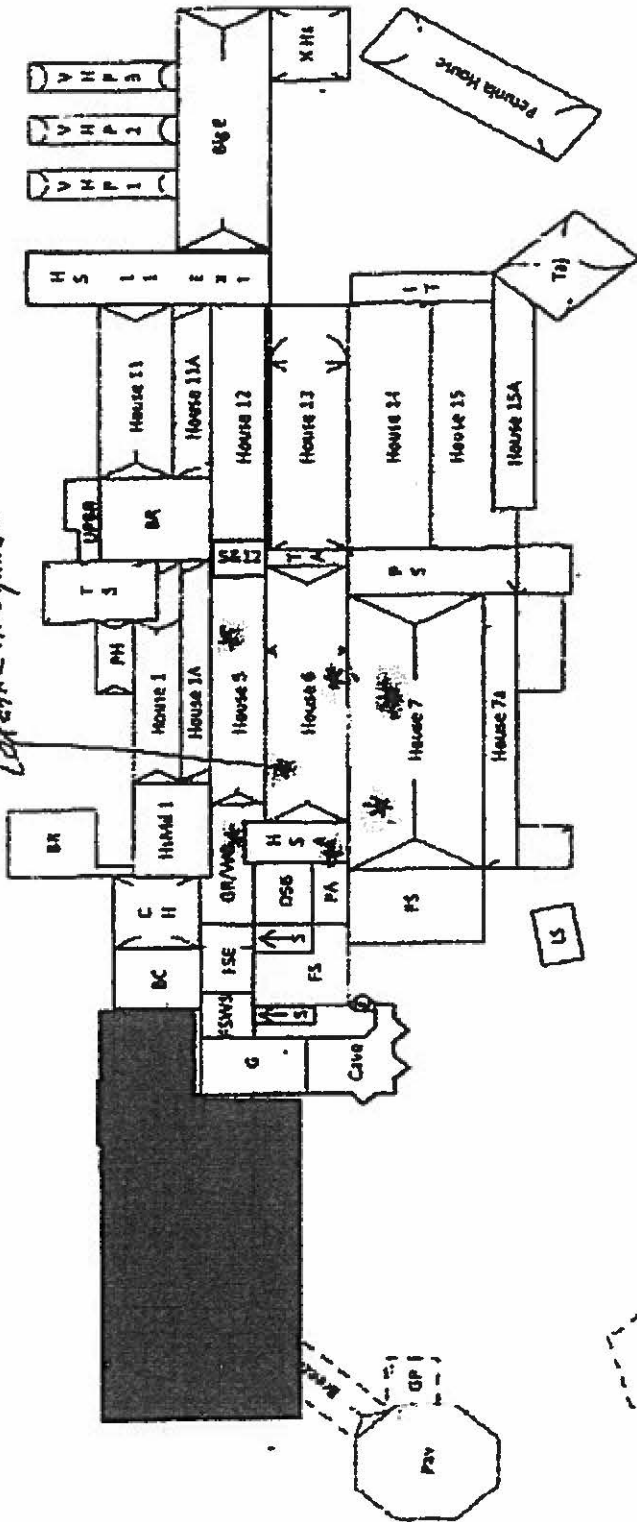
see attached

 _____ Signature of Applicant	<u>12/14/16</u> Date
<u>FW-97</u> Farm-Winery License Number	<u>MA</u> State

FOR DEPARTMENT USE ONLY:	
The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.	
 _____ Signature	<u>12/28/16</u> Date
The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s): _____ _____	
_____ Signature	_____ Date

CUMMINGS ROAD SUBSTATION

Carport - 1/2/2000



Ground Level

Ground Level as accessible from lower parking



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM DECEMBER 16, 2016,
THROUGH AND INCLUDING JANUARY 5, 2017,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR JANUARY 9, 2017**

Items Distributed To the Board of Selectmen – December 16, 2016-January 5, 2017

1. None

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

1. Invitation, 12/19/16, Presentation of Vietnam Veteran 50th Year Commemorative Lapel Pins, at the MetroWest Regional Transit Authority, December 31, 2016, 15 Blandin Avenue, Framingham
2. Petition from Wayland Residents, 12/19/16, re: Building Permit for 150 Main Street LLC

**Items Included as Part of Agenda Packet for Discussion During the January 9, 2017
Board of Selectmen's Meeting**

1. Articles to be Submitted to the 2017 Annual Town Meeting
2. Draft Minutes of December 12, 2016, and December 19, 2016
3. Report of the Town Administrator for the Week Ending January 6, 2017



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

**BOARD OF SELECTMEN
Monday, January 9, 2017
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland**

CORRESPONDENCE

Selectmen

1. Public Comment, 12/20-23/16, re: 150 Main Street and Responses from Building Commissioner
2. Public Comment, 1/4/17, re: Phase II Bylaw Recodification Project
3. Letter of 12/15/16 from Environmental Resources Management to Board of Selectmen re: Partial Permanent Solution with Conditions, Parcel 22-10, Boston Post Road
4. Letter of 12/19/16 from Environmental Resources Management to Public Involvement Plan Group re: Response to Public Comments by PIP Group and Town of Wayland, Draft Partial Permanent Solution with Conditions, Hamlen Parcel
5. Memorandum of 12/21/16 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Nicole W. Riley as Planning Board Associate Member
6. Letter of 12/14/16 from KP Law to Massachusetts Appeals Court re: Kenneth T. Nelson v. Town of Wayland Conservation Commission
7. Letter of 12/22/16 from KP Law to Land Court re: Notice of Appearance, Moss et al v. Lingley et al and the Town of Wayland
8. Letter of 12/22/16 from KP Law to Middlesex Superior Court re: Notice of Appearance, Gary Halliwell, et al v. Thomas and Sarah Greenaway and the Planning Board
9. Letter of 12/29/16 from Robert Irving, Chief of Police, to Massachusetts Highway Department, re: Replacement of Sign on Route 20
10. Monthly Report, Animal Control, December 2016
11. Monthly Report, Police Department, December 2016

Minutes

12. Community Preservation Committee, August 18, 2016
13. Finance Committee, September 26, 2016, October 5, 2016, November 15, 2016
14. Personnel Board, November 30, 2016
15. Zoning Board of Appeals, September 8, 2015

Region

16. Clean Energy Update, December 2016, Metropolitan Area Planning Council
17. Letter of 12/15/16 from Eversource re: 45 Day Yearly Operation Plan, Public Notice, Review and Comment Period

Federal

18. Letter of 12/16/16 from NEC Future to Board of Selectmen re: NEC FUTURE Tier 1 Final Environmental Impact Statement

DiNapoli, MaryAnn

From: Paul and Gretchen Dresens <pdresens@yahoo.com>
Sent: Friday, December 23, 2016 5:50 AM
To: Larsen, Geoffrey
Cc: Reef, Elizabeth; Balmer, Nan; Anderson, Lea; Nolan, Joseph F.; Karlson, Cherry; Antes, Mary; Jurist, Louis; Selectmen; Gretchen Dresens
Subject: Re: 150 main street, Dresens' request for zoning enforcement

Geoff

Thank you for the response. I should have been clearer, I apologize.

What I am specifically looking for, is a more detailed response in how each of the individual bylaw violations, as well as the incorrect (not what the Planning Board explicitly required/decision) Restrictive Covenant will be addressed. I appreciate your message that the department is reviewing the administration of the Building Permit. This, however, does not provide much detail in how the town, specifically the Zoning Officer, is planning on enforcing the bylaws violations that currently exist in this plan.

In addition, you are also aware, that the SPA has expired. The Site plan was approved on 6/18/2013 and therefore lapsed on 6/18/2015. Per 198-604.8, only the Planning Board, not the Zoning Board of Appeals, can grant an extension, for up to 6 months (new lapse date would be 1/18/2016). As you know, there was no hearing where the Planning Board granted such an extension.

604.8.

*SPA shall lapse if implementation of the proposal has not commenced within two years from the date of approval and has not been completed within five years from the date of approval. An extension of the time for said commencement may be granted for up to six months, while extensions of the time for said completion may be granted without limitation, **both extensions to be granted by the Planning Board.***

As a resident, and an abutter, I have been, and will continue, to request that ALL bylaws be upheld. By not enforcing the bylaws, not solely the ones detailed below, the town will be giving 150 Main Street, one Wayland property owner, an economic benefit to the detriment and loss of property value to it's neighbors, other Wayland property owners.

Again, as a resident and abutter, I request more proactive action in actively seeking input from KP is ways in which the Town can enforce the multitude of bylaw infractions of this plan. It is clear that this plan is non-conforming (the SPA has even expired!!!) and time is of essence.

I look forward to a more detailed response on each of the violations I have detailed below.

Thank you
Gretchen

From: "Larsen, Geoffrey" <glarsen@wayland.ma.us>
To: Paul and Gretchen Dresens <pdresens@yahoo.com>
Cc: "Reef, Elizabeth" <ereef@wayland.ma.us>; "Balmer, Nan" <nbalmer@wayland.ma.us>; "Anderson, Lea" <landerson@wayland.ma.us>; "Nolan, Joseph F." <jnolan@wayland.ma.us>; "Karlson, Cherry" <ckarlson@wayland.ma.us>; "Antes, Mary" <mantes@wayland.ma.us>; "Jurist, Louis" <ljurist@wayland.ma.us>; Selectmen <selectmen@wayland.ma.us>
Sent: Thursday, December 22, 2016 11:22 AM
Subject: 150 main street, Dresens' request for zoning enforcement

Good morning Ms. Dresens,

This e-mail is intended to fulfill the statutory requirements of MGL 40A §7 as the building official's response to your written request for zoning enforcement. I have copied those individuals and the BOS because you included them in your request.

Please be advised that currently this department is reviewing the ongoing administration of building permit #2016504 and the anticipated 2nd building permit application for the demolition of the existing "Finnerty's" building.

As posted on the Town's web site at the time of the issuance of the 1st building permit, this existing structure which currently screens your view of this site is required to be demolished under a separate building permit.

As of now this Department review mentioned above includes your input and the research into the conditions of the physical alteration permit which you highlight in your request.

As the authorized zoning enforcement officer for the Town of Wayland I understand that my supervisor will continue to provide further access to Town counsel when requested and appropriate.

Respectfully,

Geoff Larsen
Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

From: Paul and Gretchen Dresens [mailto:pdresens@yahoo.com]
Sent: Tuesday, December 20, 2016 2:08 PM
To: Larsen, Geoffrey
Cc: Reef, Elizabeth; Paul and Gretchen Dresens; Balmer, Nan; Anderson, Lea; Nolan, Joseph F.; Karlson, Cherry; Antes,

Mary; Jurist, Louis; Selectmen
Subject: Re: summary of our meeting 12/9

Geoff -

I was hoping that you had a response to my email from last week. There are clear violations, and we discussed the impact of several of them (reference email below). As the Zoning Enforcement Officer as well as the Building Commissioner, I am interested in how these are being addressed.

Thanks
Gretchen

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

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 planed 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: Tuesday, December 20, 2016 2:24 PM
To: Balmer, Nan; Anderson, Lea; Nolan, Joseph F.; Karlson, Cherry; Antes, Mary; Jurist, Louis; Selectmen
Cc: Gretchen Dresens
Subject: 150 Main building permit petition
Attachments: Petition to Town Administrator and Board of Selectmen concerning bylaw violations.pdf

Board of Selectmen and Town Administrator,

I am attaching the petition that I presented during public comment last night. As I indicated, the 125 signatures were gathered in less than 2 days. Wayland needs to address the non-conformity of the 150 Main Street, LLC. plan, and determine the best method for allowing 150 Main to adjust the plan so that it fully conforms with our bylaws.

I recognize that jurisdictionally the Board of Selectmen do not control or advise the Zoning Board of Appeals. This request is not aimed at addressing the egregious action (inaction) and behavior of the Zoning Board. This request has nothing to do with the ZBA, but rather with the Board of Selectmen so that the Board will work/communicate with the Town Administrator to take a more assertive stance with the Building Commissioner to actively pursue counsel from KP in determining the best recourse for the Town to rectify this travesty.

This needs to be fixed. Now. Clearly I am not alone in the quickly growing number of residents who are outraged.

Thank you
Gretchen

December 19, 2016

To: Wayland Board of Selectmen and Nan Balmer, Wayland Town Administrator

The below Wayland Residents strongly object to the Building Commissioner's issuance of a building permit to 150 Main Street, LLC. which utterly ignores multiple bylaws of the Town of Wayland.

We, the undersigned, urge the Town Administrator and the Board of Selectmen to make available new town counsel to advise the Building Commissioner on the merits of the site plan and building permit. Without such aid, it appears the Building Commissioner lacks the ability or desire to recognize and enforce the relevant bylaws of the Town. We call upon the Town Administrator and Board of Selectmen to address this serious problem with urgency.

- 1) Building Permits may not be issued on a development until it is fully compliant with all bylaws. "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 -- Bylaw 198-205.3 ignored.
- 2) The proposed development spreads across several lots. This affects how various bylaws apply to the development. The current site contains registered land property with many internal lines and lots and does not, in its current state, conform to the bylaw -- Bylaw 198-104 Defines "lot" as lacking internal lines. Non compliant.
- 3) Scenic Road protection allows a single, 12' drive. West Plain Street is a scenic road. There are two planned driveways, measuring 28' and 26'. In addition, the Physical Alteration permit granted to 150 Main Street, LLC limits the width to 18'. -- Does not conform with Ch 158 Art. IV
- 4) Construction/alteration on a Scenic Road (West Plain) requires a public hearing. Did not occur -- Bylaw 158-10
- 5) Commercial properties abutting residential must have year round screening. The plan lacks year-round screening (it has low bushes and deciduous trees). In addition, all screening will be removed if parking reached full complement (see lack of Special Permit violation). Following Bylaws ignored - 198-506.8.1 and 198.606.2.1.6, 1198.102.1.1.3, and 198.507.1
- 6) Sidewalks are required to be placed on the property lot. In addition, specific widths and frontage requirements apply. 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. Bylaw 198.1002.1.7 and 198.1106.1 ignored.
- 7) Any reduction in required parking for a commercial property requires special permit (none has been sought or granted) -- Bylaw 198-506.4 ignored.
- 8) Any public hearing requires notification (did not occur when Condition 30 was removed and Restrictive Covenant was created) -- Bylaw 198-6.2 ignored.
- 9) Restrictive Covenant prepared by the developers is substantively different from what the Planning Board approved and allows for the possibility that Hammond Road becomes a way/street in the future. The Planning Board's 2016 provisional approval of the site plan states explicitly that the easement may never be turned into a street ("... **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").

CONT'D

December 19, 2016

To: Wayland Board of Selectmen and Nan Balmer, Wayland Town Administrator

The below Wayland Residents strongly object to the Building Commissioner's issuance of a building permit to 150 Main Street, LLC. which utterly ignores multiple bylaws of the Town of Wayland.

1. Jeff Horan, 15 Center Street
2. Carol Shirey, 46 High Rock Road
3. Terry Shirey, 46 High Rock Road
4. Louise Kelly, 203 West Plain Street
5. John Kelly, 203 West Plain Street
6. Paul Dresens, 155 Main Street
7. Gretchen Dresens, 155 Main Street
8. Judy Courchine, 15 Mitchell Street
9. Kevin Courchine, 15 Mitchell Street
10. Norma Radoff, 21 Fox Meadow Lane
11. Martha Murphy, 10 George Street
12. Philip Radoff, 21 Fox Meadow Lane
13. Tom Sciacca, 31 Rolling Lane
14. Ken Isaacson, 228 Lake Shore Drive
15. Deirdre Maxted, 228 Lake Shore Drive
16. Steve Engler, 15 Jeffrey Road
17. Karen Wuerfl, 40 Pemberton Road
18. Beth Cushing, 25 Shawmut Ave
19. Tom Hurney, 25 Shawmut Ave
20. Pam Grant, 100 Main Street
21. Joe McGrail, 100 Main Street
22. Igor Rod, 16 B King Street
23. Olga Rod, 16 B King Street
24. Pam O'Neill, 9 Gage Road
25. Kent George, 15 Indian Dawn
26. Arlene Schuler, 9 King Street
27. Timothy Hanlon, 14 Pemberton Road
28. Jeanne Hanlon, 14 Pemberton Road
29. Olivia Hanlon, 14 Pemberton Road
30. Lisa Newton, 23 Sycamore Road
31. Donna Bouchard, 72 Concord Road
32. Debbie Butler, 167 Main Street
33. George Harris, 8 Holiday Road
34. Barbara Harris, 8 Holiday Road
35. George Burgess, 136 West Plain Street
36. Connie Burgess, 136 West Plain Street
37. Rebecca Butler, 100 West Plain Street
38. Michael Martins, 17 Leary Street
39. Laura Martins, 17 Leary Street

CONT'D

December 19, 2016

To: Wayland Board of Selectmen and Nan Balmer, Wayland Town Administrator

The below Wayland Residents strongly object to the Building Commissioner's Issuance of a building permit to 150 Main Street, LLC. which utterly ignores multiple bylaws of the Town of Wayland.

40. John Flaherty, 21 Maguire Street
41. Lisa Jacobs, 8 Lake Shore Drive
42. Dawn Gunn, 76 Pemberton Street
43. Cynthia Hill, 54 Orchard Lane
44. David Hill, 54 Orchard Lane
45. Gil Wolin, 201 West Plain Street
46. Gail Shapiro, 201 West Plain Street
47. Michael Murphy, 201 West Plain Street
48. Deborah Bell, 205 West Plain Street
49. David Lang, 38 East Plain Street
50. Kathleen Lang, 38 East Plain Street
51. Nancy Leifer, 73 East Plain Street
52. Bret Leifer, 73 East Plain Street
53. Molly Upton, 23b Bayfield
54. Rabbi Katy Allen, 237 Old Connecticut Path
55. Gabi Metzger, 237 Old Connecticut Path
56. Irene Altdorf, 42 Rice Road
57. Frank Krasin, 76 Edgewood Road
58. Carol Hermsdorf, 76 Edgewood Road
59. Stephen Breit, 54 Rich Valley Road
60. Rosie Rosenzweig, 17 Cameron Road
61. Dr. Sandy Rosenzweig, 17 Cameron Road
62. Carolyn Lippmann, 23 Pequot Road
63. James Metcalf, 9 Westway Road
64. Thomas Klem, 5 Lakeview Road
65. John Darack, 96 Lake Shore Drive
66. Marulyn Darack, 96 Lake Shore Drive
67. Alice Boelter, 106 Lake Shore Drive
68. Mary d'Amonville, 108 Lake Shore Drive
69. Judy Bennett, 66 Hawthorne
70. Stuart Millerd, 6 Melody Lane
71. Walter Randall, 76 Hawthorne
72. Albert Malek, 25 Edgewood Rd
73. April Forst, 84 East Plain St
74. Scott Forst, 84 East Plain St
75. Carol Felz, 6 Carpenter Rd.
76. Richard Marcy, 97 East Plain St
77. Dan Moore, 72 East Plain Street
78. Pauline Moore, 72 East Plain Street
79. Joop Rijk, 17 Center Street
80. Louise Rijk, 17 Center Street

CONT'D

December 19, 2016

To: Wayland Board of Selectmen and Nan Balmer, Wayland Town Administrator

The below Wayland Residents strongly object to the Building Commissioner's issuance of a building permit to 150 Main Street, LLC. which utterly ignores multiple bylaws of the Town of Wayland.

81. Carolyn Barnard, 103 East Plain Street
82. George Barnard, 103 East Plain Street
83. Jim Balson, 42 Rice Road
84. Sandra Berardi, Charles Street
85. Tam and Yasuko, 6 Dean Rd
86. Joe Choi 43 Bradford St.
87. Jenny Choi, 42 Bradford Street
88. Pat Schofield, 13 Oak St.
89. Chip Schofield, 13 Oak St.
90. Beth Terada, 16 Dean Rd.
91. Richard Repose, 8 Dean Rd
92. Carol Repose, 8 Dean Rd
93. Vijaya Narayanaswamy, 17 Dean Road
94. Rames Narayanaswamy, 17 Dean Road
95. Sheila Carel, 17 Joyce
96. Roland Carel, 17 Joyce
97. Lynne Cribben, 20 Barney Hill Road
98. Pauline Ahearne, 29 East Plain Street
99. Olly Ahearne, 29 East Plain Stree
100. Liane Hicks, 14 King Street
101. Steve Hage, 14 King Street
102. Marjorie McCammon, 12 Glover Road
103. Susan Foster, 107 Concord Road
104. Helen Flagg, 32 Leary Street
105. Daren Wong, 10 Bogren Lane
106. Tze-Main Wong, 10 Bogren Lane
107. Mary d'Amonville, 108 Lakeshore Drive
108. Gayle Archambault, 76 Lakeshore Drive
109. Lucia Thompson, 77 West Plain Street
110. Thaddeus Thompson, 77 West Plain Street
111. Susan Bayard, 12 Richard Road
112. Sandy O'Driscoll, 9 Old Tavern Road
113. JoAne McLaughlin, 39 Barney Hill Road
114. Renee Bolivar, 28 Woodridge Road
115. Nancy Peter, 12 Blossom Lane
116. Steven, 60 West Plain Street
117. Andrea Goodfellow, 60 West Plain Street
118. Shelagh Murphy, 29 Brooks Road
119. James Murphy, 29 Brooks Road
120. Andrea Pettersen, 43 Old Connecticut Path
121. Eric Pettersen, 43 Old Connecticut Path

CONT'D

December 19, 2016

To: Wayland Board of Selectmen and Nan Balmer, Wayland Town Administrator

The below Wayland Residents strongly object to the Building Commissioner's issuance of a building permit to 150 Main Street, LLC. which utterly ignores multiple bylaws of the Town of Wayland.

- 122. Angie McPhail Sundberg, 4 Saddle Lane
- 123. Phil Fantoni, 18 Pemberton Road
- 124. Dalia Bernotas, 22 Center Street
- 125. Paul Bernotas, 22 Center Street

2

DiNapoli, MaryAnn

From: Linda Segal <lmlsegal@comcast.net>
Sent: Wednesday, January 04, 2017 4:06 PM
To: Dan Hill; Andrew Reck; Montague, Ira; Kevin Murphy; Nicole Riley; Karlson, Cherry; Anderson, Lea; Antes, Mary; Jurist, Louis; Nolan, Joseph F.; Selectmen
Cc: Sarkisian, Sarkis; Balmer, Nan; Dave Watkins; Linda L. Segal
Subject: FW: FinCom public comment - Jan. 3, 2017
Attachments: ZoningBylawPhaseIIPartialScope8Dec2014.pdf;
ZBAlongrangeplanningletter14Oct2014.pdf

Happy New Year, Selectmen and Planning Board.

I write to share my personal public comment to the Finance Committee from last evening, as the FinCom continues to work on long-range financial planning for our community. The meeting was recorded by WayCAM.

For your convenience, here's the link to the 2011 ATM warrant. For article 19, see pages 121-124 for FinCom and Planning Board comments:
http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/FinalWarrant2011.pdf
ZBA minutes of the Aug. 26, 2014 meeting with the Planning Board are also on the town website.

The Finance Committee asked me how much a Phase II Bylaw Recodification project might cost. I don't know if any officials have discussed this with Town Counsel and what comprehensive approach and scope of work might be suggested for Bylaw sections most in need of reform.

As a private citizen, I respectfully request that someone consider finding out, towards our Town being able to plan accordingly.

Thank you.

Linda Segal
Wayland resident

From: Linda Segal [<mailto:lmlsegal@comcast.net>]
Sent: Tuesday, January 03, 2017 6:04 PM
To: Dave Watkins; David Watkins
Cc: Linda L. Segal
Subject: FinCom public comment - Jan. 3, 2017

Happy New Year, Dave.
Hope you enjoyed the holidays with your family.

For your meeting tonight, I am quickly trying to pull together some historical info & docs regarding a topic I have spoken about during public comment in the past – a comprehensive review and revision of the Zoning ByLaw, by outside special legal counsel, so the Planning Board can complete its Phase II Bylaw Recodification Project.

I was disappointed, when the Town Planner met with selectmen on Dec. 19, 2016 (recorded by WayCAM). The Planning Board is not seeking funding to complete their Bylaw Recodification Project? It appears a Planning Board piecemeal approach continues?

As in the past, I write as a private citizen, not speaking on behalf of anyone else, or any board, etc. Attached items are public record.

Chronology:

In 2004, annual town meeting voters approved appropriating \$30,000 "for the purpose of rewriting the Zoning Bylaws of the Town."

Wayland's 2004 and 2011 Annual Reports (posted on selectmen's website) document what voters approved re zoning bylaw at those town meetings.

In addition, the 2011 town meeting warrant comments (also on selectmen's website) described the Planning Board's phased approach and that a comprehensive Phase II review for substantive changes would be forthcoming.

The Planning Board spent the \$30K in 2010-2011 on Phase I non-substantive revisions, at two town meetings. In 2010-2011, special legal counsel assisting the Planning Board was Pat Cantor at Kopelman & Paige, who has since retired.

In summer 2014 the Bylaw project was on a FinCom draft long-range capital planning spreadsheet.

On August 26, 2014, the Planning Board met with the ZBA to solicit input about difficulties with the Bylaw.

The ZBA sent the attached letter to the FinCom in October, 2014.

The attached 2014 email exchanges from the Town Planner show that as attorney Cantor worked on Phase I, she may have kept notes of potential areas of the bylaw for more substantive Phase II changes.

In Dec. 2016 successor KP Law is now Wayland Town Counsel.

Here we are in 2017, with the ATM submittal deadline fast approaching.

Again, these are my personal thoughts, essentially already expressed to selectmen, Planning Board and the FinCom last summer, while officials were thinking about warrant articles for the fall town meeting.

See you this evening.

Linda

Sarkisian, Sarkis

From: Patricia A. Cantor <PCantor@k-plaw.com>
Sent: Wednesday, June 04, 2014 12:19 PM
To: Sarkisian, Sarkis
Subject: RE: ZBL Phase II

Hi Sarki,

Well, it has been a while and yes, I am up for the next round. I will check my file and see what I had as substance; I do remember that as we were going through "non-substance" we did note items that were substantive. I'll give you a call in the next day or so to follow up.

Regards,
Pat

Patricia A. Cantor, Esq.
Kopelman and Paige, P.C.
101 Arch Street
12th floor
Boston, MA 02110
617-556-0007 (telephone)
617-654-1735 (facsimile)
pcantor@k-plaw.com

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From: Sarkisian, Sarkis [<mailto:ssarkisian@wayland.ma.us>]
Sent: Wednesday, June 04, 2014 10:22 AM
To: Patricia A. Cantor
Subject: ZBL Phase II

Hello Pat,

Hope you are well. Checking in to see if your available to discuss "Round II" of changes to our ZBL. I am in the process of gathering a list of changes from the Building Commissioner, Planning Board and Zoning Board. Did you by any chance also have a list? Please give me a call when you have a moment. Thank you.

Best,

Sarki
Sarkis Sarkisian
Director of Planning
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Sarkisian, Sarkis

From: Patricia A. Cantor <PCantor@k-plaw.com>
Sent: Tuesday, June 17, 2014 4:00 PM
To: Sarkisian, Sarkis
Subject: RE: Wayland Zoning Bylaw Revision Project
Attachments: 01-19-2012 Gale V. Zoning Board of Appeals of Gloucester (JBB KDL) #437697.PDF

Hello Sarki –

I am following up on yesterday's conversation and your request for a list of items to consider during the next round of the Bylaw review project. I have reviewed your list as well as my notes from the prior work and have the following suggested additions/comments.

1. Section 195-401.1.2 regarding alterations to single and two-family dwellings, provides, in relevant part: "and further provided, however, that a single- or two-family dwelling may be changed, extended, or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine if a change, extension or alteration to a single- or two-family dwelling increases the nonconforming nature of the structure."
Under Gale v. Gloucester, 80 Mass. App. Ct. 331 (2011), the Appeals Court ruled that a change to a single or two-family nonconforming dwelling that increases a nonconformity or creates a new nonconformity does not require a variance in addition to the "finding." I have attached for your information a Memorandum to Municipal Clients that discusses the decision. Also, in Bjorkland v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008), the Supreme Judicial Court ruled that a new dwelling that was significantly larger than the previously existing dwelling on the undersized lot required a finding that the alteration was not substantially more detrimental to the neighborhood than the prior dwelling, notwithstanding that the new dwelling conformed to all the setback requirements. As we discussed, as part of the Bylaw review, you may want to consider how these cases may be applied to streamline certain approvals, prevent "mansionization," and address other concerns. As you know, this a very complex area of zoning law and I suggest that the current Bylaw provisions be reviewed to identify particular areas of concern. Then amendments could be considered that are consistent with developing case law.
2. Accessory uses – gas station retail uses. We discussed this the last time around and you may want to raise it again.
3. Dog kennels. There have been changes in state law, Chapter 193 of the Acts of 2012, that may affect the Bylaw. I suggest the new state law and the Bylaw be compared.
4. Agriculture. The provisions regulating agricultural uses should be reviewed to ensure consistency with G.L. c.40, §3.
5. Wireless Communications. I note that Article 15A was adopted as part of a settlement of a lawsuit and thus any changes would need to be considered in that context.

I can continue to review previous file and let you know if I see any other topics. In the meantime, please let me know if you need anything else.

Regards,
Pat

Patricia A. Cantor, Esq.
Kopelman and Paige, P.C.

101 Arch Street
12th floor
Boston, MA 02110
617-556-0007 (telephone)
617-654-1735 (facsimile)
pcantor@k-plaw.com

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From: Sarkisian, Sarkis [<mailto:ssarkisian@wayland.ma.us>]
Sent: Monday, June 16, 2014 1:18 PM
To: Patricia A. Cantor
Subject:

Draft list

Sarki
Sarkis Sarkisian
Director of Planning
Town of Wayland
41 Cochituate Road
Wayland, MA 01778



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The Leader in Municipal Law

101 Arch Street
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T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

December 5, 2014

Lauren F. Goldberg
lgoldberg@k-plaw.com

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

Re: Terms of Engagement- Zoning Bylaw Amendments

Dear Ms. Balmer:

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

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

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

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

KOPELMAN AND PAIGE, P.C.

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

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

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

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

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

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

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

KOPELMAN AND PAIGE, P.C.

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

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

Respectfully submitted,

KOPELMAN AND PAIGE, P.C.

By: Lauren F. Goldberg
Lauren F. Goldberg, Esq.
President

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

Town of Wayland

Date: This ___ day of _____, 2014

LFG/PAC/lem
cc: Town Planner

KOPELMAN AND PAIGE, P.C.

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

Scope of Work

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

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

Total 20 hours at \$180.00/hour

510846/WAYL/0001

Zoning Bylaw Revision list

Number	Section of By-Law	Title	Comments	Additional Comments	Sponsor
1	1002.1.7,1106.1,1302.1,1406.8	Sidewalk Construction, Reconstruction or substantial alteration	Written 5 different ways in the Bylaw. Issue on 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	On the Warrant for Spring Town Meeting of 2014 and was Postponed Indefinitely	Planning Board
3	New Overlay District	Specimen Tree Overlay Protection District	Protect the cutting of 5 or more trees. Need opinion from Counsel if enforceable to Public Utility Companies?	On the Warrant for Spring Town Meeting of 2014 and was passed over	Residents/Oakhill neighborhood
4	198-804, 901.1.1,901.1.2	Home Occupation	Issue was raised by resident on a recent case		Zoning Board of Appeals
5	198-401.5 and 6	Non conforming lots and structures	Develop more standards to qualify for Teardowns		Zoning Board of Appeals
6	104 Definition	Building Heights	Concern of lot grading and filling beyond existing grade		Resident
7	104	FAR Floor Area Ratio	Concern regarding size of home on small lots		Resident
8	Article 16	Aquifer Protection provision	How to apply zone 1 with more protection		Planning Board
9	Accessory uses	gas station retail uses			Economic Development Committee
10	Dog Kennels	Changes in state law that affect the Bylaw			ZBL Recodification
11	Agriculture	Provisions regulating agricultural uses should be reviewed.	Consistent with G.L. c.40 §3.		ZBL Recodification
12	Article 15A	Wireless Communications			ZBL Recodification
13	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



TOWN OF WAYLAND
MASSACHUSETTS
01778
ZONING BOARD OF APPEALS

JAY T. ABELLI
BUILDING COMMISSIONER
ZONING ENFORCEMENT OFFICER

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

Interoffice Memo

Date: October 15, 2014
To: Finance Committee & Brian Keveny, Director
From: Zoning Board of Appeals
Re: Long Range Planning – Zoning Bylaws

At the Zoning Board of Appeals' meeting held on October 14, 2014 the following motion was taken, voted on and approved: "Pursuant to the June 25, 2014 memo for FY2016-2020 Long Range Planning, the Zoning Board of Appeals respectfully requests that the Finance Committee keep "zoning by-law revisions" on its list of projects as part of its long range financial initiative for the Town. We make this request based on the Zoning Board of Appeal's belief that there are issues in the by-law that badly need improvement and based on the efforts made by the Zoning Board of Appeals to inform the Planning Board of these issues".

Vote of Motion: 7-0

- E. Michael Thomas, Chair
- Eric Goldberg, Member
- Aida Gennis, Member
- Thomas White, Member
- Shaunt Sarian, Associate Member
- Linda Segal, Associate Member
- Argie Shapiro, Associate Member

Dated: October 14, 2014

Cc: Nan Balmer, Town Administrator
Planning Board Members
Sarkis Sarkisian, Town Planner

15 December 2016

Board of Selectmen
Town of Wayland
41 Cochituate Rd
Wayland, MA 01778

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

<http://www.erm.com>

RE: Partial Permanent Solution With Conditions
Parcel 22-10, Boston Post Road
Wayland, Massachusetts
Release Tracking Number (RTN) 3-13302



Board of Selectmen:

On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) has filed a Partial Permanent Solution With Conditions for the above-referenced Site with the Massachusetts Department of Environmental Protection (MassDEP). In accordance with 310 CMR 40.1403(3)(f), the Chief Municipal Officer and the Board of Health of the community in which the Site is located must be notified of the Permanent Solution Statement filing.

Additional information regarding this submittal can be reviewed at the following location:

Massachusetts Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

If you have any questions, please contact me at (617) 646-7800 or Mr. Louis Burkhardt, Raytheon Company, at (978) 858-1885.

Sincerely,

Lyndsey Colburn, P.G.
Principal Consultant

cc: Wayland Board of Health
MassDEP
PIP Group
L. Burkhardt, Raytheon Company

RECEIVED

DEC 19 2016

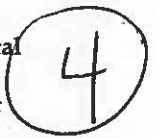
Board of Selectmen
Town of Wayland

RECEIVED

JAN -3 2017

Board of Selectmen
Town of Wayland

Environmental
Resources
Management



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

<http://www.erm.com>

19 December 2016
Reference: 0377766

Public Involvement Plan Group
c/o Ms. Linda L. Segal
9 Aqueduct Road
Wayland, Massachusetts 01778



ERM

Re: Response to Public Comments by PIP Group and Town of
Wayland
Draft Partial Permanent Solution With Conditions
Hamlen Parcel
RTN 3-13302
Wayland, Massachusetts

Dear Ms. Segal:

On behalf of Raytheon Corporation, Environmental Resources Management (ERM) has prepared this letter providing responses to comments from the Public Involvement Plan (PIP) Group and Town of Wayland regarding ERM's 4 November 2016 Draft Partial Permanent Solution With Conditions Submittal (the Submittal) for the above-referenced disposal site (the Site).

The comments included herein were provided to ERM on 25 November 2016 and 7 December 2016. The comments are reproduced below in italics and ERM's responses are in plain text. A copy of the complete set of comments is provided as Attachment A.

PIP Group Comments – 25 November 2016

Comment 1: Section 2.1 Site Description

In the last paragraph, please revise the following sentence: "In 2005, the property was redeveloped by Koeffler Group, Inc. and Brendon Homes."

My understanding of the redevelopment chronology is as follows: In May 2006 Wayland Town Meeting voters approved the enabling Mixed Use Overlay District zoning for the Town Center project. That summer KGI began its state MEPA review and local permitting process with the Planning Board.

*The Master Special Permit was issued in **January 2008**, and the MEPA Certificate was issued in **March 2008**. KGI began construction in **2011 with the demolition** of the former office complex and Vertex providing LSP services. The first retail store – the Stop & Shop supermarket – opened in **November 2012**. Brendon Homes did not acquire the residential portion of the project now known as River Trail Place (condos) until **December 2014**.*

The sentence noted above will be revised in the final report to read, “In 2005, redevelopment activities on the property were initiated.”

Comment 2: November 17 PIP Meeting

Thank you for posting your Powerpoint presentation on the extranet website. <http://raytheon.ern.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/31.%20Partial%20Permanent%20Solution%20With%20Conditions%20PIP%20Meeting%2017-Nov-16.pdf>

Please revise the maps on pages 6 and 12 to show the correct location of the Town of Wayland’s Cow Common. I understand that Parcel 23-52D was privately owned by Wayland Meadows, and the 40B housing project is known as Wayland Commons. The condo units north of Andrew Avenue (where your slides say “Cow Common”) are along an interior roadway named River Rock Way. Ownership of the Wayland Commons condo property has passed to a condo association.

Cow Common is Conservation land owned by the Town of Wayland and consists of various parcels located further north along Old Sudbury Road, beginning, I believe, with parcel 23- 52A, then 18-001, 18-002, 18-003, 18-004, 18-005 and 18-006.

*Here are two links from the Town’s website showing the parcels:
http://www.wayland.ma.us/Pages/WaylandMA_GIS/Maps/ap23-17%20X%2022.pdf*

http://www.wayland.ma.us/Pages/WaylandMA_Conservation/cons/cowgis.pdf

If you decide to expand the two maps to show Cow Common, please consider adding the location of the Sentinel Wells that Raytheon installed as part of Zone II wellhead protection.

Modifications will be made on the figures presented at future PIP Meetings.

Comment 3: October 17, 2016 DPS Filing

During public comment at the November 17 PIP meeting, LSP Ben Gould pointed out that the recent filing concerning downgradient status failed to provide notification to the PIP mailing list. The DPS issue had been part of information updates at PIP meetings since it was presented at the June 2007 PIP meeting. More recently your team reported being puzzled by VOC concentrations in groundwater that had increased, that the injection remedy did not seem to be as effective as expected, and that investigations were continuing.

I do not understand why the team would then choose to suddenly exclude notifying the PIP when filing for a change in RTN. See pages 21-25.

<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/16.%20PIP%20Pres%20RAO%20DPS%20and%20PIV%20Commencement%20June%2020%202007.pdf>

When I was alerted by your team about this step at the informal meeting in Wayland on Oct. 17, I was told not to be concerned, that this was simply to seek a new RTN. It was not until I found the Oct. 17 document on the DEP website that I could see the letter to DEP was sent to the NERO PIP Coordinator, Karen Stromberg, yet the PIP mailing list seemed to be the only omission from the usual cc list.

<http://public.dep.state.ma.us/fileviewer/Default.aspx?formdataid=0&documentid=370308>

Downgradient Status may not have been originally foreseen and included in the 2004 PIP Plan, and I recall no suggestion in recent years (except from me) about updating the PIP Plan. Not informing the PIP community about this unresolved matter and action step under your RTN 3-13302, however, seems an unusual departure from past practice.

Raytheon has included this data in previous Remedy Operation Status (ROS) submittals and always updated the PIP group in public meetings regarding the site characterization activities along the southern site border and will continue to do so. At the November 17th meeting, the team reviewed the history for the southern property boundary and described the data trends related to the remediation work that had taken place in the southern portion of the site. Those trends were the indication

that an off-site source was present. In discussions with MassDEP (Karen Stromberg), it was determined that the DPS condition should be issued a new Release Tracking Number. Therefore, the DPS document that is available on the MassDEP website is a retracted document and is not part of the site files for RTN 3-13302.

The PIP plan did not include DPS submittals as a document for public comment; however, as per 310 CMR 40.1403, the appropriate municipal notifications were made upon issuance of the Release Notification Form for the current DPS condition. A new RTN will be issued by MassDEP for the current DPS condition at the southern property boundary. Per MassDEP's input, Raytheon will submit the DPS document under the new RTN. A copy of the DPS document will be available for review in the public repositories and the data has been presented in previous reports and public meetings, but the DPS document will not be submitted for public comment as it will be associated with a new RTN and not the former Raytheon facility.

Town of Wayland Comments

Comment I: Property Address

On the title page, signature page, Page 101 (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 . . . 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.

The address used in the document is based on the deed and is consistent with the AUL. Therefore, all documents filed for the property are consistent with the deed. We recognize that the assessor's office has a different address for this parcel but feel that the address information should match the deed and previously-filed documents. However, we will add a note to the text that there are two addresses on file. RTN under which this parcel is tracked, RTN 3-13302, is listed as 430 Boston Post Road and is clearly stated as such in the text.

Comment II: Tier 1B Permit References

In Section 1.1 (Page 1-2), Section 3.1.1 (Page 3-1), and Section 4.1 (Page 4-1) of the draft PPSwC RAO report, ERM lists the Tier 1B 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) 2-133-2 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.

We will update the text to make clear that the permit number is only provided for historical context and the permit number is not active under the current regulations. The Site is currently classified as a Tier 1 site; however, permits are no longer issued.

Comment III: Property Location and Description

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 work "a corner" with "the northeasterly corner" (or other wording to that effect).

The text will be updated to clarify "northeast corner."

Comment IV: Site Description

On Page 201 (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 . . .

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."

The text will be updated to reflect that the Site is within an area designated as a drinking water source area. However, to be clear, the text will also state that there is no current withdrawal of drinking water from the Site.

Comment 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 . . .

If the purpose of this paragraph is to provide a brief history of property ownership during the years 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): . . .

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: . . .

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.

The dates will be updated as noted. However, the section will not be updated to include all historical property transactions for the Hamlen Parcel or the former Raytheon property. The text will be updated to note the date Raytheon acquired the Hamlen parcel, 24 September 2003.

Comment VI: Release Background

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: . . .

The MCP further defines ‘Anthropogenic Background’ as: . . .

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 the term as follows: . . .

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 reference 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).

In this section of the text, the document refers to anthropogenic background as it pertains to sediment and “local conditions” as it pertains to surface water. The text will be updated to clarify this point.

Comment VII: Report Completeness

I compared the draft PPSwC Report to 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 not discussion of the applicability of a Permanent Solution DEP submittal fee pursuant to . . .

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

A statement regarding the applicability of the filing fee is not required to be included in the text. Since no fee applies, we do not feel it necessary to include in the text.

Comments VIII through X: Downgradient Property Status

Downgradient Property Status (DPS) was not part of this public comment period review. The comments are acknowledged and a response is provided above in response to Comment #3 from the PIP Group.

ERM appreciates the opportunity to respond to your comments. If you have any questions or further comments, please contact either of the undersigned at (617) 646-7800 or Louis Burkhardt at Raytheon Corporation at (987) 886-4378

Sincerely,



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



Lyndsey Colburn, P.G
Project Manager

Enclosures

Attachment A - Public Comments Received

cc: PIP Document Repository & Website
PIP Group Mailing List
MassDEP - Northeast Regional Office
L. Burkhardt, Raytheon
J. Hone, Raytheon
B. Gould, CMG Environmental, Inc.

*Attachment A – Public
Comments Received*

Linda L. Segal
9 Aqueduct Road
Wayland, MA 01778-4605
phone: 508 655 0724 email: lmlsegal@comcast.net

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

Lyndsey Colburn
ERM
One Beacon St., 5th Floor
Boston, MA 02018

November 25, 2016

Via E-mail

**RE: Public Comment on November 17, 2016 PIP Meeting & Draft Partial Permanent Solution with Conditions, Hamlen Parcel
RTN 3-13302, former Raytheon Facility, 433 Boston Post Rd., Wayland, MA**

Dear Chip and Lyndsey:

Thank you for this opportunity to provide public comment on the above-named draft document presented at the November 17, 2016 PIP meeting held in Wayland Town Hall. My comments represent my personal lay opinion.

LSP Ben Gould, CMG Environmental, Inc., will provide his expert technical review on behalf of the Town. Thank you for continuing to support Ben's invaluable services; the selectmen approved and signed Amendment #7 of the MOU on November 7, 2016.

It is very exciting that Raytheon is close to conveying the so-called "Hamlen parcel" consisting of 5.5 acres to U.S. Fish and Wildlife for permanent conservation protection, joining other protected land parcels along our Wild and Scenic Sudbury River.

Draft Partial Permanent Solution document:

section 2.1 Site Description. In the last paragraph, please revise the following sentence: "In 2005, the property was redeveloped by Koeffler Group, Inc. and Brendon Homes."

My understanding of the redevelopment chronology is as follows: In **May 2006** Wayland Town Meeting voters approved the enabling Mixed Use Overlay District zoning for the Town Center project. That summer KGI began its state MEPA review and local permitting process with the Planning Board.

The Master Special Permit was issued in **January 2008**, and the MEPA Certificate was issued in **March 2008**. KGI began construction in **2011 with the demolition** of the former office complex and Vertex providing LSP services. The first retail store – the Stop & Shop supermarket - opened in **November 2012**. Brendon Homes did not acquire the residential portion of the project now known as River Trail Place (condos) until **December 2014**.

November 17 PIP Meeting:

1) **Powerpoint slides.** Thank you for posting your Powerpoint presentation on the extranet website.

<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/31.%20Partial%20Permanent%20Solution%20With%20Conditions%20PIP%20Meeting%2017-Nov-16.pdf>

Please revise the maps on pages 6 and 12 to show the correct location of the Town of Wayland's Cow Common. I understand that Parcel 23-52D was privately owned by Wayland Meadows, and the 40B housing project is known as Wayland Commons. The condo units north of Andrew Avenue (where your slides say "Cow Common") are along an interior roadway named River Rock Way. Ownership of the Wayland Commons condo property has passed to a condo association.

Cow Common is Conservation land owned by the Town of Wayland and consists of various parcels located further north along Old Sudbury Road, beginning, I believe, with parcel 23-52A, then 18-001, 18-002, 18-003, 18-004, 18-005 and 18-006.

Here are two links from the Town's website showing the parcels:

http://www.wayland.ma.us/Pages/WaylandMA_GIS/Maps/ap23-17%20X%2022.pdf

http://www.wayland.ma.us/Pages/WaylandMA_Conservation/cons/cowgis.pdf

If you decide to expand the two maps to show Cow Common, please consider adding the location of the Sentinel Wells that Raytheon installed as part of Zone II wellhead protection.

2) **October 17, 2016 DPS filing** During public comment at the November 17 PIP meeting, LSP Ben Gould pointed out that the recent filing concerning downgradient status failed to provide notification to the PIP mailing list. The DPS issue had been part of information updates at PIP meetings since it was presented at the June 2007 PIP meeting. More recently your team reported being puzzled by VOC concentrations in groundwater that had increased, that the injection remedy did not seem to be as effective as expected, and that investigations were continuing.

I do not understand why the team would then choose to suddenly exclude notifying the PIP when filing for a change in RTN. See pages 21-25.

<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/16.%20PIP%20Pres%20RAO%20DPS%20and%20PIV%20Commencement%20June%2020%202007.pdf>

When I was alerted by your team about this step at the informal meeting in Wayland on Oct. 17, I was told not to be concerned, that this was simply to seek a new RTN. It was not until I found the Oct. 17 document on the DEP website that I could see the letter to DEP was sent to the NERO PIP Coordinator, Karen Stromberg, yet the PIP mailing list seemed to be the only omission from the usual cc list.

<http://public.dep.state.ma.us/fileviewer/Default.aspx?formdataid=0&documentid=370308>

Downgradient Status may not have been originally foreseen and included in the 2004 PIP Plan, and I recall no suggestion in recent years (except from me) about updating the PIP Plan. Not informing the PIP community about this unresolved matter and action step under your RTN 3-13302, however, seems an unusual departure from past practice.

Thank you again for this opportunity to provide public comment on your draft document and the November 17 PIP meeting. Continued best wishes on completing the donation of the Hamlen parcel.

Sincerely,

Linda L. Segal
Wayland resident
PIP Citizen Representative

cc: John Drobinski, LSP, ERM, Boston
Ben Gould, LSP, CMG Environmental, Inc.
Karen Stromberg, NERO PIP Coordinator

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 DOWNGRAIDENT 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.

☺☺

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

MASSACHUSETTS
01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD
Wayland, MA 01778

TEL: 508-358-3630

508-358-3631

FAX: 508-358-1683

www.wayland.ma.us

Date: December 21, 2016
To: Board of Selectmen ✓
From: Beth R. Klein, Town Clerk
Re: RESIGNATION OF ELECTED OFFICIAL

Please be informed that the attached letter of resignation was received in the Town Clerk's Office.

Nicole W. Riley Planning Board Associate Member Term Expires: April 2019

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


Beth R. Klein, Town Clerk

cc: Nan Balmer, Town Administrator
Andrew Reck, Chair Planning Board
Sarkis Sarkisian, Director
Nicole W. Riley



TOWN OF WAYLAND

MASSACHUSETTS
01778

TOWN CLERK
Beth R. Klein
bklein@wayland.ma.us

ASSISTANT TOWN CLERK
Diane M. Gorham
dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD
Wayland, MA 01778

TEL: 508-358-3630
508-358-3631
FAX: 508-358-1683
www.wayland.ma.us

April 6, 2016

This is to certify that ***Nicole W. Riley*** was duly elected to the Office of **Planning Board Associate Member** of the Town of Wayland at the ANNUAL TOWN ELECTION held on April 5, 2016 for a Three (3) year term to end April 2019 and was sworn to the faithful performance of the duties of the above office on

May 9, 2016



Elected Official Signature



Town Clerk/Assistant Town Clerk

I, Nicole Riley, do solemnly swear (affirm)
(Print Name)

that I will faithfully perform all the duties of my office in accordance with the Constitution of the United States of America, the laws of the Commonwealth of Massachusetts, and the rules, regulations, policies and the bylaws of the Town of Wayland to the best of my ability.

Signed: 

Klein, Beth

From: Riley, Nicole W <NRiley@goodwinlaw.com>
Sent: Wednesday, December 21, 2016 9:25 AM
To: Klein, Beth
Cc: Sarkisian, Sarkis
Subject: RE: Resignation letter for Planning Board Associate Member office

Good morning, Beth –

If an email will suffice I can confirm I resigned my position as Associate Member of the Planning Board, effective as of July 13, 2016.

Thank you for the reminder and enjoy your vacation!

Kind regards,
Nicole

Nicole W Riley



Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
o +1 617 570 1763
f +1 617 801 8939
NRiley@goodwinlaw.com | goodwinlaw.com

From: Klein, Beth [<mailto:bklein@wayland.ma.us>]
Sent: Wednesday, December 21, 2016 9:08 AM
To: Riley, Nicole W
Cc: Sarkisian, Sarkis
Subject: Resignation letter for Planning Board Associate Member office

Hi Nicole,

Since you were appointed to the planning board to fill a vacancy last July, you never officially resigned from your position as Planning Board associate member. I need a letter which you can email me stating that you resigned your position as an Associate Member of the Planning Board. If you can send it to me today that would be great as I will be on vacation next week.

Call me if you have any questions.

Thanks,

Beth R. Klein

Town Clerk
Town of Wayland
41 Cochituate Road,
Wayland, MA 01778
508-358-3631

6

December 14, 2016

Clerk
Appeals Court
For the Commonwealth of Massachusetts
John Adams Courthouse
1 Pemberton Square
Suite 1200
Boston, MA 02108-1767

Re: Kenneth T. Nelson v. Town of Wayland Conservation Commission
Middlesex Superior Court, Case No. 1581CV05694
Appeals Court No. 2016-P-1649

Dear Sir/Madam:

Enclosed for filing with respect to the above-referenced matter please find a Notice of Appearance of counsel for the Defendant-Appellant and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,



Amy E. Kwesell

AEK/jam

Enc.

cc: Town Administrator
Conservation Commission
Board of Selectmen
George F. Hailer, Esq.
Mark J. Lanza, Esq.

571200/WAYL/0044

RECEIVED

DEC 16 2016

Board of Selectmen
Town of Wayland

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

DOCKET NO. 2016-P-1649

KENNETH TODD NELSON,

Plaintiff/Appellee

v.

TOWN OF WAYLAND CONSERVATION
COMMISSION


Defendant/Appellant

NOTICE OF APPEARANCE

TO THE CLERK OF THE ABOVE-NAMED COURT:

Please enter my appearance as attorney for Defendant/Appellant, TOWN OF
WAYLAND CONSERVATION COMMISSION, in the above-referenced matter.

DEFENDANTS,
By their attorney,



Amy E. Kwesell (BBO# 647182)

KP Law, P.C.

Town Counsel

101 Arch Street, 12th Floor

Boston, MA 02110-1109

(617) 556-0007

akwesell@k-plaw.com

Date: December 14, 2016

571163/WAYL/0044

CERTIFICATE OF SERVICE

I, Amy E. Kwesell, hereby certify that on the below date, I served a copy of the foregoing Notice of Appearance, by electronic mail, to the following parties of record:

George F. Hailer, Esq.
Lawson & Weitzen
88 Black Falcon Avenue
Suite 345
Boston, MA 02210

Dated: December 14, 2016



Amy E. Kwesell

571163/WAYL/0044

7

December 22, 2016

Amy E. Kwesell
akwesell@k-plaw.com

Clerk,
Land Court
Three Pemberton Square
Boston, MA 02108

Re: Moss et al. v. Lingley et al. and the Town of Wayland
Land Court Misc. No. 13 MISC 480577

Dear Sir/Madam:

Enclosed for filing please find a Notice of Appearance of Amy E. Kwesell, as counsel for the defendant-intervenor Town of Wayland in the above-referenced litigation, and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,


Amy E. Kwesell

AEK/bp
Enc.

cc: Town Administrator
Board of Selectmen
Jeffrey T. Angley, Esq.
Mark J. Lanza, Esq.

571772/WAYL/0001

RECEIVED

JAN - 3 2017

Board of Selectmen
Town of Wayland

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

LAND COURT
C.A. NO. 13 MISC 480577 (KCL)

JOHN MOSS and AMY BORNER,

Plaintiff

v.

GARY and ANNMARIE LINGLEY,

Defendants

TOWN OF WAYLAND,

Defendant-Intervenor

NOTICE OF APPEARANCE

TO THE CLERK OF THE ABOVE NAMED COURT:

Please enter the appearance of Amy E. Kwesell as counsel for the Defendant-Intervenor Town of Wayland in the above-captioned action.

DEFENDANT-INTERVENOR,
TOWN OF WAYLAND

By its attorney,



Amy E. Kwesell (BBO# 647182)

KP Law, P.C.

Town Counsel

101 Arch Street, 12th Floor

Boston, MA 02110-1109

(617) 556-0007

akwesell@k-plaw.com

Date: December 22 2016
571769/WAYL/0001

CERTIFICATE OF SERVICE

I, Amy E. Kwesell, hereby certify that on the below date, I served a copy of the foregoing Notice of Appearance by electronic mail and first-class mail, postage prepaid, to the following counsel of record:

Jeffrey T. Angley, Esq.
Philips & Angley
One Washington Mall
Boston, MA 02108

Mark J. Lanza, Esq.
9 Damonmill Square
Suite 4A4
Concord, MA 01742

Dated: December 22, 2016



Amy E. Kwesell

571769/WAYL/0001

8

KP | LAW

The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

December 22, 2016

Amy E. Kwesell
akwesell@k-plaw.com

Clerk, Civil
Middlesex Superior Court
200 Trade Center, 2nd Floor
Woburn, MA 01801

Re: Gary Halliwell, et al. v. Thomas and Sarah Greenaway and the Wayland Planning Board
Middlesex Superior Court, C.A. No. 1681CV02813

Dear Sir/Madam:

Enclosed for filing please find a Notice of Appearance of Amy E. Kwesell, as counsel for the defendants Wayland Planning Board, Andre Reck, Kevin Murphy, Nicole W. Riley, Daniel C. Hill and Ira Montague, as members of the Wayland Planning Board in the above-referenced litigation, and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,



Amy E. Kwesell

AEK/bp

Enc.

cc: Town Administrator
Planning Board
Board of Selectmen
Scott Zanolli, Esq.
Brian C. Levey, Esq.
Mark J. Lanza, Esq.

571764/WAYL/0001

RECEIVED

JAN - 3 2017

Board of Selectmen
Town of Wayland

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
C.A. NO. 1681CV028310552

GARY HALLIWELL, REBECCA LEONARD
AND ELIZABETH BRIGHAM,

Plaintiffs

v.

THOMAS GREENAWAY, SARAH
GREENAWAY and the WAYLAND
PLANNING BOARD, ANDRE RECK,
KEVIN MURPHY, NICOLE W. RILEY,
DANIEL C. HIL, and IRA MONTAGUE, as
members of the Wayland Planning Board,

Defendants

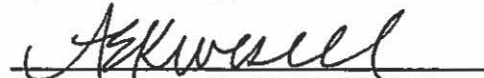
NOTICE OF APPEARANCE

TO THE CLERK OF THE ABOVE NAMED COURT:

Please enter the appearance of Amy E. Kwesell as counsel for the defendants Wayland Planning Board, Andre Reck, Kevin Murphy, Nicole W. Riley, Daniel C. Hill and Ira Montague, as members of the Wayland Planning Board in the above-captioned action.

DEFENDANTS,
WAYLAND PLANNING BOARD

By their attorney,



Amy E. Kwesell (BBO# 647182)
KP Law, P.C.

Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007
akwesell@k-plaw.com

Date: December 22, 2016
571764/WAYL0001

CERTIFICATE OF SERVICE

I, Amy E. Kwesell, hereby certify that on the below date, I served a copy of the foregoing Notice of Appearance by electronic mail and first-class mail, postage prepaid, to the following counsel of record:

Scott Zanolli, Esq.
Pierce and Mandell
11 Beacon Street, Suite 800
Boston, MA 02108

Brian C. Levey, Esq.
Beveridge & Diamond, P.C.
15 Walnut Street, Suite 400
Wellesley, MA 02481

Mark J. Lanza, Esq.
9 Damonmill Square
Suite 4A4
Concord, MA 01742

Dated: December 22, 2014


Amy E. Kwesell

571764/WAYL/0001



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

RECEIVED

JAN - 3 2017

Board of Selectmen
Town of Wayland

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

December 29, 2016


Dear Mr. Gulliver,

Some time ago, a traffic accident occurred on Route #20 in Wayland just east of the intersection with Route #27. As a result of the crash, a section of guardrail was damaged and a regulatory lane delineation sign was destroyed.

This past summer, the guardrail was repaired; however, the sign has not yet been replaced. The lack of this sign can cause confusion and unnecessary lane changes for vehicles travelling west on Route #20 as they approach the Route #27 intersection. The sign is held by two posts (both destroyed) and indicates the lane designations for the upcoming intersection. I have attached an example of the sign that was destroyed.

I request that this sign be replaced by Mass. D.O.T. District 3 at your earliest convenience.

Respectfully,


Robert Irving
Chief of Police

cc: Ms. Nan Balmer, Town Administrator
Board of Selectmen, Traffic Authority



**TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
DECEMBER, 2016**

(10)

TOTAL NUMBER CALLS HANDLED 56

# Complaint Calls	4
# Lost Dog Calls	2
# Lost Cat Calls	
# Other Cat related calls	
# Animal / Wildlife Calls	2
# Miscellaneous Calls	34

TOTAL # ANIMALS PICKED UP 2

	2
Total # dogs not licensed	(1-Out of town owner; 1-young pup)
Total # dogs not claimed	
# still in dog officer custody	
#surrendered to Humane Shelter	

TOTAL # HUMAN BITE CALLS 1

TOTAL # ANIMAL -> ANIMAL BITE 2

10 Day Quarantine Order -Human Bite	Issued 1 / Released 0
10 Day Quarantine Order -Animal Bite	Issued 2 / Released 0
45 Day/6 Month Quarantine Orders	Issued 1 / Released 5

TOTAL # CITATIONS ISSUED NONE

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

Submitted by:
Jennifer Condon
Animal Control Inspector/Officer



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

December 2016

On December 5th, officers responded to a serious motor vehicle accident on Route #20 in the vicinity of the entrance to the Wayland Transfer Station. A vehicle travelling west on Route # 20 slid on the icy road and crossed the center line striking a box truck head on. Wayland Fire personnel had to extricate one person from their vehicle and three people were transported to area hospitals. Two occupants had minor injuries and one had serious, but non-life threatening injuries.

During the month, three people were arrested for Operating Under the Influence of Alcohol. On December 8th, Wayland Police received a report from an off-duty Newton officer that there was a vehicle travelling on Route #20 erratically. Officer Justin Kazan located the vehicle and observed it crossing the center line several times. A motor vehicle stop was conducted and a Wayland woman was charged with O.U.I. after failing roadside sobriety tests.

On December 17th, Officer Chris Hanlon observed a vehicle travelling westbound on Route #20 in an erratic manner. Upon stopping the vehicle, it was determined that the operator and sole occupant of the vehicle was intoxicated. The Wayland man was placed under arrest for O.U.I. and Marked Lanes Violation.

On December 28th, a Sudbury woman was arrested for Operating Under the Influence of Alcohol, Operating to Endanger and Marked Lanes Violation. The department received a complaint of a vehicle being driven erratically on Boston Post Road. Officer Chris Custodie was able to locate the vehicle driving through a parking lot. After investigation, it was determined the operator was intoxicated and she was placed under arrest.

On December 9th, the Wayland Police Department participated in the community event, "Standing With Our Neighbors: United Against Hate". The event was in response to anonymous hate mail that had been sent to the Islamic Center of Boston. More than 500 people attended the event that was held outside of the Islamic Center. Officers were present to show support and to help with traffic and crowd control.

On December 19th, Sgt. Sean Gibbons was named as an Executive Officer in Charge of Administration of the Metropolitan Law Enforcement Council. Sgt. Gibbons will now be one of three Executive Officers on MetroLEC. As the Executive Officer he will be responsible for centralizing all reports and information pertinent to the team's operations and missions. In his new role, Sgt. Gibbons will be assigned to the MetroLEC Command Post during SWAT operations and critical incidents.



Robert Irving
Chief of Police

Wayland Police Department Detective Division Report for December 2016

INVESTIGATIONS

Suspicious Activity – Boston Post Road
Suspicious Activity – Bent Park
Stolen MV – Commonwealth Road
MV B&E's – Nob Hill Road
Stolen Checks – Concord Road
Uttering/Larceny over \$250 – Boston Post Road
Criminal Harassment – Claypit Hill Road

MEETINGS/TRAININGS

Dim-Light Firearms Qualifications
Shooting simulations training
Yearly In-service training
Youth Advisory Meeting
Wellness Committee Meeting
Acton area detective meeting
Wayland Cares Meeting

MISCELLANEOUS/COMMUNITY SERVICES

Framingham District Court MV/Criminal Hearings
Evidence Room Audit
COA Monthly Prescription Takeback
Town Center Tree Lighting
Toys for Tots
PBT Certification
Selectman's Meeting – Alcohol Violation – The Local
Money Scam Cards distributed

Wayland Police Department Monthly Training Report

Officers of the Wayland Police Department attended the following training programs during the month of December 2016:

On Wednesday December 22, the Metropolitan Law Enforcement Council's Rapid Response and SWAT teams conducted a training exercise at the residence of 37 Draper Road. The Draper Road house provided a great training venue where the officers conducted a mock exercise of serving a high-risk warrant on a suspect. Part of the training included breaking and raking windows during which officers put bars through the window and rake the broken glass out which can serve as a distraction to the suspect. METROLEC teams routinely conduct such training exercises to prepare in the event of an actual emergency.

The Wayland Department is a member of the Metropolitan Law Enforcement Council and worked to coordinate the use of the residence, prior to its demolition, for training purposes. We are grateful to Michael Ellenbogen, home owner, who gave permission to use the house at 37 Draper Road for the important training.

Wayland Islamic center offers message of peace after receiving hateful letter

By **Nicole Fleming** GLOBE CORRESPONDENT DECEMBER 11, 2016

WAYLAND — A letter spouting anti-Muslim hate delivered earlier this month to the Islamic Center of Boston was countered with messages of peace Sunday morning as hundreds gathered outside the center waving signs and singing songs to show solidarity with a religion that many in the crowd don't practice but wanted to defend.

The anonymous letter, which Islamic Center officials reported to police on Dec. 1, called Muslims “vile and filthy people” who face a “day of reckoning . . . there's a new sheriff in town — President Donald Trump.”

On Sunday, after the crowd sang “This Land is Your Land” and “God Bless America,” Faisal Khan, director of religious affairs for the Islamic Center, addressed them. He doubled down on the center's commitment to diversity and interfaith relations, saying, “Our doors are open to all” — even, and especially, the letter's author.

Wayland Police Chief Robert Irving also addressed the letter's author in his speech.

“You may never be caught,” he said. “No one but yourself may ever know of your actions, because you carefully cower behind a cloak of anonymity.”

But, he said, the community is not cowering.

“You make us all stronger. You make us *more* united. You make us better friends and better neighbors,” said Irving as the crowd erupted in cheers.

The attendees ranged from toddlers sitting on their parents' shoulders to teenagers to the elderly, many waving colorful signs that read "DEFEND RELIGIOUS FREEDOM" and "WE STAND TOGETHER AGAINST HATE" as cars drove by, drivers honking in support.

Sara Levine of Lincoln hugged her friend, Daniel Sheff of Lexington, as they listened to the speakers. The two are part of a small Jewish community in Lexington and are here, said Sheff, because of *hineni*.

"It's a [Hebrew] term that means, 'Here I am, I'm showing up,'" said Sheff. "It has to do with our humanity, and transcends differences across perceived separations... It really welcomes all beings."

Nearby, Eliot Prisby held a sign with a quote by Mr. Rogers that read "Love + trust, in the space between what's said + what's heard can make all the difference in the world."

He too was there, he said, because of the value of showing up.

"Especially since the election, I just felt like it's a lot more important to show active support for people in your community, especially people who are being targeted with the kind of letter that these guys got," said Prisby, 31, a small-business owner from Maynard. "I think that just sitting at your computer and 'liking' stuff on Facebook isn't enough anymore."

The anonymous letter to the Islamic Center said the president-elect will "do to you . . . what Hitler did to the Jews."

Rabbi Douglas Kohn of Temple Shir Tikva in Wayland offered closing words, reading a famous poem by pastor Martin Niemöller. The poem's narrator doesn't speak up when Nazis come for the socialists, the trade unionists, and the Jews, because he is not one of them.

“Then they came for me — and there was no one left to speak for me,” said Kohn, reading the poem’s final line.

“We can change the subjects, we can change the nouns, we can change the categories and the message remains compellingly the same,” said Kohn. “... Today, we’ve come because we’re going to change the ending.”

Nicole Fleming can be reached at nicole.fleming@globe.com.

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Stay updated, right in your news feed.



Dear Brave Men + Women of the Wayland Police
Department,

Thank you from the bottom of our hearts for the
hard, selfless work that you do to keep our family
& community safe. We are so lucky to live in a
town protected by such a wonderful crew.

(Our son Luke, a kindergartner at Claypit, is begging me to
give a special shout-out to Officer Bowles who is now
his hero :)) Please enjoy a coffee on us!

Best,

**Minutes of a Meeting of the
Wayland Community Preservation Committee
August 18, 2016**

CPC Member Attendees: Gretchen Schuler, Chairman, Woody Baston, Ira Montague, Elisa Scola, John Sullivan, and Anna Meliones. These members represented a quorum of the Committee.

Other Attendees: None

The meeting was called to order at 7:04 p.m.

Public Comment: None

Meeting Minutes: Ira Montague moved to approve the February 29, 2016 minutes as written. Woody Baston seconded the motion. The motion was approved 5-0-0. Anna Meliones moved to approve the May 31, 2016 and June 6, 2016 minutes as written. John Sullivan seconded the motion. The motion was approved 6-0-0.

Fall 2016 Special Town Meeting: The attached Article for Special Town Meeting to authorize the Land Grant Program funding to purchase the conservation restriction on Mainstone Farm was considered. There were questions about paragraph d of the article. The wording and intent of the paragraph were both unclear. Woody Baston moved to submit the article with clarification of paragraph d. John Sullivan seconded the motion. The motion was approved 6-0-0.

Historical Society Program: The Historical Society will run a program in September on the architecture of the buildings on Mainstone Farm. They will also organize a treasure hunt for kids. John Sullivan moved to have the CPC co-sponsor the Historical Society's event. Ira Montague seconded the motion. The motion was approved 6-0-0.

Annual Report: Gretchen Schuler presented a draft of the CPC's 2015-2016 Annual Report. A recommendation was made to add on-going projects to the report, in particular, the Stone's Bridge Preservation Project.

CPC Funds: Gretchen Schuler informed the Committee on the status of current CPC funds. Money which had been allocated to the Recreation Committee for the Loker Project but not used for the project will return to the CPC's uncommitted fund.

Other Business:

Land Near Stone's Bridge: Gretchen Schuler informed the Committee that neighbor's abutting Stone's Bridge questioned whether they could swap some land separated from the rest of their property for Town property abutting their property. Even if the Town wanted to do so, there would be a lot of procedural steps to accomplish such a swap.

CPC Signs: Woody Baston showed the Committee pictures of CPC signs for projects in other towns. The Committee discussed the possibility of such signs for Wayland's CPC projects.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Elisa J. Scola



Town of Wayland Massachusetts

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

Finance Committee Draft Minutes
September 26, 2016
Wayland Town Building
School Committee Conference Room

Attendance: D. Watkins, G. Cliff, K. Shigley, G. Uveges, C. Martin, N. Funkhouser, J. Gorke
Others in attendance: Brian Keveny, Chris Brown, Mike Lowery, Annette Lewis

Call to Order:

The meeting was called to order by Chairman David Watkins in the School Committee conference room at the Town Building at 7:00pm. Mr. Watkins announced that the meeting was being taped by WayCam. Mr. Watkins then reviewed the agenda for the meeting.

Public comment: None

Chair updates: None

Finance Director's report:

Surveyor Request for Transfer:

Mr. Keveny distributed a Request for Transfer from the Reserve Fund from the Surveyor. Mr. Keveny indicated that the Surveyor's office is requesting a transfer of \$4,262.10. Mr. Keveny noted that he recommends that the Finance Committee approve the transfer of funds now rather than waiting until a future time. The committee discussed the request and Mr. Keveny's recommendation. Ms. Funkhouser moved to approve a transfer of \$4262.10 from the reserve fund to fund the Surveyor's request. Mr. Uveges seconded. Motion passed 7-0.

Board of Assessors FY15 excess overlay:

Mr. Keveny alerted committee members that the Board of Assessors released \$200,000 of excess overlay from FY15. Mr. Keveny noted that he would provide more information on this in November.

FY18 Budget update:

Mr. Keveny updated the committee on the status of the FY18 capital budget requests and noted that the committee will review the requests and see Ms. Balmer's recommendations at a future meeting.

Mr. Keveny briefly discussed the number of open projects on the town ledger and informed the committee that 23 of those open projects can be closed.

Review of Warrant Articles for the Nov 15, 2016 Special Town Meeting Articles

Article K: Town-wide Recreation Facilities Strategic Plan

The committee discussed Article K including the purpose, cost and funding source of the proposed article. The committee also discussed whether the proposed strategic planning exercise was duplicative of work already undertaken by the Recreation Commission or currently being done by the Wayland Real Asset Planning Committee (WRAP).

Mr. Cliff moved that the committee recommend approval of Article K: Town-wide recreation facilities strategic plan.

Ms. Funkhouser seconded.

During the discussion, Ms. Martin noted that she believes this type of request should go through the CIP process and not the article process. The committee also discussed their role in making recommendations on the articles as there are many new Finance Committee members.

Committee rejected the motion 3-4.

Article L: Middle School Feasibility Study

The committee discussed this article. Mr. Cliff noted that the article was amended since first discussed at the warrant hearing. At the warrant hearing, the Article included two items: 1) a potential field next to a future library and 2) a potential artificial turf field near where the grass fields currently are located. The revised article only contemplates a study of #2, the artificial turf field.

Mr. Cliff informed the committee that we do not have input from the schools on this Article and recommended waiting to vote on this pending their input. Ms. Martin suggested that the committee vote on this tonight and revisit it at a later date if necessary once we get input from the school committee.

Mr. Cliff moved that the committee recommend approval of article L: Middle School Feasibility study.
Mr. Watkins seconded.

Commission rejected the motion 0-6-1.

Article N: Appropriate Funds to purchase 8 Glezen Lane for Water Resource Protection

Mr. Chris Brown and Mr. Michael Lowery attended the meeting from the Board of Public Works.
Ms. Martin summarized the request for the committee: to purchase 8 Glezen Lane which is currently on the market for \$1.25M with a failed septic. This property abuts Baldwin treatment plant.

Ms. Martin, Mr. Brown and Mr. Lowery summarized Zone I and Zone II at a high level for the Committee.

Ms. Martin alerted the committee that a new state grant program has been announced for drinking water supply protection grants. The grants would cover up to 50% of purchase price with a maximum grant of \$350,000. The Board of Public Works plans to apply for this grant for this property and feels that it is a good candidate because of its location in zone I. Mr. Brown and Mr. Lowery noted that there has been no appraisal done on this property and there is no purchase and sales agreement. They also informed the Committee that when the town purchases property we can only pay the average of the last three years assessed value + 25% which would be \$886,500 in this instance.

The Committee discussed the proposal. Many members expressed concern voting on this without an appraisal and therefore an understanding of the cost to the town. The committee also noted that there may be other properties in zone I of interest in the future.

Mr. Watkins and Ms. Martin suggested holding off voting until we have an appraisal.

Mr. Brown noted that Massachusetts state law does not allow the town to spend more than the average of the previous three years assessed value + 25%.

Mr. Watkins suggested that the committee defer voting on this until the Board of Public Works has voted. Committee agreed to hold on the Article until a future meeting.

Article M: Appropriate funds to purchase 107 Old Sudbury Road for Water Resource Protection

Ms. Martin presented the proposed Article to appropriate funds to purchase 107 Old Sudbury Road for Water Resource Protection. Ms. Martin summarized that the Board of Public Works has signed a purchase and sale agreement for \$500,000. The current assessed value is \$470,000. The purchase and sale stipulates that the purchase price be approved by a Town Meeting vote prior to November 30, 2016. There is no current appraisal of the property.

Mr. Lowery explained the Zone II capture zone to the committee.

The committee discussed the proposal and Article write-up. Committee members expressed concerns that the committee lacks an appraisal and estimates for closing and clean-up costs and therefore a complete understanding of the cost to the town of this purchase. Committee members also suggested that the Board of Public Works should address their five-year priorities for property acquisition so committee members and the town have more context.

Ms. Cherry Karlson from the Board of Selectman entered the meeting at 8:53pm. Ms. Karlson updated the committee on the Board of Selectman meeting and votes.

Mr. Cliff moved that the committee recommend approval of Article M: Appropriate funds to purchase 107 Old Sudbury Road for Water Resource Protection.

Mr. Shigley seconded.

Committee approved the motion 4-2-1.

Article O: Municipal Field Irrigation Waiver By-Law Change

The committee agreed to hold on this Article because committee member did not have copies.

Article E: Authorize Land Acquisitions for Natural Diversity (LAND) Grant Program Funding to Purchase Conservation Restriction on Mainstone Farm

Mr. Watkins provided an overview of the Article noting that for the town to apply for a land grant for Mainstone Farm, town meeting needs to re-address Mainstone Farm to 1) allow the town to apply for the LAND grant 2) state the full cost of the conservation restriction and 3) to get permission from town meeting to receive the funding if it is awarded. Mr. Watkins explained that the petitioners are requesting to put the \$400,000 reimbursement in the Uncommitted Balance of Community Preservation Fund instead of using the reimbursement to pay down the Mainstone Conservation Restriction.

Committee members suggested that the article state clearly that the \$400,000 is an additional \$400,000 for the town.

Committee members discussed the use of the funds by the petitioners and decided to simplify the Article write up so it focuses only on what is needed by law.

Mr. Cliff moved to that the committee recommend approval of Article E: Authorize Land Acquisitions for Natural Diversity (LAND) Grant Program Funding to Purchase Conservation Restriction on Mainstone Farm.

Mr. Uveges seconded.

Committee approved the motion 7-0.

Article P: Amend FY2017 Capital Budget to Eliminate Funding for Stonebridge Water Access Road and Water Main

The committee reviewed a petitioner's article to eliminate funding for Stonebridge Water Access Road and water main. The petitioners state that the town can save \$900,000 by sending trucks down the High School access road. The committee discussed the petitioners' arguments.

Mr. Cliff moved that the Finance Committee recommend approval of Amend FY2017 Capital Budget to Eliminate Funding for Stonebridge Water Access Road and Water Main.

Mr. Uveges seconded.

Committee opposed the motion 0-7.

Article C: Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials

The committee discussed this article which would amend the town bylaws to allow town counsel to speak at town meeting like other non-resident town officials in Section 18 of Chapter 36. The committee discussed the pros and cons of this article.

Mr. Cliff moved that the Finance Committee recommend approval of

FinCom recommends approval of Article C: Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials.

Ms. Martin seconded.

Committee approved the motion 5-2.

Article D: Petition State Legislature to remove all police personnel from the provisions of civil service without affecting the civil service rights of incumbents

The committee discussed the article and the pros and cons.

Mr. Cliff moved that the Finance Committee recommend approval of Article D: Petition State Legislature to remove all police personnel from the provisions of civil service without affecting the civil service rights of incumbents.

Mr. Shigley seconded

Committee approved the motion 7-0.

Article F: Landscaping in Parking Areas Zoning Bylaw

The committee discussed Article F and the pros and cons. Committee members expressed concerns with the limited information from the planning board on this proposal.

Mr. Cliff moved that the Finance Committee recommend approval of Article F: Landscaping in Parking Areas Zoning Bylaw

Ms. Martin seconded.

Committee approved the motion 6-1-0.

Article G: Home Occupation Zoning Bylaw

The committee discussed the changes proposed in this article to the definition of "home occupation." The committee discussed the pros and cons and the ability of the planning board to make a determination of an acceptable home business.

Mr. Cliff moved that the Finance Committee recommend approval of Article G: Home Occupation Zoning Bylaw

Mr. Uveges seconded.

Committee rejected the motion 1-5-1.

Article H: Conservation Cluster Developments Zoning Bylaw

Committee members noted that we may not have the most up to date language for this Article. Committee members agreed to hold on this until we confirm that we have the right language.

Article I: Assisted/Independent Living and Nursing Home Zoning Bylaw

Committee members discussed this Article which would prohibit Assisted/Independent living and nursing homes from being sited in residential districts. The committee discussed needing to add more to this article and agreed to hold off on voting until the Article was further developed.

Ms. Martin discussed next steps for the committee on the warrant articles. Committee members should clean up the Articles that were voted on and send to MaryAnn, and copy Brian Keveny and Chairman Watkins. The committee reviewed formatting and other logistical issues with submitting final Article write ups.

Annual report

The Committee discussed their Annual Report which is due by Friday of this week. The committee discussed some edits to the document.

Ms. Martin moved to approve the Finance Committee Annual Report as amended in the meeting.
Ms. Funkhouser seconded.
Committee approved the motion 7-0.

Action Items List:

Chair Watkins requested that committee members review the action list and follow up with any questions or edits.

Chair Watkins reviewed the October schedule and confirmed future meetings on October 5th and October 24th.

Ms. Martin moved to adjourn.

Ms. Gorke seconded.

Committee approved the motion 7-0.

The meeting adjourned at 10:46pm.

Adjourn: At 10:40 PM Ms. Martin made a motion to adjourn, Mr. Uveges seconded. Vote: 6-0 to adjourn.

Respectfully submitted,
Jen Gorke

Attachments:

Request for Transfer from the Reserve Fund

Article K: Town-wide Recreation Facilities Strategic Plan

Article L: Middle School Feasibility Study

Article N: Appropriate Funds to purchase 8 Glezen Lane for Water Resource Protection

Article M: Appropriate Funds to Purchase 107 Old Sudbury Road for Water Resource Protection

Article E: Authorize Land Acquisitions for Natural Diversity (LAND) Grant Program Funding to Purchase Conservation Restriction on Mainstone Farm

Article P: Amend FY2017 Capital Budget to Eliminate Funding for Stonebridge Water Access Road and Water Main

Article C: Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Non-resident Town Officials

Article D: Petition State Legislature to Remove all Police Personnel from the Provisions of Civil Service without Affecting the Civil Service Rights of Incumbents

Article F: Landscaping in Parking Areas Zoning Bylaw

Article G: Home Occupation Zoning Bylaw

Article H: Conservation Cluster Development Zoning Bylaws
Article I: Assisted/Independent Living and Nursing Home Zoning Bylaw
Finance Committee Annual Report Draft
Finance Committee Action List



Town of Wayland Massachusetts

Finance Committee

G. Cliff
N. Funkhouser
J. Gorke
C. Martin (Vice Chair)
K. Shigley
G. Uveges
D. Watkins (Chair)

Finance Committee Meeting Minutes Wednesday, October 5, 2016

Attendance: C. Martin, N. Funkhouser, G. Cliff, G. Uveges, J. Gorke, D. Watkins, K. Shigley. Finance Director not in attendance.

1. Call to Order

The meeting was called to order at 7:00 PM in the small conference room on the second floor of the town building. D. Watkins announced that the meeting was being taped and briefly gave a preview of meeting agenda.

Public Comment & Committee response: None

2. Finance Director's Report: tabled to next meeting

3. Fall Special STM Article Write-ups

Article N – Purchase 8 Glezen Lane

C. Martin described additions and modifications to previous article version and a group discussion ensued about the value of the transaction and the language in the motion as it pertains to the cost to the town. M. Lowery also described what he believes the BOPW intends to spend on the property and that in the order of preference for spending his committee would likely put the land acquisitions at the top of the list.

C. Martin made a motion to defer Fincom's recommendation to STM to appropriate funds to purchase the property. G. Uveges seconded the motion and the committee voted 7-0 in favor.

Article M – Purchase 107 Old Sudbury Road

NF made a motion to reopen discussion on the article on the basis of the cost to the town. J/ Gorke seconded the motion and the motion was approved in a 7-0 vote. It was noted that the BOS had not voted on the article yet.

N. Funkhouser moved to defer Fincom making a recommendation at STM to appropriate funds for the purchase of the property. G. Cliff seconded the motion and the vote was 7-0 in favor.

Article H – Conservation Cluster

There was a discussion about the merits of the Finance Committee commenting and voting on this article based on the fact that it has no financial impact.

N. Funkhouser made a motion to defer the Finance Committee's recommendation to STM on the article. J. Gorke seconded the motion and the motion was approved at 7-0.

Article I – Assisted/Independent Living Home

G. Cliff moved to recommend approval of the article. J. Gorke seconded the motion. The motion was approved in a 7-0 vote.

Article O- Municipal Field Irrigation Waiver Bylaw Change

J. Gorke presented this article. It was noted that the BoPW voted 4-0 and the Recreation Commission voted 4-0 on this article. G. Cliff recommended approval of the article. K. Shigley seconded the motion and the motion was approved 6-1-0.

Article K - Recreation Facilities Strategic Plan

G. Cliff clarified that the Rec Revolving Fund is not a funding option as previously discussed. The funding source will be the Recreation Stabilization Fund, clarifying our previous discussion on the matter.

N. Funkhouser made a motion to reopen discussion of this article. G. Cliff seconded the motion. The vote to reopen discussion was approved 6-1-0.

G. Cliff made a motion to recommend approving the article and N/ Funkhouser seconded the motion. The vote was approved 4-2-1.

Article G – Home Occupation

K. Shigley presented this article. There was discussion about an appropriate basis for calculating trips per day. We discussed a wording change to the write-up.

4. Discussion and Possible Vote of Debt Management Policy: tabled
5. Discussion and Possible Vote of Mission Statement – J. Gorke distributed suggested draft language for our mission statement and there was discussion and consensus that it needed further vetting by members at a later date.

Discussion and Possible Vote of Finance Committee's Responsibilities – G. Cliff distributed suggested draft language for our Responsibilities List and there was discussion and consensus that it needs further vetting by members at a later date.

Discussion and Possible Vote of Town Financial Strategy – K. Shigley distributed suggested draft language there was discussion and consensus that it needs further vetting by members at a later date.

6. Issues and Actions List – Members provided updates and modifications to existing list
7. Chair and Vice Chair's Update - Discussion was held about use of dropbox software product by committee and there was no consensus. D. Watkins mentioned there may be an addition of a CIP on Rivers Edge at a later date. There was discussion about the idea to create a Master Capital project List

so that we can track CIP and money articles that involve capital planning. D. Watkins inquired about the committee's interest in analyzing peer towns in order to update them and the committee decided not to.

8. Unanticipated Topics – None

9. C. Martin moved to approve 9/12/16 minutes as amended. G. Cliff seconded the motion and it was approved in a 7-0 vote.

C. Martin moved to approve the 9/19/16 minutes. D. Watkins seconded the motion and the motion was approved 7-0.

10. At 10 pm C. Martin moved to adjourn the meeting and G. Uveges seconded the motion. The motion was approved 7-0.

Respectfully submitted,

N. Funkhouser



Town of Wayland Massachusetts

Finance Committee

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

Finance Committee

Minutes

November 15, 2016

Attendance: D. Watkins, G. Cliff, N. Funkhouser, J. Gorke, K. Shigley, and C. Martin, B. Keveny (Finance Director).

Location: Wayland High School Field House.

Call to Order: The meeting was called to order by Chair David Watkins in the Wayland High School Field House at 6:35 pm. Mr. Watkins reviewed the agenda items to be discussed, indicated the meeting was being recorded by WayCam.

Public Comment: Ms. Linda Segal inquired as to whether the operating budget contemplated funds to complete the 2004 voted will of Town Meeting, which appropriated \$30,000 to rewrite the bylaws with the help of independent legal counsel. She was concerned that the Board has submitted no funding request to complete that project.

Committee's Response to Public Comment: D. Watkins responded by indicating that the preliminary operating budget information had not been shared with the Finance Committee yet and would be forthcoming.

STM Article review, discussion and vote: The committee decided to not open discussion or re-vote any articles being presented at STM.

Goals, CIP Prioritization and five-year Program Review, Issues and Actions: D. Watkins distributed a draft of the preliminary results of the FinCom five-year plan and indicated that B. Keveny will be further refining the plan prior to the next FinCom meeting. D. Watkins distributed a draft of the FY17 Goals for review at the next FinCom meeting.

Adjourn: Ms. Marin moved to adjourn at 6:55pm. Ms. Funkhouser seconded. Vote: 6, 0, 0 to adjourn.

Respectfully Submitted,

Dave Watkins

Documents:

D. Watkins

FY17 Goals

10-24-2016 Meeting Minutes

Capital Project Budget Workbook

11-15-16

FY18 Goals:

Goal: Establish guidelines for operating budgets, capital projects, headcount.

Objective: Manage debt service policy to 10% and trend downward.

Objective: Manage operating budget increases to 2.5%.

Objective: Manage additional capital spending and resulting borrowing to not exceed \$5 million.

Objective: Minimize additional headcount.

Objective: Maintain AAA rating

Goal: Implement process and procedure for the ongoing review and oversight of municipal budgets and department operations, and reporting.

Objective: Include school budget in quarterly operating budget review.

Objective: Include as part of capital planning process a 1-year capital plan and a 5-year capital program and publish results in the warrant.

Objective: Complete and close capital budget by 12/15/2016.

Objective: Complete and close operating budget by 2/5/2016.

Objective: Follow and adhere to bylaws.

Objective: Provide method for public access and distribution of meeting information.



Town of Wayland Massachusetts

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

Finance Committee Minutes October 24, 2016

Attendance: D. Watkins, G. Cliff, N. Funkhouser, J. Gorke, G. Uveges, K. Shigley, and B. Keverny (Finance Director).

Location: Selectman's Meeting 2nd Floor Conference Room in Town Building.

Call to Order: The meeting was called to order by Chair David Watkins in the selectman's meeting room at the Town Building at 7:00 pm. Mr. Watkins reviewed the agenda items to be discussed, indicated the meeting was being recorded by WayCam.

Public Comment: Mr. Watkins reviewed an email from Bill Steinberg regarding the appropriate debt levels of the Town and the use of free and capital cash to pay for Capital Items. A discussion ensued regarding the topic.

Committee's Response to Public Comment: N/A

Report of the Finance Director: Mr. Keverny discussed the status of the FY 2016 financial report (CAFR) and that once finalized it would be presented to the Audit Committee and the Board of Selectman. He updated the committee on the DOR certification of "Free Cash" which is estimated to approximate \$4.6 to \$4.7 million and their position on the use of bond premiums from prior borrowings which, per the DOR, cannot be used to fund future capital projects but must be amortized over the life of the bond issue. Under ~~the~~ The Municipal Modernization Act effective November 2016~~new-law~~, future bond premiums can be used to fund capital items.

UniBank Presentation: Clark Rowell and Kristy Genga, representing UniBank, addressed the Committee to discuss Moody's bond rating methods and areas of concern as well as considerations that the Committee should be aware of. Topics discussed included:

- Moody's is concerned about the Town's use of free cash to fund operating expenses and the level of "unassigned cash reserves" as a % of the Town's budget. Over the last several years the amount of unrestricted cash reserves has decreased and the Town has forecasted that it will use \$1.5M of free cash in the next several years budget. UniBank recommended that we consider:

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Minutes
November 30, 2016 7:00 pm

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

Also Present: J. Senchyshyn (JS)

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

The Board moved from the Selectmen’s Conference Room to the Senior Center

Public Comment

None

Recreation Staffing Review

Rec Director J. Brodie (JB) presented her department’s request. Rec would like to create a year-round 19-hour per week, non-benefits eligible position to work after hours programs. Work hours would be mid-afternoon to early evening at various program locations. The goal is to provide program oversight and fee collection. The position would be funded through user fees in the Rec revolving fund. The cost would be spread across all programs.

J. Green (JG) arrived at 7:15 pm.

Personnel Board members inquired about supervision as the work was primarily after office hours. JB did not believe that would become an issue.

Conservation Staffing Request

Chair Sheree Greenbaum (SG) had 2 requests for FY 18. The first is to increase the hours of the Department Assistant from 29 hours per week to 35 hours per week. SG referenced the need for additional help to monitor and enforce the Stormwater By-law. There is currently insufficient enforcement.

The second request is to add a 19-hour per week, non-benefits eligible PT Assistant Conservation Administrator. SG cited the need for additional field work, oversight of the Community Gardens and the development of a new NYPDES permit in 2107. An Assistant could be instrumental in writing a new permit.

PS asked if the position requests could be delayed to provide the new Conservation Administrator a chance to become acclimated. It didn’t appear that timing would allow such a change for FY 18.

It was also noted that the department does not have as many of volunteers as used work for the Commission.

BOH Staffing Request

Public Health Director Julia Junghanns (JJ) had 2 requests for FY 18. The first is to increase the hours of the PT Sr. Clerk from 15 hours per week to 18 hours per week. The second request is to add another PT, non-benefits eligible Sr. Clerk at 17-hour per week.

JJ spoke to the number of employees in the department and the varied work which is supported by the administrative staff. Such work includes but is not limited to inspections, permits, flu clinics and public health related issues. She also mentioned new legislation, such as the marijuana law, which will affect the department. JJ compared the Health Department and their admin positions to other departments.

Members asked about the possibility of increasing fees to support the additional expense. It was noted that any fee increases would fall directly to the general fund.

Staffing Request - Police

Chief Irving (RI) and Lt. Swanick (PS) joined the meeting. PS presented the request for a new police officer. It mirrors last year's request. He presented data on call volume which is up 43%. Of the increase 197 calls are attributed to Town Center. Traffic enforcement and control was also a major initiative and challenge for the department. It is estimated that a reduction in overtime of \$6,000 would help offset the cost. RI spoke to officer safety in light of current events and the benefit of adding another officer. He also noted that the total department staffing has not been increased since the 1990s.

Fire Staffing Request

Chief Houghton (DH) and Asst. Chief McPherson (NM) presented the Fire request. They were requesting an additional Firefighter per shift or a total of 4 new personnel. DH presented statistics on calls. The Fire service has shifted to a heavily focused life support and emergency medical response organization. 3 of the 4 shifts are at the paramedic level. The 4th shift still requires 3rd party ambulance service. It was noted that \$750K was collected in ambulance revenue. NM addressed potential increases in ambulance revenue with additional paramedic service. DH spoke to the benefits that another Firefighter per shift would add. The other option available is to add a Firefighter to 2 shifts. Adding only 1 shift would not be beneficial for comparative purposes. DH noted that staffing in the department, with the exception of the Asst. Chief, is at the same level as the 1970s.

Town Administrator Comments on Staffing Requests

Town Administrator Nan Balmer (NB) addressed the staffing requests. She said she was working on the budget with the Finance Director. NB expressed concern at the level of free cash being used to balance budgets annually. Moody's rating agency raised a red flag on this practice last year. NB also recommended that the Town stop borrowing for small purchases. In order to accomplish these recommendations, she suggests that no new positions be added in FY18.

Staffing Requests - Board Discussion

Members acknowledged that the requests all had merit. The Board considered prioritizing the requests. JS stated that it would be difficult to prioritize public safety and non-public safety needs in one list. Members were appreciative of the increased burden on public safety, particularly in light of the long-standing staffing levels. JS noted that while public safety is important, the additional 6 administrative hours requested by Conservation and the additional 3 administrative hours requested by the Health Department were equally as important to their operations. Some members questioned the added value of the Rec position, particularly since a position was added to Rec last year, but if the funding came out of the revolving account, then the cost was being distributed amongst program participants. NB indicated that a Board recommendation by early January would meet the budget schedule. The Board decided to resume its discussion at its December meeting.

Starting Wage Rate for the PT Department Assistant-Conservation

JS reviewed the hiring and resume of the new PT Conservation Department Assistant, Nicole Thomson. He asked the Board to approve a starting wage rate of C14, Step 3 in the amount of \$22.38/hour.

MJ moved to approve the starting wage rate for PT Conservation Department Assistant, Nicole Thomson at C14, Step 3 in the amount of \$22.38/hour. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Starting Wage Rate for the Conservation Administrator

JS reviewed the hiring and resume of the new Conservation Administrator, Linda Hansen. He asked the Board to approve a starting wage rate of G8, Step 7 in the amount of \$78,694 based on the candidate's experience.

MJ moved to approve the starting wage rate for Conservation Administrator, Linda Hansen at G8, Step 7 in the amount of \$78,694. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

Review of DPW Director Position

JS noted that it has been difficult to fill the DPW Director position. One of the reasons the previous candidate declined was wages. A new candidate has been identified who appears to fit Wayland's needs very well. Unfortunately, this candidate is already earning more as a DPW Director in a comparable town. A current Mass Municipal Personnel Association salary comparison was reviewed.

JS asked the Board's consideration for adjusting the DPW Director's grade from an N12 to an N13 and considering a top step recruitment. JS noted the candidate does not want to go public with a BOPW's interview unless there is a strong likelihood of maintaining salary. JS stated that he has done some background work on references and the feedback has been very good.

JS also noted that conversations are beginning between the WWMD and the BOPW to move some operational oversight for wastewater to DPW. The candidate being considered has this experience. However, any such change is early in the planning stages and amendments to the job description would be premature at this time.

The Board discussed the request. With a recommendation following a BOPW interview and presentation of a resume for the candidate, the Board was open to the request. The matter would come back to the Board at the December meeting.

Review of IT Business Analyst Job Description

Last year's IT study recommended the creation of a new position in the IT department, a Business Systems Analyst. The position was presented to the FinCom during the FY 17 budget process and funded for the current year at \$80,000. A draft job description is enclosed for review. The duties were developed in conjunction with the IT Director. There is pressing need at this time to fill the position.

In light of changes that are expected with IT staffing, JS asked the Board to consider placing the position with the AFSCME bargaining unit at a G8 grade. JS stated that IT Director recommended the compensation level given the IT marketplace.

MP moved to approve the IT Business Systems Analyst position and offer the position to AFSCME as a grade G-8 or otherwise as a Non-union position at a comparable compensation. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.

Review of the 10/19/16 Minutes

The draft minutes were amended as follows:

... capacity for in numerous departments for the ...

MJ moved to approve the minutes of 10/19/16 as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance

JG asked if there was an update on the vacant HR Assistant position. JS stated that he was scheduling interviews to begin the following week.

Next Meeting

A date was not established for the December meeting.

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



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

November 30, 2016

Document:

FY 18 Staffing Requests

Resume - Hanson

Resume - Thomson

DPW Director Wages and Comparisons

Draft Business Systems Analyst Job Description

2016-10-19 Draft Minutes

OT Advisory - Jones



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TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

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

Minutes

September 8, 2015

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

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

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

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

Public: No comment.

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

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

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

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

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

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

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

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

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

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

Public: No comment.

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

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

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

January 12, 2016
Date Minutes Approved

Norma Badger
Prepared by: Norma Badger

16

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Thursday, January 05, 2017 9:56 AM
To: DiNapoli, MaryAnn
Subject: FW: Emailing: Clean Energy Update December 2016.htm

correspondence

From: Mary Antes [mailto:mantes2@verizon.net]
Sent: Thursday, January 05, 2017 9:50 AM
To: Karlson, Cherry; Balmer, Nan; wayland@wickedlocal.com
Subject: Emailing: Clean Energy Update December 2016.htm



Dear ,

The Clean Energy Team wishes you a Happy Holiday season and a prosperous and clean-energy filled New Year!

We'd also like to congratulate the Town of Wayland for completing four solar energy system projects located at the Town's High School, Middle School, Town Building and DPW Building. This project was developed by Ameresco, after the Town's participation in MAPC's regional procurement program.

On December 2, the Town held a dedication for the new solar projects, which comprise of a total of 4,214 PV panels totaling 1,289 kW, and should generate over 1.5 million kWh of renewable electricity each year. The panels are expected to offset roughly 25% of the municipality's electric needs and generate a financial savings of over \$100,000/year.



MAPC and the Town of Wayland are also recipients of DOER's Community Clean Energy Resiliency Initiative (CCERI) grant program, which will enable the Town to add resiliency features that give islanding capabilities to the solar canopy at the Middle School.

If you're interested in learning more about any of MAPC's clean energy or climate programs, please [contact us](#).

In this month's issue:

MONTHLY ENERGY QUIZ!

Dept. Highlight! MassEnergy Presents MAPC with an Energy Leadership Award

Gov. Baker Announces \$11.4 Million for LED Streetlights; MAPC Selected to Administer

MassCEC Offers Solar PV + Storage Assessments for Manufacturers: survey responses due Dec 23

MA DOER Requests Input on Clean Energy Procurement: comments due Dec 28

MA DEP Holds Public Hearings on GWSA Regulations: comments due Feb 24

DOER Green Communities 2017 Competitive Grant Program: apply by Mar 3

DOER Opens Community Clean Energy Resiliency Initiative Grants for Hospitals: apply by Mar 17

U.S. DOE Launches SunShot Prize - Solar in Your Community Challenge: apply by Mar 17

Gov. Baker Announces 12 Million for Electric Vehicle Rebates

ENERGY QUIZ

This summer, An Act to promote energy diversity mandated that Massachusetts source 1600 MW of offshore wind energy by 2027. A partnership was recently announced that will support the development of the first utility-scale offshore wind project in Massachusetts.

Who are the two parties involved in the recently announced partnership?

MAKE A GUESS

Dept. Highlight! MassEnergy Presents MAPC with an Energy Leadership Award

This December, MassEnergy recognized MAPC at their 34th Annual Meeting with an Energy Leadership Award for the Clean Energy Department's work on green municipal aggregation and commitment to local clean energy action. The Home Energy Efficiency Team (HEET), the Town of Amherst, and the Boston Nature Center were also recipients of Energy Leadership Awards.



Over the last two years, MAPC has promoted the use of municipal aggregation to help build new renewable generation, in addition to achieving competitive prices and price stability. The key to this strategy is including at least 5% more MA Class I renewable energy in the aggregation's default rate than required by state law. The percentage and source were chosen because of evidence showing that such purchases are much more likely than other sources to lead to the development of new renewables in New England.

Thankfully, the strategy is gaining traction! In 2017, Melrose and Dedham will enter their second year of the program with 5% extra MA Class I, and another 11 municipalities are slated to begin programs: Acton, Arlington, Brookline, Cambridge, Gloucester, Hamilton, Lexington, Millis, Somerville, Sudbury and Winchester.

Gov. Baker Announces \$11.4 Million for LED Streetlights; MAPC

Selected to Administer

Earlier this month, the **Baker-Polito Administration** announced \$11.4 million in grant funding opportunities to help cities and towns across Massachusetts convert traditional streetlights to LED technology through the **Department of Energy Resources'** (DOER) [Rapid LED Streetlight Conversion Program](#). DOER has selected MAPC to assist in administering the grant funding to municipalities served by investor-owned utilities. For communities served by a municipal light plants, DOER selected **Massachusetts Municipal Wholesale Electric Company (MMWEC)** **Energy New England (ENE)**, and four Municipal Light Plants (MLP) to participate.



MAPC expects the program to officially launch early in 2017, at which point MAPC will provide detailed information about how to participate. Over the past few years, MAPC has assisted over 25 communities in retrofitting their streetlights to LEDs - saving cities and town's money and energy. The Clean Energy Department is excited about this partnership and looks forward to continuing to provide guidance to municipalities throughout the retrofit process.

MassCEC Offers Solar PV + Storage Assessments for Manufacturers: survey responses due Dec 23

The **Massachusetts Clean Energy Center** (MassCEC) is offering up to 50 free assessments for manufacturing facilities in Massachusetts as part of its new Solar Plus Storage Program. MassCEC is inviting Massachusetts manufacturers to participate in [this brief on-line survey](#) to express their interest in receiving a free assessment, which will evaluate the financial benefits available to manufacturers who are considering installing energy storage systems or solar photovoltaic systems combined with energy storage technology. Survey responses are due on **Friday, December 23, 2016**. If you have any questions about this opportunity please contact [Karen Kao](#).

MA DOER Requests Input on Clean Energy Procurement: comments due Dec 28

The **Massachusetts Electric Distribution Companies** (EDCs) distributed a document, link provided below, on behalf of the EDCs, the **Department of Energy Resources** (DOER), and the **Attorney General's Office** (AGO). The document solicits and focuses stakeholder comment on key areas of the request for proposals (RFP) for the competitive solicitation of bids to enter into cost-effective long-term contracts for clean energy generation pursuant to Section 83D of Chapter 169 of the Acts of 2008, as amended by Chapter 188 of the Acts of 2016, An Act to Promote Energy Diversity.

All interested stakeholders should submit their responses to the questions as written comments to marfp83d@gmail.com by **12PM on Wednesday, December 28, 2016**. All submissions will be posted to the EDCs' clean energy procurement website, macleanenergy.com, currently under construction.

MA DEP Holds Global Warming Solutions Act Regulations Public Hearings: comments due Feb 24

On December 16, **MA Department of Environmental Protection** (DEP) issued [draft regulations](#) pursuant to Section 3(d) of the Global Warming Solutions Act. These regulations address emissions from gas insulated switch gear, the natural gas distribution system, electricity generating facilities, and the transportation sector and state fleet. MA DEP also proposed a clean energy standard to regulate emissions from the retail electricity sellers.

A formal comment period on MassDEP's proposed regulations continues through **February 24, 2017**. The public notice with locations and times of public hearings can be found [here](#). Oral comments may be presented at the public hearings. Written comments may be submitted in the following three ways:

- through [this link](#),
- by e-mail to climate.strategies@state.ma.us, or
- by mail to Jordan Garfinkle, MassDEP, 7th Floor, One Winter Street, Boston, MA 02108.

DOER Green Communities 2017 Competitive Grant Program: apply by Mar 3

The Green Communities 2017 competitive grant application will soon be on COMMBUYS. Stay tuned for the application announcement in early 2017. To help with planning, please make note of the following deadlines. To be eligible, Green Communities must have:

- expended all prior Green Communities designation and competitive grant funds;
- submitted their final grant report and satisfied all outstanding questions no later than **5PM February 17, 2017**; and
- submitted their FY 2016 Annual Report and satisfied all outstanding questions no later than **5PM February 17, 2017**.

Applications must be submitted by online by **5PM on March 3, 2017**.

DOER Opens Community Clean Energy Resiliency Initiative Grants for Hospitals: apply by Mar 17

This month, **DOER** posted a Program Opportunity Notice for the third round of funding as a part of the [Community Clean Energy Resilience Initiative](#). The Community Clean Energy Resiliency Initiative is a \$40 million program focused on municipal resilience that uses clean energy technology solutions to protect communities from interruptions in energy services due to severe climate events made worse by the effects of climate change.

This round, funding will be made available for project implementation of resiliency capabilities added to clean energy technologies at hospitals for resiliency, specifically the design, procurement, installation and commissioning of eligible technology systems. The funding will

only cover the resiliency components (e.g. energy storage, switch gear, transfer switch, load controls, etc.) of the clean energy system, and as such will not cover funding of the generation technology (e.g. combined heat and power (CHP), solar, wind, etc.). Interested parties should apply by **March 17, 2017** - any questions on the application are due by **December 23, 2016** (this Friday). Learn more about how to apply [here](#).

U.S. DOE Launches SunShot Prize - Solar in Your Community Challenge: apply by Mar 17

The **Department of Energy** (DOE) launched their newest competition as a part of the [SunShot Initiative](#). The goal of the SunShot Initiative is to make solar more accessible and inclusive for every single American. The Solar in Your Community Challenge was informed by the DOE's work with the National Community Solar Partnership and aims to spur the development of new and innovative financial and business models that serve non-rooftop solar users and low and moderate-income communities.



Offering \$5 million in cash prizes and technical assistance over 18 months, the Challenge supports teams across the country to develop projects or programs that expand solar access to underserved groups, while proving that these business models can be widely replicated and adopted by similar groups. Early applications are due **January 6, 2017**, and all other applications are due **March 17, 2017**. To learn more about how to apply go [here](#).

Gov. Baker Announces 12 Million for Electric Vehicle Rebates

Earlier this month, the **Baker-Polito Administration** announced [\\$12 million investment](#) into the [MOR-EV Program](#), the Commonwealth's electric vehicle rebate program administered by the **Center for Sustainable Energy** on behalf of the **Department of Energy Resources (DOER)**. Consumers can qualify for rebates ranging from \$750-\$2,500 on the purchase or lease of more than 25 qualifying new electric vehicles, including battery electric, plug-in hybrid electric and fuel cell electric vehicles.

To date, over \$6 million have been issued in rebates for 2,931 vehicles in the state of Massachusetts. The Baker-Polito Administration's continued commitment to the MOR-EV program is a nod to the importance of reducing the Commonwealth's emissions from the transportation sector. The MOR-EV program is also one of the state's strategies for achieving the Zero Emission Vehicle target of having 300,000 zero emission vehicles on the road by 2025. In 2014, there were over 90,000 registered zero emission vehicles throughout the state, which is a significant increase from approximately 39,000 in 2009, but there is still much work to be done.

Metropolitan Area Planning Council | 60 Temple Place | Boston, MA 02111

www.mapc.org

Connect with MAPC on our social sites:





One NSTAR Way, SE-370
Westwood, MA 02090

17

William Hayes
Senior Arborist
Electric Transmission
Vegetation Management

December 15, 2016

45 Day Yearly Operational Plan Public Notice, Review and Comment Period

Dear Municipal Officials:

In compliance with 333 CMR 11.06, *45 Day Yearly Operational Plan Public Notice, Review and Comment*, please review Eversource Energy, Eastern MA's 2017 Yearly Operational Plan.

Posted at the listed website, Eversource Energy, Eastern MA's *Yearly Operational Plan (YOP)* details specific information pertaining to the intended 2017 program:

<http://www.kenersongroup.com/yop/2017/EversourceEast>

Please review the enclosed maps that locate the rights-of-way and the location of known *sensitive areas*. If there are any additional *sensitive areas* located on or near the right-of-way, please advise us as soon as possible, so we may establish permanent records and implement appropriate field protective actions. We particularly rely on this process to collect corrections to the public wells and to record the locations of private wells. The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website. If you would like a hard copy of the YOP please contact us with this request.

Also please review the enclosed copy of the Environmental Monitor Notice, published under the Massachusetts Environmental Policy Act (MEPA) also located at:

www.env.state.ma.us/mepa/emonitor.aspx

Enclosures: 21 Day Letter
Environmental Monitor Notice
2017 Yearly Operational Plan Maps

Notice Sent to: Chief Elected Municipal Official
Board of Health
Conservation Commission
Municipal Water Supplier
Massachusetts Pesticide Bureau

RECEIVED

JAN - 3 2017

Board of Selectmen
Town of Wayland



One NSTAR Way, SE-370
Westwood, MA 02090

William Hayes
Senior Arborist
Electric Transmission
Vegetation Management

Certified mail-return receipt requested

December 15, 2016

Dear Municipal Official:

This letter is to inform you that Eversource Energy, Eastern MA intends to selectively apply herbicides in 2017 along the power line rights-of-way that pass through your municipality. This treatment is conducted as a component of an integrated vegetation management program that uses the appropriate mechanical and/or herbicides treatments to control vegetation in order to encourage the growth of healthy early successional ecological communities that benefit wildlife while allowing for the safe delivery of electricity to our customers.

Eversource Energy, Eastern MA's 2013-2017 *Five-year Vegetation Management Plan* (VMP) is posted at the following website:

www.kenersongroup.com/yop/2017/EversourceEast

If you would like a hard copy please contact us with this request.

Eversource Energy, Eastern MA's 2017 *Yearly Operational Plan* (YOP) is also posted at the above website. If you would like a hard copy please contact us with this request.

Please note that the YOP also includes the rights-of-way (ROW) from the 2016 treatment program. This is just in case Eversource Energy, Eastern MA needs to request a "touch-up" retreatment of scattered locations from its contractor(s). For some municipalities, these "touch-up" ROW's are the only ones that are located within your boundaries; please note the difference on page 4 in the YOP.

Please review the YOP map(s) that locate the ROW corridors and the plotted location of known sensitive areas including public and private drinking water supplies. **If there are any additional sensitive areas located on or near the ROWs please advise us as soon as possible so a permanent record can be established and appropriate field protective actions implemented. We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.** The enclosed maps will be updated with any new information that is received by Eversource Energy, Eastern MA and posted at the above website.

The herbicides are listed in Section VII of the YOP and will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the ROWs using backpack equipment.

The foliage treatments will take place between March 1st and October 16th along with cut surface treatments (CST). Fall CST, basal treatments or sensitive foliar treatments may be necessary and are scheduled between October 2nd and December 31st in areas along the ROWs that might not have received a foliage treatment or to trees over 12 feet tall. The exact time is dependent upon weather conditions and field crew progress.

In compliance with 333 CMR 11.06-11.07, No herbicide applications will occur before the conclusion of the 45 day YOP review period, the 21 day treatment notice and the 48 hour newspaper

notice. At the end of these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

All of the herbicides selected for this program are registered by the Federal Environmental Protection Agency, the Massachusetts Pesticide Board, and are recommended for use in and around sensitive areas jointly by the Massachusetts Pesticide Bureau and Massachusetts Department of Environmental Protection (please refer to the YOP for specifics).

The work will be performed by one of the following companies:

Vegetation Control Service, Inc.
2342 Main Street
Athol, MA 01331
(978) 249-5348

Lewis Tree Service, Inc.
300 Lucius Gordon Drive
West Henrietta, NY 14586
(585) 436-3208

Lucas Tree
636 Riverside St.
Portland, ME 04104
(888) 845-7870

Tree Tech
6 Springbrook Rd.
Foxboro, MA 02035
(888) 873-3832

Stanley Tree Service, Inc.
662 Great Rd
North Smithfield, RI 02896-6864
(866) 765-4783

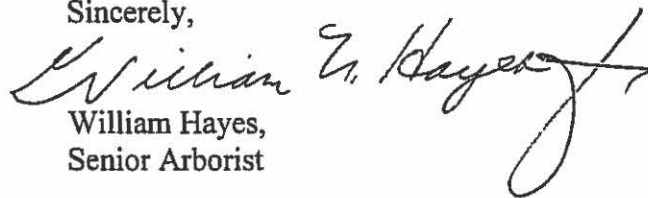
This informational 21-day notification is in compliance with Chapter 132B, section 6B of the Massachusetts General Laws and 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000.

For inquires concerning the safety of the herbicides please contact:

Director of Rights of Way Program
Department of Food and Agriculture
251 Causeway Street, Suite 500
Boston, MA 02114-2151

If there are any questions or comments relative to technical questions about the treatment program, you would like a hard copy of the VMP or YOP, or have any questions about Eversource Energy, Eastern MA and its electrical rights-of-way system please contact William Hayes (781) 441-3932 for transmission lines and Paul Sellers (508) 957-4517 for distribution lines.

Sincerely,



William Hayes,
Senior Arborist

Enc: Environmental Monitor Notice
2017 Yearly Operational Plan Maps
45 Day YOP Public Notice and Review and Comment Period Document

cc: Board of Health
Board of Selectmen
Conservation Commission
Municipal Water Supplier
Massachusetts Pesticide Bureau

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

Notice

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way (ROW), a five year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Department of Agricultural Resources (DAR). Eversource Energy, Eastern MA has submitted and holds a current VMP, therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

The Kenerson Group (TKG) of Athol, Massachusetts submitted a YOP to DAR for Eversource Energy, Eastern MA in December 2016.

In 2017 Eversource Energy, Eastern MA will conduct an Integrated Vegetation Management (IVM) program on their transmission and distribution lines. The intended vegetation control program will be consistent with Eversource Energy, Eastern MA's VMP (approved by DAR in 2013). In accordance with the guidelines set forth in Eversource Energy, Eastern MA's VMP and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment for the IVM program.

Eversource Energy, Eastern MA's YOP identifies the following 41 municipalities as locations where they intend to use herbicides to treat their electric Rights-of-Way in 2017:

Abington	Dedham	Hanson	Medway	Sharon
Acushnet	Dover	Holbrook	Middleborough	Sherborn
Ashland	Duxbury	Holliston	Natick	Sudbury
Boston	East Bridgewater	Kingston	Needham	Waltham
Brockton	Fairhaven	Lexington	Pembroke	Wareham
Burlington	Framingham	Marion	Plymouth	Wayland
Canton	Freetown	Marshfield	Plympton	Whitman
Carver	Halifax	Mattapoissett	Rochester	Woburn
Dartmouth				

Eversource Energy, Eastern MA will only use herbicides recommended by DAR for use in regulated sensitive areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive area" instead mechanical only methods will be used to control vegetation.

Public notification, by certified mail, will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06 (2), Eversource Energy, Eastern MA's YOP includes the identification of target vegetation; methods of identifying, marking and protecting regulated sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures, a list of the application companies and YOP supervisor; procedures for handling, mixing and loading herbicides;

emergency resources including local, state and federal emergency telephone numbers; maps of the ROWs which included regulated sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

The DAR seeks to verify the location of regulated Sensitive Areas defined in Section 11.02 reported in the YOP. DAR itself has a limited ability to survey the geography, land use and water supplies in all the communities through which ROWs pass. Municipalities have most of this information readily available, and the particular knowledge with which to better certify the regulated Sensitive Areas in their communities. DAR, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

DAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), and the Head of Government (Mayor, City Manager, Chair of the Board of Selectman) of each municipality where herbicides are to be applied during the 2017 calendar year; and if applicable to the Natural Heritage Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife, the Massachusetts Water Resource Authority and the Massachusetts Department of Conservation and Recreation. Municipal agencies and officials will have forty-five days, following receipt of the YOP, to review its map for inaccuracies and omissions in the location of "regulated sensitive areas not readily identifiable in the field."

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality qualified to certify the accuracy of the regulated sensitive areas indicated on the maps. The maps should then be "corrected" and returned to the applicant and a copy should be sent to DAR at the address listed below within the forty-five day review period.

If a city or town needs more time to carry out this review, it should send a written request for an extension to DAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make all corrections and the corrected maps will be sent back to the city/town that requested the disputed changes within fifteen days of receipt of the request. DAR will decide whether or not the YOP should be approved without the requested changes. DAR will consider the "final approval" of a YOP individually for each municipality.

The twenty-one day public review period of the Municipal ROW Notification Letter may serve concurrently with the forty-five day YOP review period in order to provide public notifications as required by 333 CMR 11.07, if the applicant has an approved VMP and if all the requisite city-town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by DAR.

A failure by the city/town to respond to the applicant's submission of the YOP within the forty-five day period will be automatically considered by DAR to indicate agreement by the municipal officials with the regulated Sensitive Area demarcations provided by the applicant in their YOP.

Any questions or comments on the information provided in this *Notice* and the procedures established for the municipal review outlined above should be addressed to:

Clayton Edwards
Director of Rights-of-Way Programs
Massachusetts State Pesticide Bureau
251 Causeway Street, Suite 500
Boston, MA 02114-2151

Any questions or comments regarding the YOP should be addressed to:

William Hayes, Senior Transmission Arborist
Eversource Energy, Eastern MA
Vegetation Management
One NSTAR Way, SE-370
Westwood, MA 02090-9230
781-441-3837 (office)

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS ON February 6, 2017.

RECEIVED

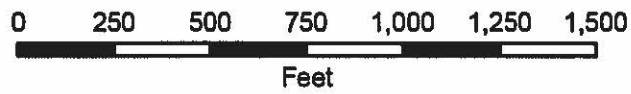
JAN - 3 2017

Board of Selectmen
Town of Wayland

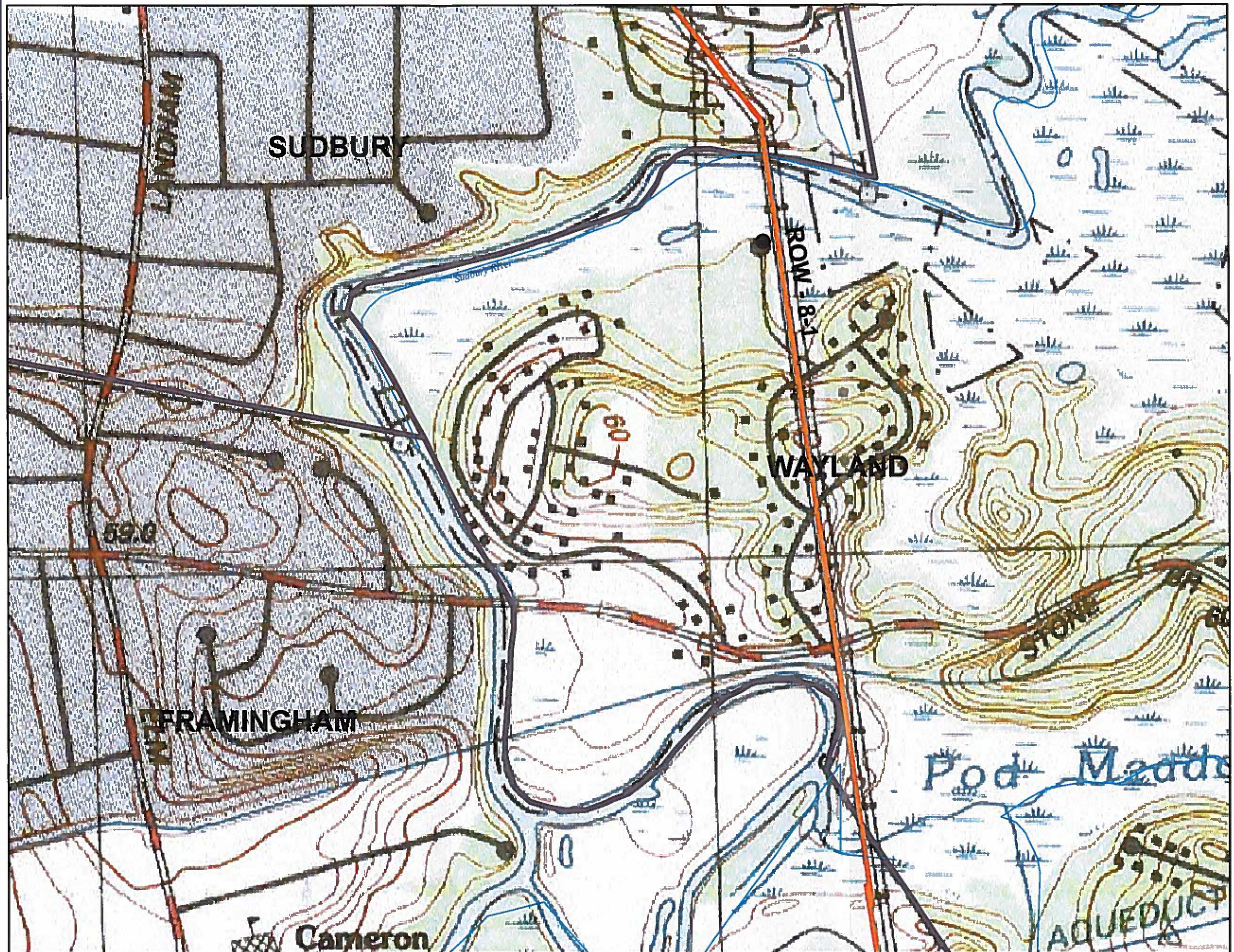
Eversource Energy
 Eastern MA
 2017 Yearly
 Operational Plan
WAYLAND
 Right of Way 8-1



1:6,000



- 2017 Eversource Energy Electric Rights-of-Way
- 2016 Eversource Energy Touchup Rights-of-Way
- ▲ Emergency Surface Water Well
- Ground Water Well
- Non-Transient, Non-Community Well
- + Proposed Well
- Surface Water Well
- ★ Transient, Non-Community Well
- * NHESP Certified Vernal Pools
- Private Well
- Perennial Rivers and Streams
- - - Intermittent Rivers and Streams
- ▭ Mass Town Lines
- ▨ Mass Zone A (Identifies surface waterbodies, tributaries and associated waterbodies, follow Sensitive Area treatment methods per 333 CMR 11.04)



Source: "Office of Geographic and Environmental Information (Mass GIS), Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs".
 Public Water Supply data provided by MA DEP Drinking Water Program, October 2018 DEP Public Water Supplies



U.S. Department of Transportation
Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004



18

December 16, 2016

Town of Wayland
Cherry Karlson
Board of Selectmen Chair
Office of the Board of Selectmen
41 Cochituate Rd.
Wayland, MA 01778

RECEIVED

DEC 22 2016

**Board of Selectmen
Town of Wayland**

Re: NEC FUTURE Tier 1 Final Environmental Impact Statement

Dear Board of Selectmen Chair Karlson:

The Federal Railroad Administration (FRA) is pleased to announce the release of the Tier 1 Final Environmental Impact Statement (Tier 1 Final EIS) for NEC FUTURE, the FRA's comprehensive plan for improvements to the Northeast Corridor rail line from Washington, D.C., to Boston. The Tier 1 Final EIS is the next step in the NEPA process that will inform the FRA's selection of an alternative in the Record of Decision (ROD). Thank you for your involvement in reaching this milestone.

The Tier 1 Final EIS identifies and analyzes a Preferred Alternative for NEC FUTURE. The Preferred Alternative reflects the Tier 1 Draft EIS findings, public and stakeholder comments, and U.S. Department of Transportation policy. The Tier 1 Final EIS also includes responses to comments received during the public comment period (November 13, 2015 – February 16, 2016) and a revised Tier 1 Draft EIS based on comments received.

The NEC FUTURE Tier 1 Final EIS, including the Programmatic Agreement (under Section 106 of the National Historic Preservation Act) and associated documents, is available at www.necfuture.com. Information regarding the decision-making process, waiting period and how to provide feedback can also be found on the NEC FUTURE website.

I look forward to our continued coordination as the process moves forward. If you would like to receive a hard copy or a USB drive of the documents or if you have any questions, please feel free to contact me at info@necfuture.com.

Sincerely

Rebecca Reyes-Alicea
NEC FUTURE Program Manager, Northeast Corridor Joint Program Advisor