

PACKET

JAN 17

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

Tuesday, January 17, 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 |
| 7:10 pm | 3.) | Interviews and Potential Vote to Appoint to Boards and Committees <ol style="list-style-type: none">1. Community Preservation Committee<ul style="list-style-type: none">• Susan Green2. Historic District Commission<ul style="list-style-type: none">• Seema Mysore |
| 7:40 pm | 4.) | Collins Center Report: Review Report and Discuss Next Projects Under Community Compact Grant |
| 8:20 pm | 5.) | Rivers Edge - Considerations Prior to Issuance of Notice of Award: <ul style="list-style-type: none">• DPW Plans for Laydown Area and Budget Impact• School Department Plans for School Bus Parking• Review Economic Impact Analysis• Rents for Comparable Projects |
| 9:20 pm | 6.) | FY18 Budget: <ul style="list-style-type: none">• Vote Position on New Personnel and Capital Projects for Departments Under the Board of Selectmen• Received Town Administrator's Recommendation on All Town Expense Budgets |
| 9:40 pm | 7.) | Review and Vote to Assign Annual Town Meeting Articles |
| 9:50 pm | 8.) | Report of the Town Administrator |
| 10:00 pm | 9.) | Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 10:05 pm | 10.) | Review Correspondence (See Separate Index Sheet) |
| 10:15 pm | 11.) | Selectmen's Reports and Concerns |
| 10:25 pm | 12.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 10:30 pm | 13.) | Adjourn |

DATE: JANUARY 13, 2017

TO: BOARD OF SELECTMEN

RE: APPOINTMENT TO HISTORIC DISTRICT COMMISSION
APPOINTMENT TO COMMUNITY PRESERVATION COMMITTEE

Seema Mysore has expressed an interest in serving on the Historic District Commission as a full member for the term to expire on June 30, 2019. Her letter of interest and résumé is attached.

Susan Green has expressed an interest in serving on the Community Preservation Committee as a full member for the term to expire on June 30, 2019. Her letter of interest and résumé is attached.

VOTE: TO APPOINT SEEMA MYSORE TO THE HISTORIC DISTRICT COMMISSION, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2019.

VOTE: TO APPOINT SUSAN GREEN TO THE COMMUNITY PRESERVATION COMMITTEE, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2019.

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, January 09, 2017 11:39 AM
To: Susan Green
Cc: DiNapoli, MaryAnn; Karlson, Cherry
Subject: RE: Community Preservation Committee

Susan

Thank you for volunteering. I will pass your e-mail on to the Chair of the Selectmen and to Executive Assistant Mary Ann DiNapoli for next steps.

Thanks

Nan

From: Susan Green [<mailto:susanegreen3@gmail.com>]
Sent: Sunday, January 08, 2017 2:31 PM
To: Balmer, Nan
Subject: Community Preservation Committee

Dear Nan,

I am writing to request to be considered for the open Board of Selectman position on the Community Preservation Committee.

I have witnessed the good works of the Committee at town meeting over the years and have great respect for Gretchen Schuler and the Committee. I attended the December CPC meeting and I think I would be able to contribute a unique perspective. My first career was working for U.S. EPA and then the Commonwealth of MA in environmental protection. I am familiar with a wide range of environmental programs having worked in the field for over 25 years. Recently, I have been working in program evaluation, or outcome measurement, primarily in social service. That experience allows me to sit back and ask overarching questions about the purpose and results of programs and projects, and to figure out how to measure the outcomes and impact from the programs.

Lastly, I think being involved with the CPC would be an excellent opportunity to give back to the town I've lived in now for almost 20 years.

Thank you for your consideration. I would be happy to answer any questions. My mobile phone is 617 633 0541.

All best,

Susan Green
3 Priscilla Path
Wayland

SUSAN E GREEN

3 Priscilla Path | Wayland, MA 01778 | 617 633 0541 (m)
susan@outcomemeasurementsystems.com

EDUCATION

- Professional Certificate in Program Evaluation, Tufts University, February 2010.
- M.S. Health Policy and Management, Environmental Track, Harvard School of Public Health, 1984.
- A.B. Biology and Economics, Bowdoin College, 1980.
- Courses in Health Promotion, Harvard School of Public Health and U. Washington, Seattle; and Adult Education, U. of Massachusetts, Boston, 1993 – 1996.

SKILLS PROFILE

- Experienced communicator and coordinator. Likes working with people individually or in groups. Has managed projects in multiple locations and facilitated work groups from germ of idea to completion.
- Strong project and program management experience. Proven ability to meet deadlines and budget.
- Excellent analytic skills including data analysis using Excel and SPSS, and understanding strengths and challenges of program implementation.
- Skilled writer including evaluation reports, project and research reports, and grant writing and reporting.

EVALUATION EXPERIENCE HIGHLIGHTS

- **Strategic Planning** – Wrote organization’s first Strategic Plan for Outcome Measurement to compliment organization’s Strategic plan. Convened work group, facilitated meetings, solicited ideas and feedback, and created final strategic plan.
- **Data Collection and Analysis** – Created and advised on the selection of appropriate outcome metrics for reporting to funders and metrics for feedback to organization for program improvement, Designed data collection instruments, and conducted data analysis including tests for statistical significance.
- **Survey Development** – Wrote and tested new surveys and revised existing surveys in satisfaction, knowledge acquisition, behavior and attitudes.
- **Presentation of Evaluation Outcomes**
 - Developed first report combining outcome metrics and mental health data using a compact, graphically-focused approach. To create report, worked closely and collaboratively with organization’s Outcomes Manager in the year-long effort.
 - Wrote reports suited to different audiences on program outcomes employing graphics, charts and language that could be read and understood easily.
 - Created report templates for staff to quickly turn raw data into reports for funders and thereby increase organizational capacity in evaluation.
- **Research Study Coordination** – Recruited study participants, wrote evaluation report on Educational TV Home Viewing Study for Middle Schoolers.

RECENT EMPLOYMENT HISTORY

Principal, Outcome Measurement Systems, Evaluation and Outcome Measurement Support for Social Service Non-Profits, Wayland, MA, June 2010 – ongoing. (www.outcomemeasurementsystems.com)

Partial Client List: Family Nurturing Center of Massachusetts, Massachusetts Alliance of Boys and Girls Clubs, Advocates Inc., Center for a Commercial Free Childhood, Crittenton Women’s Union, MetroWest Free Medical Clinic

Evaluation Research Associate, Concord Evaluation Group, January - June 2011.

Senior Environmental Analyst, Northeast States for Coordinated Air Use Management, air toxics in schools and environmental justice projects, Boston, MA, Dec. 1998 – May 2004.

Project Manager, Northeast Waste Management Officials' Association, including outreach to auto repair sector, Boston, MA, April 1996 – March 2000.

Environmental Analyst IV, MA Department of Environmental Protection. Toxics Use Reduction and Hazardous Waste Programs, Boston, MA, October 1988 – December 1995.

SELECTED ACTIVITIES

Volunteer, Wayland Board of Health, Analysis of Septic Pumping Records for Discharge into Dudley Pond to understand the potential impacts on invasive weeds. Developing outreach strategy to limit contamination of pond.

Member, Wayland Cares Sustainability Committee, a Substance Abuse Prevention coalition, appointed by the Wayland, MA Selectmen, 2013.

Member, Wayland Cares, a Substance Abuse Prevention coalition, 2011 – 2015.

Volunteer Coordinator, "Just Like Me" program, which teaches children about people with disabilities, Wayland, MA, 2009 – 2012.

December 12th, 2016

Board of Selectmen
Wayland, MA 01778

Dear Sir or Madam:

I would like you to consider me for the open volunteer position on the Historic District commission in Wayland MA.

I have a degree in Architecture which gives me a great appreciation for the architecture and preservations of historical buildings and would consider it great honor to volunteer my time on the committee.

Thank you for your time in considering my qualifications.

Sincerely,

Seema Mysore

22 Garden Path,
Wayland MA - 01778

Seema Mysore

Project Manager

Email: seemamysore@yahoo.com
Phone: (508)-241-2295

Qualification Highlights

Talented Project Manager with 10 years' experience managing projects for companies such as Iron Mountain, Nuance, Blue Cross Blue Shield and Intralinks

Area of expertise

Directing IT and Customer Integration projects successfully

Work Experience

Title: Professional Services Project Manager - (01/2012 – Present)

Intralinks, Inc., Waltham, MA

- Managing Large Scale Customer Integration projects for Customers namely Federal Reserve Bank, JPMC, Bain Capital
- Maintaining Resource allocation and Project Budget
- Introducing product features with the Pre Sales teams to Customers

Title: Project Manager - (10/2008 – 11/2011)

Nuance Communications, Inc., Burlington, MA

- Managed Radiology Healthcare projects
 - Spearheaded projects to completion adopting Waterfall and Iterative life cycle methodologies
 - Interacted with internal cross functional teams on integration of functionality
 - Measured project performance and progress using a Key Performance Index dashboard
- Project characteristics:
 - Project durations 12 months – 24 months, team size 25+
 - Project schedule maintained to a time-boxed release date with a variance of 3-4 weeks.
 - Project scope controlled using a Requirements traceability matrix and a strict change control process

Title: Project Manager - (06/2008 – 10/2008)

Blue Cross Blue Shield of RI, Providence, RI

- Managed Concurrent IT Projects
 - Implemented projects using the Waterfall life cycle methodology
 - Collaborated with Internal teams and External IT vendors
- Project types
 - Identity Management for managing Users access
 - Departmental IT Software Upgrades

Title: IT Project Manager - (02/2008 – 06/2008)

XIUS-bcgi (Contractor), Bedford, MA

- Managed Customer Implementation projects
 - Achieved a 100% customer satisfaction rating

Title: Project Manager - (11/2006 – 02/2008)

Iron Mountain Digital, Southborough, MA

- Managed Customer Onboarding and Internal workflow projects
 - Applied Six Sigma evaluation metrics
 - Following SDLC established by a PMO
 - Coordinated with vendors on purchasing and service contracts
- Project characteristics
 - Project budget of 75K+

Title: Project Manager - (3/2005 – 10/2006)

TrueAdvantage, Southborough, MA

- Managed Customer Customization and Inside Sales team projects
 - Prepared Statement of Work (SOW) for customer projects
 - Supervised a 7 member outsourced implementation team based in India
 - Reviewed test strategy documents
 - Performed code reviews during the development stage

Title: Project Manager/Development Leader - (1/2000 – 3/2005)

State Street Research & Management/MetLife Inc., Boston, MA

- Administered and monitored the daily progress of the development project team
- Designed, developed and managed internal application projects for business units
 - Adopted a Project life cycle D6 methodology - Decide, Define, Design, Develop, Debug, Deploy
- Managed a 3 member application support team
- Provided technical and organizational leadership to development team members
- Acted as a consultant within departments

Accomplishments: Credited for managing the design and implementation of new CRM systems, Salespage for the Retail department and Siebel for the Institutional department

- Worked on the initial business requirements
- Contributed to the vendor selection process
- Coordinated the integration and historical data transfers from legacy systems
- Configured, customized and supported the upgraded systems

Achievements:

- Salespage's CRM System Implementation Team award
- Team Mentoring Program Task Force member award
- SSRM Portal Document Repository Task force member.

Professional Knowledge

Technically adept at Client/Server Side Technology and Vendor Applications

Managerial:

Frontline Leadership and Management Development Certificate

Education

Pace University, White Plains NY

Masters in Computer Science, May 1995

BMS College of engineering, Bangalore, India

Bachelors in Architecture, August 1991

Certifications

Harvard University Extension School, MA – In Progress

Master of Liberal Arts, General Management

Other Interests

Volunteer

Member of the Wayland Town Cultural Council and Town Design Works Groups Committee

DATE: JANUARY 17, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: COLLINS CENTER REPORT / COMMUNITY COMPACT GRANT

REQUESTED ACTION: NONE - THIS IS A PRESENTATION & UPDATE

BACKGROUND:

The Collins Center studied and made recommendations in December for improving the day to day operations of the town finance offices, including finance interactions with the school business office. The Town was awarded a \$30,000 Community Compact grant from the commonwealth to build on the first report by studying and making recommendations on how the town would adopt best practice financial policies and management structure.

Michael Ward, Collins Center Project Manager will briefly review the findings and respond to the Board's questions and input.

For reference, the Collins Center Report (Phase I) is in the Selectmen's Dropbox and posted on the website.

DATE: JANUARY 17, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: RIVERS EDGE

REQUESTED ACTION:

CONSIDER ISSUANCE OF NOTICE OF AWARD TO DEVELOPER FOR RIVERS' EDGE:

- The Select appointed the Rivers Edge Advisory Committee (REAC) to provide a recommendation to the Selectmen on bids for the project and advise the Board through completion of the conveyance. *RFP # 16-28: "The Selectmen are responsible for making the final determination as to which proposal is most advantageous to the Town taking all factors including price into account. The Selectmen's recommendation may differ from the recommendations provided by the Committee and the Selectmen's discretion in this regard shall be final."*

MEETING ON JANUARY 23, 2017: Following Representatives will be present and discuss outstanding issues:

1. REAC: Committee recommendation and next steps / Conditions for Notice of Award
2. DPW / BOPW: Move offsite; development of laydown area / change in practice regarding handling of department materials.
3. School Department / Committee: Move off-site; develop permanent school bus parking.
4. Town Planner: Review data on apartment rents in market area in comparison to developers' proposals.
5. Town Administrator: Review Draft Economic Impact Report, receive Board's comments prior to issuance of final report.

BACKGROUND:

- On October 17, 2016, the Board of Selectmen received the recommendation of REAC to award the contract for the River's Edge project to Wood Partners. Because the Committee is advisory only, a second proposal from Baystone Development remains under consideration by the Selectmen.
- The Selectmen took REAC'S recommendation under advisement and the following steps were taken:
 - **SPECIAL COUNSEL**: Appointed the law firm Anderson Krieger as special counsel to advise the Board though the execution of the development agreement.

- ECONOMIC IMPACT ANALYSIS; Contracted with Fougere Planning to update the project's economic impact analysis. The Analysis will remain in draft form until January 23rd – Comments will be received refining the costs and other impacts to the town for the project which may be incorporated in the final report.
- MARKET RATE RATE COMPARISON: Research by Town Planner on market comparison for rents.
- SCHOOL BUS PARKING Advised the School Committee to move off site the school buses which had been parked on a temporary basis at Rivers Edge.
- DPW LAYDOWN AREA: Advised the DPW to move its laydown area from the site, requiring the construction of a new laydown area and removal of stored materials to the old DPW and to the Transfer Station. Materials that are not appropriate for long term storage in town are now hauled away by contractors – Removal of such materials will be a permanent practice.
- WATER REDUNDANCY AND FIRE FLOWS: The Wayland Water Superintendent and Sudbury Water Superintendent agreed to a preliminary and mutually beneficial plan for the developer's water line to connect to the Sudbury system for fire flow and redundancy only. Costs are unknown.
- EXTENSION OF RFP SCHEDULE: On November 21, 2017, the Board voted to extend the date for issuance of a Notice of Award to February 1, 2017, the date for completion of a due diligence period by June 1, 2017 and the date for completion of all permitting and closing on by March 1, 2018, The proposals will remain open under the terms of the RFP for one year from the date of receipt (July 4 and July 5 2016) until issuance of the Notice of Award.

Reference Materials in Dropbox and on Website:

1. Rivers Edge Advisory Committee:
 - a. Recommendation on Bid
 - b. FAQ
 - c. RFP: Section G – Evaluation of Proposals – Rule for Award
2. Town Planner: Memo on Rental Market Rates
3. TEC Engineering: Permanent School Bus Parking Alternatives
4. Fougere Planning: DRAFT Economic Impact Analysis (Will finalize by 1/23 Meeting) If this document is not available for Dropbox, it will be distributed as soon as revived and then made available to public 1/17)

DATE: JANUARY 17, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: FY 18 BUDGET

REQUESTED ACTION:

1. RECEIVE TOWN ADMINISTRATOR'S RECOMMENDATIONS ON DEPARTMENTAL BUDGETS;
2. CONSIDER POSITION ON REQUESTS FOR NEW PERSONNEL;
3. CONSIDER POSITION ON FACILITIES' CAPITAL REQUESTS

BACKGROUND:

1. DEPARTMENTAL BUDGETS: Under the Town Code, the Town Administrator is required to prepare recommendations on on all departmental operating budgets except for the school budget.
 - By December 15th, the Board of Selectmen submitted comment as required on all departmental budgets under the Board's jurisdiction.
 - Recommended FY 18 capital budget and long range financial strategies were submitted and considered separately.
 - By January 15, the Town Administrator is required to submit comments on all budgets under other bodies. These are in the Selectmen's Dropbox, posted on the website and were submitted separately to the Chair of the Finance Committee.

I would like to publicly thank Financial Analyst Elizabeth Doucette for the many hours she spent developing detailed departmental budget recommendations. This foundation of her work will be used to improve Wayland's financial management going forward.

2. NEW PERSONNEL:
 - The Board of Selectmen also considered requests for new personnel and agreed to support the addition of 6 hours per week to the departmental assistant position in Conservation.
 - The Board requested to hear the position of the Personnel Board (attached) prior to deciding its own position on requests for new personnel.
3. CAPITAL REQUESTS
 - The Facilities Director submitted the attached summary of the Finance Committee's position on capital requests. Please let me know if the Board would like to request the Finance Committee's reconsideration of the Finance committee's decision not to support developing plans for improvements to Town Building.

Remaining projects, as time permits include: 1) Revolving Funds, 2) Enterprise Funds, 3) Departmental Revenue / Comprehensive Fee Schedule, 4) Analysis of fuel and utility calculations, 5) Update on 5 year capital plan.

CC: Finance Committee



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

John Senchyshyn
Asst. Town Administrator/HR Director
508-358-3623
jsenchyshyn@wayland.ma.us

Personnel Board
Deborah Cohen
Jessica Green
Miranda Jones
Maryanne Peabody
Philip Schneider

Date: December 20, 2016

To: Finance Committee
Board of Selectmen
Nan Balmer, Town Administrator

From: John Senchyshyn, Asst. Town Administrator/HR Director

Re: FY 18 Staffing Requests

At its November 30, 2016 meeting, Town Departments presented the Personnel Board with their staffing requests for the FY 18 budget. The Personnel Board believes there is merit to each Department's request, but the Board also recognizes the significant impact to the budget if all of the requests were to be acted upon. This is particularly true in FY 18, when a number of funding mechanisms may be adjusted. The Board also understands that the Town Administrator is not recommending adding new positions in FY 18. In light of the comments and information received, following are the Personnel Board's observations and recommendations for FY 18 staffing requests:

Fire – The Fire Chief David Houghton requested four new Firefighters. The request adds one Firefighter to each of the four shifts.

- Chief Houghton and Asst. Chief McPherson made compelling arguments for the addition of a Firefighter to each shift. As currently staffed, the Fire Department has not been able to fully convert to a complete ALS service. Staffing has not changed since the 1970s, yet the demand for emergency medical services has increased dramatically. The demand for services is particularly influenced by the rise in senior living facilities in Wayland.

The financial commitment to add four Firefighters is substantial. When fully loaded with benefits, the annual costs can exceed \$400,000. While the need is legitimate, it has to be balanced against the ability to fund the positions. The possibility of adding just 2 positions was raised as a means gauging the success of increasing shift size. Perhaps a graduated approach is more palatable.

The Board supports increasing shift size if an adequate and sustainable funding mechanism can be determined.

Police – Police Chief Robert Irving requested one new officer.

- Chief Irving is again seeking to add a Patrol Officer. Similar to the Fire Department, Police Department staffing has not increased since the 1990s. Call volume has risen substantially in recent years, much of which is attributable to Town Center. The additional Officer would balance the night shift so that there would be three Officers on each shift.

Another significant funding commitment would be required. A fully loaded position would carry an annual cost of approximately \$95,000. A potential \$6,000 reduction in overtime would help offset the cost. If funding is available, the Board supports the Police request.

Conservation – Conservation Chair Sherre Greenbaum requested two additions for FY 18.

- The first request is to increase the hours of the Department Assistant from 29 hours per week to 35 hours per week. There are significant needs in the department which include monitoring and enforcing the Stormwater Bylaw. Substantial improvement can be made in organizing Conservation. The increase of 6 hours is an increase in payroll costs of approximately \$7,000. The Board supports the request.
- The second request is to add a 19-hour per week, non-benefits eligible PT Assistant Conservation Administrator. The need for additional field work, oversight of the Community Gardens and the development of a new NYPDES permit in 2017 were cited to support the request. The estimated cost for the request is \$31,000. Given that a new 19-hour Land Manager was added to Conservation in FY 17, the Board does not support the request for another new position.

BOH – Public Health Director Julia Junghanns requested two additions for FY 18.

- The first request is to increase the hours of the PT Sr. Clerk from 15 hours per week to 18 hours per week. The number of employees supported in the department and the varied work performed by the Health Department were referenced as the need for the additional hours. Current staff struggles to accomplish their tasks. The three additional hours will cost approximately \$4,100 annually. The Board supports the request.
- The second request is to add another PT, non-benefits eligible Sr. Clerk at 17 hours per week. The same reasons were put forth for this position. While the Board acknowledges the breadth of work performed by the Health Department, it does not support the request which will add approximately \$20,000 to the annual budget.

Recreation – Rec Director J. Brodie requested one new year-round 19-hour per week, non-benefits eligible position to work after hours programs.

- Work hours for the position would be mid-afternoon to early evening at various program locations. The goal is to provide program oversight and fee collection. The position is proposed to be funded through user fees in the Rec revolving fund. The cost would be spread across all programs.

The annual cost for the request is approximately \$20,000. While the proposal calls for funding from the revolving account, the Board is not well acquainted with the magnitude of expenditures proposed from the revolving account and the extent to which another position can be funded. If the revolving account can support the position on an annual basis, the Board does not oppose it. However, the Personnel Board will defer to Finance Committee for a better understanding of the revolving account. It is worth noting that a new position was added to Rec in FY 17.

Balmer, Nan

From: Keefe, Ben
Sent: Thursday, December 29, 2016 9:49 AM
To: Balmer, Nan
Subject: Facilities capital requests FY18

Facilities submitted 5 capital requests for FY18, 3 were approved for consideration by FINCOM. Approved for consideration were the design of Fire Station #2 renovations - \$75K, replacement vehicles for motor pool - \$50K (funded by Green Communities Grant), and Town Building design for Electrical and Mechanical Upgrades - \$218K. The 2 projects not approved for consideration were Town Building design and admin for Window Replacement-\$100K and Town Building design and Interior Reconfiguration-\$375K.

The last time we met with The Board of Selectmen I explained that the requests were revised because the design costs included project administration costs and those costs would not be incurred until the project is actually started. Therefore I reduced The Window project from \$100K to \$65K and the Electrical and Mechanical improvements from \$218K to \$88K. I did explain this to the Finance Director and he has changed the amount for the Town Building Electrical and Mechanical Improvements to \$88K.

The Window Replacement project can be delayed for a couple of years with the effect being continued overuse of energy and the resulting costs, as well as continued comfort issues.

The interior renovation needs to get started as the interior configuration will drive the design of the electrical and mechanical upgrades. In addition to establishing an overhaul long term configuration and use scheme for the Town Building the \$375K requested included funds to reclaim the "old kitchen" as soon as possible, hopefully summer 2017. Currently that space is used as storage for a wide range of items. The stored items could be moved to a reconfigured storage in the old locker rooms freeing up the old kitchen for office space.

To transform the old kitchen into usable office space will require asbestos abatement, new floor tile, new suspended ceilings, interior wall reconfiguration, electrical and data wiring, lighting, and painting. My estimate is \$70K-\$80K to accomplish this much needed reclamation of space.

Space is required for Wayland Cares counselors as they are currently using Hearing Room 3 as an office. That space is not suitable for an office especially one where confidential conversations take place.

If the difference between what was originally approved for the Town Building Electrical and Mechanical Upgrades and the new request for that project, \$140K, were reprogrammed to the Town Building Interior Renovations I think that would be enough to design a long term configuration and reclaim the old kitchen.

Other issues that were planned with the original request included carpet replacement, attic and storage improvements, and new furniture in public spaces. These can continue to wait but finding a space for the Wayland Cares Counselors needs to be resolved.

Thanks for listening.
BEN

2017 ANNUAL TOWN MEETING
POTENTIAL ARTICLES AS OF JANUARY 13, 2016

WARRANT CLOSING JANUARY 17 AT 4:30 PM – A FINAL LIST OF ARTICLES WILL BE PROVIDED AT THE MEETING.

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

POTENTIAL ARTICLES FROM OTHER PUBLIC BODIES OR PETITIONERS

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

Balmer, Nan

Subject: FW: Wayland Marijuana Moratorium, Bylaw to Ban and Ballot Question
Attachments: KP-#573117-v1-WAYL_Marijuana_bylaws_articles_and_abllot_question.DOCX

From: Carolyn M. Murray [<mailto:CMurray@k-plaw.com>]
Sent: Wednesday, January 11, 2017 12:58 PM
To: Dowd, Lynn; Balmer, Nan
Cc: Amy E. Kwesell
Subject: RE: Wayland Marijuana Moratorium, Bylaw to Ban and Ballot Question

Lynn,

Attached are the revised moratorium (to Jan. 2019), the prohibition bylaw and the related ballot question to prohibit recreational marijuana establishments. I have included all in one document to make sure we are consistent throughout with any revisions.

With respect to the moratorium, I believe I previously advised that the Attorney General's office has, in the past with similar bylaws (such as the medical marijuana law a few years ago), approved a moratorium of one year. Given much of the uncertainty surrounding this new law, it is possible the Attorney General will approve an 18 month moratorium (although, your proposed date is really a 6 month moratorium added on to the end of the state's delayed deadlines).

Regarding the proposal to prohibit recreational marijuana establishments in Town, we still have not received any feedback from the State Elections Division as to the form of the ballot question, but I feel confident that the form we proposed in the attached will be acceptable. As stated in a prior email, Question 4, The Regulation and Taxation of Marijuana Act (the "Act"), contained language that a town could by "ordinance or bylaw by a vote of the voters of that city or town" limit the number of establishment that would be allowed. As you know, a bylaw is adopted by a vote of Town Meeting, while "a vote of the voters" is a ballot question. Where the Act calls for both, we are advising towns to adopt a bylaw plus a ballot question to limit or prohibit such establishments. A conflict could occur, however, if either the bylaw or ballot question passed and the other did not; therefore, in the proposed bylaw, I link the bylaw to the ballot question such that the bylaw will not take effect unless the ballot question is also approved. Please be aware that there are discussions on-going at the state level to further amend the Act to clarify whether a bylaw or ballot question or both are needed to effectively prohibit these establishments, but there is no guarantee that any legislative action will occur prior to Wayland's Town Meeting or Town Election.

Also, where the prohibition bylaw could be construed as a use regulation, similar to a zoning bylaw, it is possible that the Attorney General could require that any bylaw so adopted be in the form of a zoning amendment, which requires a Planning Board public hearing and other procedures outlined in G.L. c. 40A, §5, as well as a 2/3 vote of Town Meeting to approve. In contrast, a general bylaw does not require a public hearing and only needs to attain a majority vote at Town Meeting. Further, where the Act states that a town may adopt a "bylaw" to restrict these establishments and does not specify a "zoning bylaw," it is our opinion that the prohibition bylaw may be adopted in the form of a general bylaw. However, it is possible that the Attorney General could take a different position.

I will keep you informed of any developments. Please do not hesitate to contact me with any questions.

Thank you

Carolyn M. Murray, Esq.

POTENTIAL ZONING BY-LAW
MARIJUANA MORATORIUM

IF THIS ARTICLE IS
SUBMITTED BY YAC,
IT WILL REQUIRE BOS
VOTE TO REFER BACK TO
YAC

Town of Wayland
Proposed Marijuana Articles/By-law Amendments/Ballot Question

Town Meeting Article -Non-Medical/Recreational Marijuana Moratorium

To determine whether the Town will vote to amend Chapter 198 of the Town Code by adding a new Section ____, entitled Temporary Moratorium On Non-Medical/Recreational Marijuana Establishments and further to amend the Table of Contents to add Section ____, "Temporary Moratorium on Non-Medical /Recreational Marijuana Establishments" as follows, or take any other action related thereto:

Section ____ .Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, begins to take effect on December 15, 2016 and as amended on December 30, 2016 via Chapter 351 of the Acts of 2016, requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently, a Non-Medical or Recreational Marijuana Establishment (hereafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Town's Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Non-Medical/Recreational Marijuana Establishments so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section ____ .Definition

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

Section ____ .Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Non-Medical/Recreational Marijuana Establishment and other uses related to non-

Comment [A1]: As we discussed last week, the Governor signed the bill delaying retail sales until July 2018, such that this proposed moratorium would allow the Town breathing room through June 2018 or until zoning bylaws are adopted to address these establishments. Please note that this is a zoning bylaw, which requires a Planning Board hearing and a 2/3 vote to pass.

medical/recreational marijuana. The moratorium shall be in effect through January 1, 2019 or six months from the date that final regulations are issued by the Cannabis Control Commission, whichever date is later. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of non-medical/recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Comment [A2]: Please note that the Attorney General typically approves similar moratoria for a period of one year.

.....
Town Meeting Article - Non-Medical/Recreational Marijuana Prohibition Bylaw

To determine whether the Town will vote to amend the Town Code by adding a new Chapter _____ entitled Non-Medical/Recreational Marijuana Establishment as follows, or take any other action related thereto:

Comment [A3]: Since the Act requires that any prohibition be done by a bylaw "voted by the voters", we are recommending a ballot question plus a bylaw be adopted. This bylaw can be done as a general or zoning bylaw, but please note that a zoning bylaw requires a Planning Board hearing and a 2/3 vote.

§ _____. Non-Medical/Recreational Marijuana

§ _____. Consistent with General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments as defined in General Laws Chapter 94G, Section 1(j), including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses for non-medical or recreational purposes, shall be prohibited within the Town of Wayland.

§ _____. This bylaw shall only take effect upon approval of a related ballot question at a Town Election.

.....
Ballot Question - Marijuana Prohibition Ballot Question

Shall this Town prohibit the operation of all types of marijuana establishments as defined in G.L. c.94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses for non-medical or recreational purposes, within the Town of Wayland?

Comment [A4]: Please be advised that we are waiting for feedback from the State Elections Division as to whether they approve this form of question. This is NOT for Town Meeting to approve but is the ballot question for the voters, which accompanies the article above adopting a bylaw to prohibit such establishment. I included it here to have all the recreational marijuana issues in one place.

573112/WAYL0275



TOWN ADMINISTRATOR'S REPORT

WEEK ENDING JANUARY 13, 2017

BUILDING PERMIT – REVISED FORM

The Building Commissioner has revised the building permit application (attached) to improve customer service among the land use departments. The land use team is making plans for online permitting and document management which are expected to move forward upon hiring of the IT Business Systems Analyst.

EVERSOURCE – YEARLY OPERATIONS PLAN

The Conservation Administrator, Health Director, and DPW Director will respond with their Boards to the Eversource Yearly Operations Plan (YOP), including a request to maximize mechanical over chemical defoliation.

PROPOSED 40 B PROJECT AT MAHONEY'S

There is no final site plan proposed for the project. The Housing Partnership is prepared to work with the developer.

GOALS

The attached Town administrator Goals as revised by the Board of Selectmen will be posted to the town website.



Office Use Only
 Health _____
 Conservation _____
 Fire _____
 Planning _____
 Water _____
 Highway _____

TOWN OF WAYLAND

BUILDING PERMIT APPLICATION

Office Use Only
 Permit No. Issued: _____
 Date Issued: _____
 Received: _____
 Signature: _____

LOCATION OF PROJECT

_____ Zoning District _____
 No _____ Street _____

Lot Description: Map _____ Parcel _____ Lot Area _____ Frontage _____

Setbacks: Front _____ Sides _____ Rear _____ Historic District Yes No

Water Supply: Public Private Wastewater: Sewer System Title V Onsite Flood Zone/100 Yr: In Outside

TYPE AND USE OF BUILDINGS:		
A. TYPE OF IMPROVEMENT <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair: Replacement <input type="checkbox"/> Wrecking, Demolition	B. PROPOSED USE - Residential <input type="checkbox"/> One Family/Two family <input type="checkbox"/> Multi family-# of units _____ <input type="checkbox"/> Hotel, Motel or Dormitory Enter Number of units _____ <input type="checkbox"/> Accessory Building <input type="checkbox"/> Recreation <input type="checkbox"/> Other-Specify _____	Non-Residential <input type="checkbox"/> Theater, Assembly, Religious <input type="checkbox"/> Hospital, Institutional <input type="checkbox"/> Office, Bank, Professional <input type="checkbox"/> Restaurant <input type="checkbox"/> Library, Other Educational <input type="checkbox"/> Stores, Mercantile <input type="checkbox"/> Other-Specify _____

DESCRIBE PROPOSED CONSTRUCTION:

FEE CALCULATION:

Estimated Construction Cost (\$ _____ + 1000 X \$12 or \$15*) *see Fee Schedule = Permit Fee: _____

Additional fee may be applicable if Certificate of Occupancy is needed. Yes No

TOTAL FEES \$ _____

IDENTIFICATION (Type or Print Clearly)

OWNER OR Name _____ Phone _____
 LESSEE

Address _____ Email _____

APPLICANT Name _____ Phone _____

Address _____ Email _____

CS License/Registration # _____ Exp. Date _____

Home Improvement License _____ Exp. Date _____

The applicant warrants the truthfulness of the information in the application, and that if any of the information provided is incorrect, the building permit may be revoked. I hereby certify that the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his authorized agent.

Signature of Contractor / Owner / or /Agent (person responsible for permit) _____ Print Name _____

BUILDING PERMIT APPLICATION AND REQUIRED DOCUMENTS

IF YOU DO NOT HAVE ALL OF THE FOLLOWING INFORMATION,

THIS APPLICATION PACKAGE IS INCOMPLETE AND WILL NOT BE ACCEPTED

1 COPY COMPLETED APPLICATION – ALL information must be provided. (N/A may be used if appropriate.)

Must be typed or submitted in block letters. Map/Parcel available at Assessor's office or online through the assessor's database.

Minimum 2 COPIES of SEALED BUILDING PLANS with Construction Specifications, including all required design certifications, placement of Smoke, Heat, and Carbon Monoxide Detection and Alarm Systems. 1 copy to be stamped and returned to applicant.

1 COPY OF CERTIFIED SITE PLAN for new buildings and additions (horizontal and vertical) showing size and location of all existing and proposed buildings, driveway, lot coverage and setbacks.

1 COPY ENERGY CALCS FOR ALL NEW CONSTRUCTION OR HEATED ADDITIONS. (see current Stretch Energy Code for Requirements, including verification of Energy Star Rating of Windows and Doors.

WORKER'S COMPENSATION INSURANCE AFFIDAVIT (Certificate of Insurance if required.)

COPY OF CONSTRUCTION SUPERVISOR'S LICENSE & HOME IMPROVEMENT REGISTRATION NUMBER

Permit Fee

OR

If the homeowner is doing the work themselves and serving as general contractor for RESIDENTIAL projects:

1 COPY CONSTRUCTION SUPERVISOR EXEMPTION AFFIDAVIT & HOME IMPROVEMENT CONTRACTOR AFFIDAVIT

IF APPLICABLE

VACANT LOT – 1 COPY OF YOUR DEED/PLAN from the Middlesex County Registry of Deeds or Land Court, whichever is applicable.

1 RECORDED COPY OF ANY REQUIRED BOARD APPROVALS: Zoning Board of Appeals, Planning Board, Conservation Commission, Historic District Commission decisions.

MODULAR HOMES

Submit plans approved by Division of Inspection & evidence of 3rd party engineering review.

Project **REQUIRES** Construction Supervisor License for foundation. Homeowner may NOT pull permit, submit manufacturer's certification of installer/set crew.

SEE OTHER SIDE FOR APPLICATION

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: 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.*

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.*

GOAL 2: 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.*

GOAL 3: INCREASE THE AVAILABILITY OF AFFORDABLE HOUSING 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.*

Accepted by Board of Selectmen: January 9, 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

Tuesday, January 17, 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 Invoice for Town Counsel Mark J. Lanza for Services through December 31, 2016: \$7,463.96
3. 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 1634 Meadery, Dan Clapp, Manager, on Saturday, February 4 and February 11, 2017, from 10:00 a.m. to 2:00 p.m.

Mark J. Lanza
Attorney at Law
 9 Damonmill Square - Suite 4A4
 Concord, MA 01742
 Tel. # (978) 369-9100
 Fax # (978) 369-9916
 e-mail: mjlanza@comcast.net

INVOICE - TOWN OF WAYLAND - 12/31/2016

SUMMARY

FEE CALCULATION: 9.3 HOURS X \$160.00 PER HOUR =	\$ 1,488.00
29.1 HOURS X \$175.00 PER HOUR =	5,092.50
TOTALS <u>38.4</u>	\$ 6,580.50
DISBURSEMENTS (See below for detail)	883.46
TOTAL 12/31/16 INVOICE.....	<u>\$7,463.96</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$ 7,463.96</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T	<u>0.00</u>

DISBURSEMENTS

12/2016	Postage	27.96
12/2016	FAXing (978) 369-9916 & (978) 261-5034	0.00
12/2016	Copying	11.50
12/1/16	Mileage: 36 @ \$.50	18.00
12/9/16	Mass. App. Ct. Entry Fee	300.00
12/9/16	Mileage: 52 @ \$.50 =	26.00
12/9/16	Parking	28.00
12/9/16	Tolls	5.00
12/15/16	Rec'g Fees - Mid. So. Reg. of Deeds	350.00
12/15/16	Title Examiner Fee	75.00
12/15/16	Mileage: 44 @ \$.50	22.00
12/15/16	Parking	15.00
12/15/16	Tolls	5.00
Total Disbursements		<u>\$883.46</u>

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

Dan Clapp
1634 Meadery
397 Boston Post Rd.
Wayland, MA 01778

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

Dear Mr. Clapp:

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

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

Sincerely,

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

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



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

1. Applicant Information:						
Name of Licensed Farm-Winery		Dan Clapp dba 1634 Meadery				
Farm-Winery License Number		FW-104	State of Issue		MA	
Contact Person	Dan Clapp					
Address	3 Short St					
City	Ipswich		State	MA	Zip	01938
Phone Number		9783256215		Email	dclapp@1634Meadery.com	
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)				Wayland Winter Farmers Market		

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

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

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

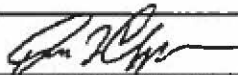
List or attach any credentials for training of the on-site manager (Attach resume if applicable):

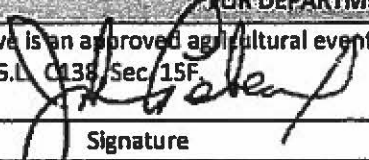
Market Manager, Wayland Summer Farmers' Market, 2005-2016 Market Manager, Wayland Winter Farmers' Market, 2010-2016

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	12/15/16 _____ Date
FW-104 _____ 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. Ch. 138, Sec. 15F.	
 _____ Signature	12/16/16 _____ 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



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED TO
THE BOARD OF SELECTMEN FROM JANUARY 6, 2017,
THROUGH AND INCLUDING JANUARY 12, 2017,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR JANUARY 17, 2017**

Items Distributed To the Board of Selectmen –January 6-12, 2017

1. Email of 1/9/17 from Geoff Larsen, Building Commissioner, to Nancy Leifer, re: 150 Main Street, Department Response to Written Request for Zoning Enforcement

**Items Distributed for Information and Use by the Board of Selectmen at the
Meeting of January 9, 2017**

1. Memorandum of 12/20/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Finance Committee, Board of Selectmen, and Nan Balmer, Town Administrator, re: FY18 Staffing Requests
2. Email of 12/29/16 from Ben Keefe, Facilities Director, to Nan Balmer, Town Administrator, re: Facilities Capital Requests FY18
3. Massachusetts Municipal Association Annual Business Meeting Information, 1/3/17, at Hynes Convention Center in Boston on January 21, 2017
4. Wicked Local Article, 1/5/17, "Wayland Officials Look to Hear from 'Silent Majority'"
5. Email of 1/5/17 from Thomas Holder, Director of Public Works, to Nan Balmer, Town Administrator, re: Parkland and Grace
6. Board of Selectmen Listening Session Subcommittee Purpose, 1/9/17
7. Memorandum of 1/9/17 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Wayland Zoning Bylaw Revisions

**Revised Items Included as Part of Agenda Packet for Discussion During the January
17, 2017 Board of Selectmen's Meeting**

1. Memorandum of 1/13/17 to Board of Selectmen re: Appointments with Attached Résumés
2. Memorandum of 1/17/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Collins Center Report/Community Compact Grant
3. Memorandum of 1/17/17 from Nan Balmer, Town Administrator to Board of Selectmen re: FY18 Budget
4. List of 2017 Annual Town Meeting Articles
5. Email of 1/11/17 from Town Counsel Carolyn M. Murray to Nan Balmer, Town Administrator re: Wayland Marijuana Moratorium, Bylaw to Ban and Ballot Question
6. Report of the Town Administrator for the Week Ending January 13, 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
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BOARD OF SELECTMEN
Tuesday, January 17, 2017
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

REVISED CORRESPONDENCE

Selectmen

1. Public Comment, 1/9/17, 242 Old Stonebridge Road and Beautification
2. Public Comment, 1/12/17, 150 Main Street
3. Letters of 1/9/17 from Geoff Larsen, Building Commissioner, to Nancy Leifer and Gretchen Dresens, re: 150 Main Street, Department Response to Written Request for Zoning Enforcement
4. Letter of 1/4/17 from KP Law to Massachusetts Appeals Court re: Notice of Appearance, Kenneth T. Nelson v. Town of Wayland Conservation Commission
5. Letter of 1/6/17 from KP Law to Office of the Attorney General re: Town of Wayland Finance Committee, Response to December 19, 2016 Complaint of George Harris
6. Invitation to KP Hospitality Reception, January 20, 2017, 9:00 p.m., Sheraton Boston

Minutes

7. Finance Committee, December 5, 2016, December 19, 2016, January 3, 2017
8. Historic District Commission, November 17, 2016
9. Housing Partnership, December 13, 2016
10. Public Ceremonies Committee, November 9, 2016

Dear Board of Selectmen,

(1)

My name is Laurel Gill and my husband is Francis. We would like to come and talk to you about the following:

① Our house is 242 Old Stonebridge Rd. We live next to the house the town bought. We have had a problem with conservation since April. Brian was suppose to meet with us two scheduled appts. and blew us off. I have asked Nan to help - she hasn't. So we are reaching out to you! We are desperate - the vegetation on the other side of our fence has knocked our fence down. Please help us!!

② Also, we own a piece of land on the water front and the house

that is next to us has a piece of land that runs between our two lots. We would like to propose that we own the piece of land between our two pieces so they are one parcel. and trade our waterfront property to the town for it. we can have it surveyed. please let me know if you can help us with this too because Brian in conservation said we could do this it would take a year, that was last April and its almost a year + I know he hasn't worked on it at all.

③ I would like to ask if I could run Beautification since it dissolved. ~~the~~ Nan gave it to Highway Dept. They want me to write an essay on every project. I feel as much I'm being treated like

a child. I have some other women that would do it with me. I asked Highway at a meeting that I had w/ Stubby @ the board @ they said they would over see everything - that's not how it was.

I'm a citizen @ these Highway people don't want to do anything extra. (they don't have the man power.)

All I want to do is do some parrells around town @ main train - then.

I'm not writing essays for my projects - I work full time, I'm a mom. I feel the town is lucky I'm willing to do this.

please call me: 508-341-5033
and let me know when Francis @ I can meet with you!

email - fgill2@verizon.net.

RECEIVED

JAN - 9 2017

Board of Selectmen
Town of Wayland

Thanks for your time - Daniel

1/12/2017

Geoff –

I received your response on January 9, 2017 to my email detailing Zoning enforcement concerns dated December 13, 2016. I have responded below – indicated by *Dresens response and need for clarification*. In keeping with your distribution list, I have copied the Town Planner and Town Counsel. Please forward my response to the Zoning Board of Appeals.

My December 13, 2016 email, indicated with **Dresens original request** header. Your response – noted in bold as **Zoning Response**;, and my subsequent request for further clarification, indicated noted in bold and in italics by *Dresens response and need for clarification*

Dresens original request :
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.

Zoning Response: The Modification of SPA dated July 14, 2016 requires a restrictive covenant “in legal form acceptable to Town Counsel...” Please note that the restrictive covenant was approved by Town Counsel.

Dresens response and need for clarification – Please note that the Building Permit was issued one day PRIOR (7/19/2016) to 150 Main Street, LLC’s filing of the Restrictive Covenant (7/20/16). The Planning Board stated that the Restrictive Covenant be received prior to Building Permit issuance. I have, on several occasions since July 2016 (and the most recent request was 11/28/16) requested the Building Department’s 150 Main Street files and there was no copy of Town Counsel’s approval of the Restrictive Covenant. Please let me know when I can come by the Building Department to receive a stamped dated copy of Town Counsel’s acceptance.

The Restrict Covenant on which the building permit is issued is substantially different from the version the Planning Board approved. The Planning Board EXPLICITLY states in it’s 2016 Provisional Approval of Site plan (my emphasis added) “...prohibiting 150 Main Street, LLC and its successors and assigns from ever establishing the “Way” shown on Land Court Plan 12716B as a street within the meaning of the Town’s Zoning Bylaws”.

The Building Permit is issued on a Restrictive Covenant that (my emphasis added) dictates “.....shall not seek to have the Land declared or treated as a “street”...without first obtaining approval from the Wayland Planning Board for such declaration or treatment”.

Tape of the meeting, as well as Planning Board minutes, confirm the Planning Board’s language. If indeed the Planning Board changed the language after the taped meeting, and submitted minutes, then it would appear that the Planning Board has committed an Open Meeting Law violation since there has been no public hearing on this change of language.

Please clarify and let me know when I might receive a stamp dated copy of Town Counsel’s acceptance of the Restrictive Covenant.

**Dresens original request
SCENIC ROAD**

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

Zoning Response: The Planning Board Administers both G.L. c.40, 15C and Town of Wayland Code, Chapter 158, Article 5, Scenic Roads Bylaw. The Scenic Road bylaw is not part of the zoning code, and therefore zoning enforcement pursuant to G.L. c. 40A sec 7 is not available. Further, the Physical Alteration Permit (“PAP”) is used by the Wayland Department of Public Works, Highway Division and is not subject to zoning enforcement to G.L. c.40A,, sec 7. However, I will note that the PAP conditions of approval received by the Building Department on December 21, 2016 reflect what is proposed on the approved plans.

Dresens response and need for clarification – Please confirm that when the Building Permit was issued on 7/19/16, the plan DID NOT reflect what was stated in the PAP. I am looking for clarification on

process/procedure/practices in the Building Department for conformity issues at the time of Permit issuance. The applicant was permitted to submit a new PAP AFTER the Building Permit was issued? Is this common practice?

Dresens original request

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.

Zoning Response: 198.506.8.1 states "Parking facilities immediately adjacent to a residence district shall be adequately screened year round from view from said residence by trees, hedges or a tight fence." Therefore, it is in my opinion the "adequately screened" in 198.506.8.1 provides the Planning Board with a level of discretion regarding the landscaping and screening. Please note that 198-506.8.1 permits the use of a tight fence which is shown on the project plans, sheet 1.2.

Dresens response and need for clarification – Half of the Main Street portion of the landscaping (which is immediately adjacent to my property) contains ALL deciduous plantings. Deciduous plantings lose their leaves late fall, and don't grow new until spring. Could you clarify how plantings with no leaves for the latter part of the fall, winter and beginning of spring conform with "year round"?

I am unclear of "sheet 1.2". When we met in mid-December to review my concerns, I did not see this sheet. In fact, none of the landscaping plans we reviewed showed a fence along Main Street.

I am looking for clarification on how deciduous plantings meet the definition of "year round". Also, please let me know when I can come to the Building Department to receive a copy of Sheet 1.2 to show Main Street screening.

Dresens original request

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.

Zoning Response – Please note that the building permit is issued based on plan sheet 1.2 Building Signage Site Plan (revised 6.6.13) which represents the approved parking that would not require a special permit prior to use/occupancy. It is my opinion that if the applicant seeks to reduce the required parking, a special permit will be required but in accordance with Condition 31 of the SPA, the SPA will not need to be amended provided that the reduced parking complies with the alternate plan for (reduced) parking, sheet L-1 Landscape dated 5.31.13.

Dresens response and need for clarification –If the Board requires 150 Main Street to build out the full complement of parking (Condition 31), how will Zoning then satisfy 506.8.1. as the parking spaces that will be required to be constructed are physically located on the part of the property that abuts Main Street? There will be no screening, therefore the plan will be in violation of 506.8.1. How will Zoning enforce 506.8.1?

Please note that the Planning Board was quite vocal against using fencing along Main Street.

Dresens original request

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.)

Zoning Response: It is my opinion that it appears reasonable that the SPA board of jurisdiction, the Planning Board, determined that the proposed “business” use was not controlled by 198-1106.1 as 198-1106.1 references “..any industry, trade, manufacturing or commercial purpose...”, and does not control “business” uses. Further, 198 attachment 3 Business Uses use 12 lists, “Retail store”.)

Dresens response and need for clarification – In my opinion, the proposed CVS is an accepted retail establishment, in Business District A, and therefore 198.1106 does apply. Please confirm with Town Planner, as through the entire time this project was before the Planning Board, the Town Planner continually stated that this is a permitted use for the zoning of the site. In fact, if the Planning Board determined that the CVS was NOT accepted business use, the board would have determined that the redevelopment for the CVS would NOT be allowed on the site and no SPA would be issued.

Gretchen Dresens
155 Main Street



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

Ms. Nancy Leifer
73 East Plain Street
Wayland, MA 01778

January 9, 2017

Re: 150 Main Street; Building Department's response to December 14, 2016 letter.

Dear Ms. Leifer,

Currently I understand that pursuant to case law that your December 14, 2016 request; that in effect attempts to use zoning enforcement in lieu of appealing a building permit, is not the appropriate process to appeal a site plan approval. In an effort to help clarify aspects of the approved site plan and the permitting process as it relates to zoning the Building Department offers the following good faith responses to your concerns and comments.

In your December 14, 2016 letter you write:

1. 198.205.3: "No building permit may be issued under any application of any kind unless the plans and specifications that shall accompany such application and the intended use of any lot under such permit shall be in all respects in conformity with the provisions of these Zoning Bylaws.

Response: *The issuance of building permit 2016504 permits the applicant to proceed at their own risk while citing §198-604.9.1 of Town of Wayland Zoning Bylaw to construct a new commercial building with related site improvements. This first building permit (as part of a phased project) was issued following a determination by the building official that MGL 40A, the Site Plan Approval dated June 18, 2013 and amended July 14, 2016 (the "SPA") and Town zoning requirements were satisfied in order to issue this conditioned or "phased" building permit.*

2. The sidewalk does not comply with Town Bylaw 198.1106. The approved site plan shows the sidewalk in the public right of way. Our Wayland bylaw requires the sidewalk to be placed on the constructed property.

Response: *It is my opinion that it appears reasonable that the SPA board of jurisdiction, the Planning Board, determined that the proposed "business" use was not controlled by §198-1106.1 as §198-1106.1 references "...any industry, trade, manufacturing or commercial purpose...", and does not control "business" uses. Further, §198 attachment 3 Business Uses, use 12 lists "Retail store".*

3. The landscaping in parking facilities does not comply with bylaw §198.506.8.1. The proposed shrubbery will not provide the required screening during the winter months. §198 506.8.1 requires "Parking facilities immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees hedges or a tight fence.

Response: *§198-506.8.1 uses the term "adequately screened" and therefore provides the Planning Board a level of discretion regarding the landscaping and screening. Please note that §198-506.8.1 permits the use of a tight fence which is shown on the project plans, sheet 1.2.*

4. Reduced parking does not comply with Town Bylaw 198-506.4. Our Wayland bylaw requires a special permit for reduced parking. No permit was issued. (Note: Per Condition 31, if the Board determines later, that full parking is required, the owners will be required to construct additional parking. This will remove all legally required screening on Main Street, as well as place parking directly against the sidewalk. This will further degrade sidewalk compliance. If the full parking capacity is needed, the plan jams the parking up against the not-to-code sidewalk, leaving inadequate room for any screening, which is required by law.)

Response: *Please note that the building permit is issued based on plan sheet 1.2 Building Signage Site Plan (revised 6.6.13) which represents the approved parking that would not require a special permit prior to use/occupancy. It is my opinion that if the applicant seeks to reduce the required parking, a special permit will be required but in accordance with Condition 31 of the SPA, the SPA will not need to be amended provided the reduced parking complies with the alternate plan for (reduced) parking, sheet L-1 Landscape dated 5.31.13.*

5. The definition of a "lot," used to remove Condition 30, does not comply with Town Bylaw 198.104.2. The definition of a Lot used to fulfill the requirement of Condition 30 relied on an outdated definition of lot used in 1972. There are at least 7 lots registered in Land Court and named in the deed of purchase by 150 Main St. LLC. (Book 01395 pg. 148) as well as the 'way' in which 150 owns the fee (Land Court case 11-SBQ-12716-03-001). The plan is dated December 4, 1946 and a different version on Sept. 19, 1927.

Response: *Please note that I made a zoning determination on July 8, 2016 where I concluded that the location of the new commercial building; located on what was a previously improved site plan controlled by ZBA decision #72-28 and as shown currently on the submitted construction documents, satisfies Town zoning*

requirements specific to side and rear yard setbacks. It appears reasonable to determine that the several legal lots that constitute the past and present site plan have merged for zoning purposes by virtue of the permitted past commercial use controlled by ZBA decision #72-28. Additionally, Land Court Plan 12716C, filed with the Land Court on September 13, 2016 depicts the property and specifically states "being a consolidation of Lots 1, 2, 3, 8 and B on Plan 12716B with LCC 22307 to form a single lot."

6. West Plain Street is a designated Scenic Road, as described in MGL Ch. 40, Section 15C. The current plan does not comply with Town Bylaw 158.4. which allows one driveway with a width of 12 ft. on a Scenic Road. The current plan has two driveways with widths of 26 feet and 28 feet.

Response: The Planning Board administers both G.L. c. 40, §15C and Town of Wayland Code, Chapter 158, Article 5, Scenic Roads Bylaw. The Scenic Road bylaw is not part of the zoning code and therefore zoning enforcement pursuant to G.L. c. 40A, §7 is not available.

7. The Planning Board failed to hold a Scenic Road public hearing, as required by Town Bylaw 158-10.

Response: Please see response to #6 above.

8. The plan does not comply with Town Bylaw 198.1102.1.2.15 that states that driveways in a business district cannot exceed 24 feet in width. The width of both driveways exceeds what was stated in the Physical Alteration Permit and does not comply with Wayland bylaw.

Response: § 198-1102.1.2. refers to "Automobile sales". Further, the Physical Alteration Permit ("PAP") is issued by the Wayland Department of Public Works, Highway Division and is not subject to zoning enforcement pursuant to G.L. c. 40A, §7. However, I will note that the PAP conditions of approval received by the Building Department on December 21, 2016 reflect what is proposed on the approved plans.

9. Removal of Condition 30 and the Restrictive Covenant do not comply with MGL 40A Section 11 and bylaw 198-602.2. The Planning Board did not comply with the correct posting of the public hearings on June 7, 2016 and July 13, 2016. Neither hearing was posted in the Town Crier. Acknowledging the "defect" in their first posting, the Planning Board held a second hearing on July 13th and again did not comply with the posting regulations of both Town and State law.

Response: It is my opinion that any alleged deficiency of notice by the Planning Board should have been addressed in an appeal of the SPA or Modification of SPA pursuant to the Town of Wayland Zoning Bylaw § 604.9.1., G.L. c. 40A, § 8 and G.L. c. 40A, § 17.

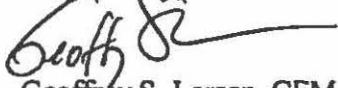
10. The Physical Alteration Permit issued in June of 2014 does not comply with bylaw 198.602.2. On June 28 2011 the Town issued a Physical Alteration Permit for a curb cut at West Plain Street. §198-602.2. states: "No person shall undertake any improvement or alteration, and no building permits shall be issued for any such proposal, until SPA, as certified by the Planning Board or its agent, has been issued for such proposal or until the completed certification has been received by the Building Commissioner."

Response: *The PAP was issued on April 27, 2016.*

11. The Restrictive Covenant given to the Building Commissioner is substantially different from the Restrictive Covenant presented during the public hearing as evidenced by the WayCam tape of July 27th 2016. At the July 27th meeting, the Planning Board explicitly specified that the owners, and any future owners, may never replace Hammond Road (currently an easement) with a street. The Restrictive Covenant filed with the Registry of Deeds by 150 Main Street's counsel states that "the building permit can be changed at the Planning Board's discretion."

Response: *The Modification of SPA dated July 14, 2016 requires a restrictive covenant "in legal form acceptable to Town Counsel..." Please note that the restrictive covenant was approved by 2016 Town Counsel.*

Respectfully,


Geoffrey S. Larsen, CFM
Building Commissioner

Cc: Town Counsel
ZBA
Town Planner



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

Ms. Gretchen Dresens
155 Main Street
Wayland, MA 01778

January 9, 2017

Re: 150 Main Street; Building Department's response to December 13, 2016 e-mail.

Dear Ms. Dresens,

Currently I understand that pursuant to case law that your December 13, 2016 e-mail; that appears to use a written request for zoning enforcement in lieu of appealing a building permit, is not the appropriate process to appeal a site plan approval. In an effort to help clarify aspects of the approved site plan and the permitting process as it relates to zoning the Building Department offers the following good faith responses to your concerns and comments.

In your December 13, 2016 e-mail you write:

1. **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.

Response: *The Modification of SPA dated July 14, 2016 requires a restrictive covenant "in legal form acceptable to Town Counsel..." Please note that the restrictive covenant was approved by Town Counsel.*

2. 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'.

Response: *The Planning Board administers both G.L. c. 40, §15C and Town of Wayland Code, Chapter 158, Article 5, Scenic Roads Bylaw. The Scenic Road bylaw is not part of the zoning code and therefore zoning enforcement pursuant to G.L. c. 40A, §7 is not available. Further, the Physical Alteration Permit ("PAP") is issued by the Wayland Department of Public Works, Highway Division and is not subject to zoning enforcement pursuant to G.L. c. 40A, §7. However, I will note that the PAP conditions of approval received by the Building Department on December 21, 2016 reflect what is proposed on the approved plans.*

3. 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.

Response: *§ 198.506.8.1. states "Parking facilities immediately adjacent to a residence district shall be adequately screened year round from view from said*

residence district by trees, hedges or a tight fence.” Therefore, it is my opinion that “adequately screened” in §198.506.8.1 provides the Planning Board a level of discretion regarding the landscaping and screening. Please note that §198-506.8.1 permits the use of a tight fence which is shown on the project plans, sheet 1.2.

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.

Response: Please note that the building permit is issued based on plan sheet 1.2 Building Signage Site Plan (revised 6.6.13) which represents the approved parking that would not require a special permit prior to use/occupancy. It is my opinion that if the applicant seeks to reduce the required parking, a special permit will be required but in accordance with Condition 31 of the SPA, the SPA will not need to be amended provided the reduced parking complies with the alternate plan for (reduced) parking, sheet L-1 Landscape dated 5.31.13.

CURBS AND SIDEWALKS IN BUSINESS DIRSTRICTS

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.)

Response: It is my opinion that it appears reasonable that the SPA board of jurisdiction, the Planning Board, determined that the proposed “business” use was not

controlled by §198-1106.1 as §198-1106.1 references "...any industry, trade, manufacturing or commercial purpose...", and does not control "business" uses. Further, §198 attachment 3 Business Uses, use 12 lists "Retail store".)

Respectfully,



Geoffrey S. Larsen, CFM
Building Commissioner

Cc: Town Counsel
ZBA
Town Planner

January 4, 2017

David W. Waterfall
dwaterfall@k-plaw.com

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

RECEIVED

JAN - 9 2017

**Board of Selectmen
Town of Wayland**

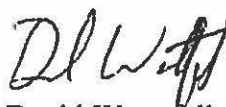
Re: Kenneth T. Nelson v. Town of Wayland Conservation Commission
Middlesex Superior Court, Case No. 1581CV05694
Appeals Court No. 2016-P-1649

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 with Certificate of Service, and a Joint Motion for Enlargement of Time to File Brief.

Thank you for your attention to this matter.

Very truly yours,


David Waterfall

DWW/eon

Enc.

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

572138/WAYL/0048

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,

TOWN OF WAYLAND CONSERVATION
COMMISSION

By their attorney,



David Waterfall (BBO# 657549)
KP Law, P.C.

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

Date: _____

1-4-16


572121/WAYL/0048

CERTIFICATE OF SERVICE

I, David W. Waterfall, hereby certify that on the below date, I served a copy of the foregoing Notice of Appearance, by first-class mail, to the following parties of record:

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

Dated: 1-4-16



David W. Waterfall

572121/WAYL/0048

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

DOCKET NO. 2016-P-1649

KENNETH TODD NELSON,

Plaintiff/Appellee

v.

TOWN OF WAYLAND CONSERVATION
COMMISSION

Defendant/Appellant

JOINT MOTION FOR ENLARGEMENT
OF TIME TO FILE BRIEF

Now come the Defendant/Appellant Town of Wayland Conservation Commission (“Commission”), and the Plaintiff/Appellee Kenneth Todd Nelson, in the above-captioned case and hereby jointly request that the Court grant an enlargement of time for the Commission to file its brief, up to and including February 17, 2017. In support of the motion, the parties offer the following:

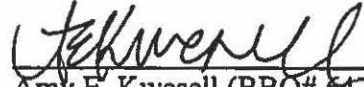
1. The above-captioned appeal was filed by the Commission and seeks review of a decision of the Middlesex Superior Court (Tuttman, J.) in Nelson v. Town of Wayland Conservation Commission, No. 1581CV05694. Specifically, the Commission appeals the Court’s decision allowing the Plaintiff’s motion for judgment on the pleadings, which invalidated the Commission’s denial of the Plaintiff’s request for an order of conditions under the Wetlands Protection Act and a wetlands permit under Chapter 194 of the Town’s bylaws.
2. The Commission’s appeal also seeks review of the decision of the Middlesex Superior Court (Tuttman, J.) which denied the Commission’s motion for reconsideration.

3. The appeal in the above-captioned case was entered on the Appeals Court docket on December 9, 2016.
4. Pursuant to Mass.R.App.P. 19(a), the current deadline for the Commission to file its brief is January 18, 2017.
5. On or about December 5, 2016, the Town of Wayland appointed new Town Counsel, which filed a notice of appearance in this case on December 16, 2016. The attorney formerly handling this litigation is no longer representing the Town or the Conservation Commission.
6. The current Town Counsel was not involved with this appeal or the underlying litigation in Superior Court. Town Counsel therefore needs additional time to familiarize itself with the voluminous administrative record in this case, in addition to assuming responsibility for numerous other legal matters involving the Town of Wayland.
7. The parties jointly request an enlargement of time for the Commission to file its brief, up to and including February 17, 2017.
8. This request for an enlargement of time is made jointly by the parties.
9. The parties have not requested any prior enlargements of time in this case.
10. This request for an enlargement of time is made in the interests of justice.

Conclusion

For the reasons set forth above, the parties request an enlargement of time for the Commission to file its brief, up to and including February 17, 2017.

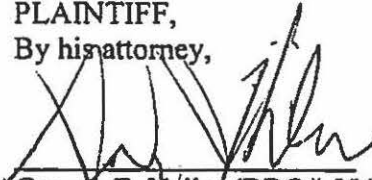
DEFENDANT,
By its attorney,



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

PLAINTIFF,
By his attorney,



George F. Hailer (BBO# 554793)
Lawson & Weitzen, LLP
88 Black Falcon Ave.
Suite 345
Boston MA 02210
ghailer@lawson-weitzen.com

Date: December 28, 2016

572132/WAYL/0048

January 6, 2017

Carolyn M. Murray
cmurray@k-plaw.com

Jonathan Sclarsic, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED

JAN - 9 2017

**Board of Selectmen
Town of Wayland**

Re: Town of Wayland Finance Committee –
Response to December 19, 2016 Complaint of George Harris

Dear Mr. Sclarsic:

Please be advised that this office serves as Town Counsel to the Town of Wayland. On December 19, 2016, the Wayland Finance Committee (“Committee”) received an Open Meeting Law complaint from Mr. George Harris (“Complaint”). A copy of the Complaint is attached as Exhibit A. The Board listed the Complaint on the meeting notice for its January 3, 2017 meeting, discussed the substance of the Complaint and voted to authorize this response following its deliberation. Since the Complaint alleges violations from the Committee’s meetings held on November 21, 2016 and December 12, 2016, as well as matters related to the Committee’s approval of meeting minutes, this correspondence shall serve as a consolidated response to the items listed in the Complaint.

As set forth in detail below, the Committee denies that its meeting notices for meetings held on November 21, 2016 and December 12, 2016 violated the Open Meeting Law in any manner since the matters discussed were not reasonably anticipated by the Chair prior to the meeting and were related to other matters listed on the agenda. Nonetheless, at its meeting on January 3, the Committee, through the Chair, has committed to providing additional detail, when known and available, in its future meeting agendas relative to the Finance Director’s report to the Committee and the Chair and Vice Chair reports to the Committee. As for its meeting minutes, the Committee acknowledges that there was a minimal delay in approving meeting minutes in the Fall of 2016 due to a member’s unforeseen scheduling conflicts, but states that, to date, the Committee has approved all of its 2016 meetings through December 12, 2016, including the minutes of September 26, 2016, which was the subject of the Complaint.

Meeting Notices

Mr. Harris’ Complaint alleges that the Committee meeting notices for November 21, 2016 and December 12, 2016 did not include sufficient detail regarding the contents of the Finance Director’s presentation to the Committee. Pursuant to G.L. c. 30A, §20(b), meeting notices “shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” The issue here is whether the failure to include

Jonathan Sclarsic, Esq.
Director, Division of Open Government
January 6, 2017
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specific items of which the Chair was not aware of at any time prior to the meeting violated the Open Meeting Law.

By way of background, pursuant to Section 60-2 of the Town's Charter, the Finance Director, who is under the authority of the Town Administrator's Office, is scheduled to attend Committee meetings, as necessary, to develop, review and evaluate the Town's budgetary needs. In some instances, the Finance Director will not have any items to report to the Committee, or not attend a particular meeting, and on other occasions, specific items will be posted and discussed which are reasonably anticipated by the Chair 48 hours before the meeting. See, e.g., Committee Meeting Agendas, dated July 18, 2016 and December 5, 2016, attached as Exhibit B. As discussed in detail below, because the topics raised by the Finance Director at the meetings at issue were not reasonably anticipated by the Chair 48 hours before the meeting, and will likely be topics which will be scheduled for further detailed discussion at subsequent meetings, no violation exists.

November 21, 2016 Meeting

In preparation for the November 21, 2016 meeting, as was his regular practice, Chair Watkins, on November 16, 2016, distributed a draft agenda to Committee members, as well as the Finance Director, the Chair of the Board of Selectmen and the Town Administrator, for review and additions to the items for discussion. To ensure compliance with the Open Meeting Law's posting requirements, Chair Watkins requested that any comments or additions be sent to him individually prior to the posting deadline for inclusion in the meeting notice. Having received no specific additions from the Finance Director, the Chair simply listed "Report from Finance Director" on the agenda for this meeting.

According to the minutes of the November 21, 2016 meeting, attached as Exhibit C, the Finance Director, Mr. Keveny reported the following:

- The audit process for our 2016 financial statement was in good shape and meetings with the Audit Committee and then with the Board of Selectmen to complete the process are being scheduled.
- He was working on reestablishing production of the "Crystal Reports" that had been unavailable since last year because of moving to a cloud-based version of MUNIS.
- The tax recap was to be reviewed by the Board of Selectmen and submitted to the state.
- He distributed a hand-out on funding sources for the Town Administrator's proposed 2018 capital budget. He provided a notebook summarizing department submissions for the 2018 operating budget. He provided an overview of the contents.

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It should also be noted that the agenda for this meeting listed the capital improvement program (or "CIP"), debt policy, and financial strategy as topics for discussion. While these specific topics were not listed under the "Report from Finance Director," the Finance Director's comments were applicable to the overall capital improvement plan and financial strategy discussion. Further, the Finance Director, like any member of the public recognized by the Chair at a public meeting, but particularly in his capacity as the Town's Finance Director, may address the Committee or provide information to the Committee under other topics listed on the agenda.

The Committee denies that its Chair was aware of the Finance Director's intention to raise these matters for discussion during its November 21 meeting. A public body need only list topics in the meeting notice that were reasonably anticipated by the chair. G.L. c. 30A, § 20(b). After soliciting comments and items for inclusion in the meeting notice prior to public posting, no additional information was received from the Finance Director indicating that these (or any matters) would be addressed at the November 21, 2016 meeting. Thus, if Chair Watkins did not know that the Finance Director would report any items to the Committee, there was no requirement that he note such items in the meeting notice. Indeed, as noted above, when the Chair is aware that specific items will be addressed at a meeting, such matters are detailed in the meeting notices. The topics that were discussed by the Finance Director further confirm the unanticipated nature of the discussion. Specifically, with respect to the audit process, the Committee has no responsibility for the audit function in the Town and thus there would be no reason for Chair Watkins to speculate that this item would be raised at the November 21, 2016 meeting. Further, the Crystal Reports software matter was first reported as an issue in the Spring of 2016. There has been no additional communication with Chair Watkins to indicate that the issue had not been resolved earlier in the year. Moreover, the Tax Recapitulation is not the responsibility of the Committee at all. As such, there was no reason that the Chair would have anticipated the Finance Director's statement regarding the Tax Recap matter. Lastly, the Finance Director, without notice to the Chair, decided to distribute the Town Administrator's proposed budget that she was presenting to the Board of Selectmen and there was no discussion by the Committee regarding the proposed budget at that time. Therefore, since the Chair did not reasonably anticipate that these items would be discussed, after soliciting input, 48 hours before the meeting, there was no violation of the Open Meeting Law.

December 12, 2016 Meeting

As noted above, as was his regular practice, in preparation for the December 12, 2016 Committee Meeting, Chair Watkins, on December 7, 2016, distributed a proposed agenda to Committee Members and the Finance Director for review and additions to the meeting notice. On December 7, 2016, several Committee members individually provided feedback to Chair Watkins on the proposed agenda. The Finance Director did not provide any items for discussion or inclusion in the meeting notice, and thus the agenda again stated: "Report of Finance Director". According to the draft minutes of this meeting (see Exhibit D), the following unanticipated items were raised:

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Director, Division of Open Government
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- Distributed results of the Crystal Reports of actual expenses of the General Fund and indicated that it was a good tool to use in preparation for future work.
- Spoke about the outside auditor, who was making a presentation to the Board of Selectmen.
- Discussed what he was presenting to the Selectman.
- Discussed what he was going to be providing us at a future meeting (next week) based on changes he was about to receive from the Selectman (all budgets within their control).
- Noted based on what he received so far that the General Fund budget was up 3.75% year to year and indicated with capital that the total budget was up 4.05 and that the committee had a big task ahead of them starting in January. He again indicated that the Committee should wait until the next meeting to start to discuss after he received input from the Board of Selectman.

The items raised by the Finance Director pertained to other topics listed on the agenda, including the school budget, general government budget, and the capital improvement plan. As noted above, the Finance Director may comment upon other items listed in the Committee's agenda, if recognized by the Chair.

Chair Watkins was not aware of the Finance Director's intention to raise these specific issues during the Committee's December 12, 2016 meeting, and thus, such matters were not reasonably anticipated by the chair. G.L. c. 30A, § 20(b). Accordingly, if Chair Watkins did not know, even after reasonable diligence, that the Finance Director would present on these items to the Committee during the December 12th meeting, after he inquired as to the topics he would present on there was no requirement that he note that statement in the meeting notice. Therefore, there was no anticipated discussion concerning the items raised by the Finance Director in violation of the Open Meeting Law. Indeed, in this instance, during the December 12, 2016 meeting, the Finance Director repeatedly indicated that he was not going to burden the Committee with what he was presenting to the Board of Selectman because it was premature. The Finance Director even made multiple statements during the meeting that this information should be discussed at a future meeting because it had yet to be refined by the anticipated input from the Board of Selectman. As such, no violation occurred at the December 12, 2016 meeting since the items will be addressed at a future meeting where proper notice can be given to the public. See OML 2013-87; OML 2013-13.

Despite its compliance with the Law, following its review and discussion of the Complaint on January 3, 2017, the Committee has voted to proceed, in consultation with Town Counsel, to have the Finance Committee Chair continue to contact the Finance Director and endeavor to further identify specific topics to be discussed for inclusion in the meeting notice.

In addition, the Complaint alleges that the agenda lacked the requisite specificity by listing "Discuss Chair and Vice Chair's Update" as one topic. The Complaint alleges that the Chair

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discussed various budget preparation matters under this topic. However, the draft minutes for the December 12, 2016 meeting (attached as Exhibit D) note there were no reports provided under this topic. While it is true that the Chair discussed budget preparation matters at this meeting, this was done under the school budget review, the operating budget review and the capital improvement program, which were listed as items 3 through 5 on the agenda. Accordingly, these items were listed on the agenda and were discussed, and thus, there was no violation of the Open Meeting Law.

Meeting Minutes

The Committee acknowledges that the Open Meeting Law requires that minutes be “created and approved in a timely manner.” G.L. c. 30A, §22. In 2016, the Committee fell behind schedule in approving its minutes since the Committee member responsible for the meeting minutes had unforeseen personal and professional obligations. Please be advised, however, that the September 26, 2016 meeting minutes were approved during the December 12, 2016 meeting and have been posted to the public website. In addition, to date, the Committee has approved and posted to the public website all 2016 Committee meeting minutes through November 21, 2016. Going forward, the Committee will endeavor to keep up to date with approvals of meeting minutes, but, significantly, as of December 19, 2016, when the Complaint was received, the Finance Committee had already “created and approved” its minutes for the majority of 2016, including the two meetings at issue in the Complaint.

Therefore, as stated above, the Committee denies that it committed any violation of the Open Meeting Law with regard to its meeting notices and that states it intends to continue to work diligently to approve its meeting minutes expeditiously and, therefore, no further remedial action is called for. Nonetheless, the Committee shall work with Town Counsel going forward to ensure that its meeting agendas provide sufficient detail and that meeting minutes are reviewed and approved as efficiently as possible.

Conclusion

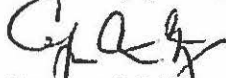
As set forth above, it is the Committee’s position that it did not violate the Open Meeting Law with respect to the listing of topics on its November 21 and December 12 agendas, as the Chair listed those topics that he reasonably anticipated would be discussed. However, the Committee recognizes the important goals that the Open Meeting Law is intended to promote, and therefore, at its January 3, 2017 meeting, the Chair announced to the Committee that, going forward, he would be more diligent in his efforts to contact the Finance Director to identify those topics that he may wish to present to the Committee and list those topics on each agenda. Similarly, the Chair will hold himself and the Vice-Chair to that same standard and list topics to be discussed under their reports and updates.

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Director, Division of Open Government
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Finally, with respect to the minutes, the Committee notes that it does not have a lengthy backlog of unapproved minutes. Rather, the Committee emphasized its practice of routinely and promptly approving minutes, as reflected on the agendas provided. As of January 3, 2017, the Committee had approved all minutes from all prior meetings. It should also be noted that, unlike other Town boards or committees, the Committee does not have staff dedicated to drafting minutes of its meetings; instead, each of the Committee members, who are unpaid volunteers, take turns preparing their minutes. While the September 26, 2016 minutes were not approved until December 12, 2016, the Committee member responsible for preparing those minutes was absent from several Committee meetings due to personal and professional obligations, which contributed to the minimal delay in approving said minutes. The Committee remains committed to approving minutes in as timely a manner as practical in compliance with the Open Meeting Law.

Please do not hesitate to contact me to discuss in further detail.

Very truly yours,


Carolyn M. Murray

CMM/JMA/man

Enc.

cc: Finance Committee
Board of Selectmen ✓
Mr. George Harris

572380/WAYL/0001



The Leader in Public Sector Law

3rd Annual Hospitality Reception

Friday, January 20, 2017

9:00 p.m. to 11:00 p.m.

Republic Ballroom

Sheraton Boston Hotel

39 Dalton Street, Boston, MA

Please visit us at Booth 1027 during the MMA Annual Meeting.

We look forward to seeing you!

6



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
Monday, December 5, 2016**

Attendance: C. Martin, N. Funkhouser, G. Cliff, G. Uveges, D. Watkins, K. Shigley, Keveny (Finance Director).

1. Call to Order

The meeting was called to order at 7:09 PM. D. Watkins announced that the meeting was being taped and briefly gave a preview of meeting agenda.

Public Comment & Committee response: Annette Lewis, Claypit Hill Road. Annette mentioned that with respect to the new items in the budget, we should be asking for a cost benefit analyses. Specifically with respect to school bus parking, considering such things as years of use, payback period timeframe. Annette mentioned that the WRAP Committee suggested other Wayland parking places to the School Department that should be considered.

2. Finance Director's Report: B. Keveny reported

- 1) He met with Melanson and Heath recently as well as audit committee. Presented the Draft CAFR and the final FY 2016 CAFR was submitted by the auditors to the town.
- 2) More controls are being considered around the Water Department and the authorization of water abatements.
- 3) For the FY18 budget the total budget will be provided somewhere between the 12-19th of December and Brian will prepare proposed revenues sources as well as different options for funding initiatives.
- 4) With respect to CIPs, there is an added CIP regarding a water study concerning sourcing water outside of town
- 5) The DOR certified the FY17 tax rate at \$18.14
- 6) 6. There will be a telephone call with Moody's likely late January and there will be internal meetings in advance to prepare for the call.

3. Departmental CIP Discussions (members of the following departments may be attending) IT

B. Keveny mentioned that the IT budget is at \$215K and might come down – to revisit in January. No discussion tonight.

4. Discussion with Town Administrator regarding Best Practice Grants

N. Balmer mentioned that the Town has been presented with a \$30K grant from the state by the Collins

Center to conduct two interrelated projects. Nan described the process and participants. The proposed project would be completed by June 2017. Nan handed out a letter which we received regarding the project.

5. Discussion Regarding CIP Prioritization and Vote to Close Capital Budget

Committee discussed the bus parking matter, including the fact that the Town has hired a consultant to explore possibilities. Annette Lewis sent a five page memo to Schools outlining some options as well.

The Committee went through the proposed capital budget and discussed potential requests. Sources of funding will be discussed further next week.

6. Discussion Regarding 5 Year Capital Improvement Program and Possible Vote to Close Capital Budget - No discussion

7. Discussion and Possible Vote on Debt Policy

C. Martin moved that we approve the Debt Policy, G. Cliff seconded the motion and the Committee voted 6-0 to approve.

Discussion and Possible Vote of Town Financial Strategy

C. Martin moved that we approve the Financial Strategy document, G. Cliff seconded the motion and the Committee voted 6-0 to approve.

8. Report on Overlay – G. Uveges presented an analysis of the Town’s process for determining the amount of tax revenue to be reserved for assessment adjustments for each tax fiscal year and the cumulative tax reserve for open tax appeals. (FY 09 through FY17).

9. Issues & Actions/Schedule & Milestones/FY18 ATM Schedule

Chair Watkins reported that ATM will potentially have 33 articles or more.

10. Discuss Chair and Vice Chair’s Update - None

Members’ Reports, Concerns, and Topics and Schedule for Future Meetings - None

11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any - None

12. Minutes: 11/21/16 minutes prepared by Gordon Cliff: Carol Martin moved to approve minutes as amended and G. Uveges seconded the motion. Vote was in favor 6-0.

13. Adjournment: At approximately 10:39 pm C. Martin moved to adjourn the meeting and G. Uveges seconded the motion. The motion was approved 6-0.

Respectfully submitted,

N. Funkhouser

Handouts

Jorge

N. Balmer – Collins Center

B. Keveny – Capital Budget

B. Keveny - Culvert CIP

Alternative Water Supply Analysis

Debt Amortization Schedule

Uveges - Overlay



Town of Wayland Massachusetts

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

Finance Committee

Minutes

December 19, 2016

Attendance: G. Uveges, G. Cliff, K. Shigley, Jen Gorke and C. Martin. Also in attendance: D. Watkins, and Nancy Funkhouser who joined the open meeting at 8:31 PM after the conclusion of the Executive Session.

Call To Order:

The meeting was called to order by Vice-Chair C. Martin in the Second Floor School Committee Small Conference Room at the Town Building at 6:45 PM. Ms. Martin announced the meeting was being taped by WayCam. Ms. Martin then reviewed the agenda for the meeting.

Public Comment:

Anette Lewis, Claypit Hill Rd, representing the WRAP Committee, requested that the Finance Committee provide feedback on two memos that her Committee had sent to the Finance Committee. They need the feedback to further develop their capital funding plans which need to be written in January.

Committee's Response to Public Comment:

Ms. Lewis agreed to resend the correspondence she had previously sent to the Committee and the Finance Committee will add a discussion of the matter to a future agenda.

Finance Committee Motion:

The first item on the agenda was to call for a motion to move into a Joint Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to Discuss Strategy for Upcoming Collective Bargaining Negotiations with the Police, Fire, AFSCME 1, AFSCME 2,

Library, Teamsters, Custodians, WTA, WESA and Food Service Unions, as an open discussion of these matters may have a detrimental effect on the Town's bargaining position.

Ms. Martin moved, and Mr. Uveges seconded the motion. The Committee will be inviting members of the BoS, School Committee, Personnel Board, and Dr. Paul Stein (School Superintendent), Katelyn O'Brian (Human Resources Assistant), John Senchyshyn (Assistant Town Administrator), Brian Keveny (Finance Director), Brad Crozier (Assistant Superintendent of Schools), and Liz Valerio (Town Counsel).

Before voting on the motion, Mr. Cliff pointed out that after the Joint Session we also need to discuss potential declassification of executive session minutes pursuant to M.G.L. Ch. 30(a) § 22.

All members present voted to adjourn per a roll call vote: G. Uveges- yes, G. Cliff- yes, K. Shigley- yes, Jen Gorke-yes and C. Martin- yes. Motion carried 5-0. This portion of the open meeting ended at 6:55PM.

Chair Watkins reconvened the Finance Committee into open session at roughly 8:31 PM.

5 Year Capital Improvement Plan Discussion and Vote

Town by-laws require that the Finance Committee annually submit a 5-year capital improvement plan at Town Meeting.

Mr. Uveges then presented a 5-year CIP model that he developed using as input existing Town debt and new debt as proposed by Town Departments. The modeling is done via spreadsheet. The first sheet is a summary of existing Wayland debt.

The second sheet is a projection of debt and debt service for FY's '18-'22. Assuming all requested projects are funded, the exhibit shows that we exceed our policy limit for the debt to revenue ratio in 2019 and we exceed our policy limit for debt service in 2020.

The third sheet applies the same modeling to Enterprise fund debt.

There was discussion on whether the Maintstone Debt should or should not be included in the model. We expect clarification on that to come after a discussion with Moody's.

The Committee complimented Mr. Uveges for his excellent spreadsheet model.

The Committee then had a discussion on the definition of what such a 5 year CIP plan should be and what we should be recommending to the Town.

- Some members felt the recommended CIP plan should seek to identify cuts necessary to stay within policy debt limits.
- Others felt it was sufficient to present the results of the modeling and point out that Town departments would likely have to reconsider some capital projects "asks".
- Another view was that current debt policy can be exceeded to permit funding of very large projects which otherwise could never qualify.
- Mr. Uveges suggested we get input from the WRAP Committee. Ms. Funkhouser disagreed and thought that would be going beyond their charter.
- Another view was that we should recommend some cuts to avoid putting our debt rating in jeopardy.
- Mr. Watkins suggested including commentary that some projects, perhaps equal to the \$13 million overage identified by the model, would likely have to be cut. Mr. Uveges pointed out that the "overage" developed by the model is highly assumption driven (whether the constraint is debt service or debt, the length of the financings, interest rates, etc.) and is not as precise a number as Mr. Watkins had proposed.

Ms. Martin suggested that we translate the results of the modelling into user friendly impact statements on how these proposed capital projects would affect costs.

Ms. Funkhouser moved that Mr. Uveges model be adopted as the basis of our CIP report at Town Meeting along with some appropriate explanations. Ms. Martin seconded. Mr. Keveny agreed that we need to bring a CIP plan for FY '18 through '22 to Town Meeting and suggested adding further qualifications indicating that future capital projects had not yet been fully vetted for exact amounts or funding sources, and adding commentary on likely tax impact. Ms. Funkhouser and Mr. Uveges offered to work on the appropriate language that should accompany the results of the model. The motion passed 7-0.

Ms. Funkhouser further agreed to migrate/translate the results of Mr. Uveges' spreadsheet into a format suitable for presentation at Town Meeting.

Draft Operating Budget Discussion:

Finance Director, Brian Keveny, then discussed a draft of the Town Operating Budget, as submitted by all departments. Some further revisions are still expected from the Facilities and the IT departments.

He made the following observations on this draft consolidated budget (General Fund and Water Accounts):

- Total proposed budget is \$82.1 Million
- To support this budget will require \$66.8 million of taxation
- \$492,000 cash capital
- \$374,000 of free cash
- OPEB \$215,000
- Transfers from other funds are still a work in progress
- The projected year over year increase is 3.77%
- This budget would translates into a 6.58% increase to tax rates
- Tax rate is projected to be \$18.86/1000;
- Estimate is for a 2.5% increase in assessment
- A key reason for the increase in budget is new hires, mostly for schools
- \$ 1.8 million increase in total budget.
- Possibility for further increases to the budget if new hires for the Town are approved.

Mr. Keveny identified parts of the budget not subject to change (e.g. Pensions and payroll) and parts of the budget that had changed significantly (e.g. non-payroll expenses in DPW, IT, Parks).

Mr. Shigley asked for clarification on how the 3.77% increase in total budget translated to the 6.58% increase in taxes. One reason for the disproportionate jump in taxes is the reduction in the use of free cash. Mr. Cliff suggested that we prepare an exhibit that demonstrates this.

Parts of the budget package had been distributed previously via email. Mr. Watkins asked the Committee members what in their review of the emailed budget package they were able to identify as areas for push back. As a result of this discussion, Mr. Watkins proposed that we extend invitations to departments so they can explain/defend their budgets to the Committee at a future meeting. IT, DPW, and Schools, were identified as important cost centers to start with. The mission of the Committee is ultimately to recommend a budget. In order to do that we want to be confident that we have vetted the important issues/assumptions in the budget and get a good understanding of the budget. Ms. Funkhouser observed that the budget information received this year is far superior to information received in prior years.

Mr. Uveges noted that the budget was still missing an expense for fringe benefits for new hires in the school department as well as all the cost for potential new hires for the Town. He speculated that the current 3.77% increase in total budget might swell to 5%.

One outcome from this discussion was to ask the Town Administrator to present the Committee with a list of all open but not filled positions, including a list of all new positions.

Ms. Martin had already approached the School Committee requesting a budget discussion with the Finance Committee. Tentative date for the meeting is Jan. 4, 2017, mid-afternoon. She encouraged members of the Finance Committee to prepare questions ahead of time. Mr. Watkins was reminded that we would need to post that meeting to the Town website.

Members reports, concerns, topics not reasonably anticipated:

Mr. Cliff requested a copy of the CIP package. Mr. Keveny indicated it was posted on the web site.

Mr. Watkins discussed the protocols for posting documents to the web site. Any document we feel should be posted should be sent to Mr. Keveny who will determine whether prior distribution is or is not compliant with OML. Ms. MaryAnn DiNapoli will do the physical posting. Mr. Cliff identified some documents not currently on the web site that should appear on the web site. Mr. Watkins indicated that he has already begun the process of rationalizing the content of the web site.

The Committee agreed on a new process for posting minutes. Send minutes to Ms. Funkhouser (control), who will send them to Mr. Keveny (physical filing), who will send them to Ms. DiNapoli (posting).

Topics not reasonably anticipated by the Chair:

Mr. Watkins discussed an OML violation filed by Mr. Harris. The Committee needs to respond within 14 business days. Mr. Watkins noted that we intend to take corrective measures and respond accordingly.

Meeting Minutes:

Nancy Funkhouser reported on the status of Minutes still outstanding.

Meeting Adjourned:

Next meeting will be Jan 3rd because the 2nd is a holiday.

Ms. Funkhouser moved to adjourn. Ms. Gorke seconded. At 9:41 PM the Committee voted 7-0 to adjourn.

Respectfully submitted,

Klaus Shigley

Attachments:

Agenda

Mr. Uveges' Debt Service Model

Mr. Keveny's summary of Draft Budget

OML Complaint

Tax rate article



Town of Wayland Massachusetts

Finance Committee

David Watkins (Chair)

Gordon Cliff

Nancy Funkhouser

Jen Gorke

Carol Martin

Klaus Shigley

George Uveges

Finance Committee

Minutes

January 3, 2017

Attendance when meeting called to order: D. Watkins, N. Funkhouser, C. Martin, G. Uveges, K. Shigley, and B. Keveny (Finance Director). In addition, Mr. Cliff joined the meeting at 7:26 pm.

Location: Selectman's Meeting Room in Town Building.

Call to Order:

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

Public Comment:

Linda Segal, Aqueduct Rd., addressed the committee regarding the need for recodification of the Town's Planning Zoning bylaws. See exhibit for the Public comment document submitted by Ms. Segal. Ms. Segal requested that the Finance Committee consider funding the recodification project.

Committee's Response to Public Comment:

The committee asked Ms. Segal several questions and a discussion ensued.

Open Meeting Law Complaint:

Ms. Carolyn Murray with KP Law was introduced to the committee as the Town's new legal counsel. She reviewed her background and the open meeting law ("OML") complaint process recently filed by Mr. George Harris. Mr. Watkins reviewed the OML complaint and summarized the action taken to date. Ms. Murray discussed the timing and that the committee should appoint a point person to work with her on the response to the complaint. Mr. Uveges moved and Ms. Martin seconded a motion to appoint Mr. Watkins as said point person for working with Ms. Murray on the FinCom response. The motion passed 5,0,0.

Mr. Watkins reviewed the specifics of the OML complaint and his view of the issues and how the

committee could improve its process. Ms. Martin pointed out that unlike most Town committees, the FinCom members prepare the minutes and that our policy has been that the minutes are only reviewed and approved at a subsequent meeting that the minute taker attends so that any corrections required can be reflected in the final minutes. The process can result in delays on occasion. Mr. Uveges pointed out that it would be unfortunate to curtail the financial update from the Finance Director because a specific item was not included on the agenda as the scope of that section of the agenda is to update the committee.

Mr. Cliff joined the meeting at 7:26PM.

Ms. Murray reviewed the merits of the complaint and pointed out that:

- The timing of the approval of the minutes should not be an issue as the 12 week time period noted in the complaint is a guideline, not a firm requirement.
- The Finance Director, as a member of the community is free to discuss items that come before the committee. In addition, the items referenced in the complaint would be considered part of the budget process and other topics which were spelled out in the agenda.
- While the agenda wording may not be the exact language of the discussion, the nature of the agenda item reasonably reflects the topic to be discussed.

FY 2018 Budget Review:

Police - Chief Robert Irving and Lt. Patrick Swanick addressed the committee regarding the police FY2018 budget. Mr. Keveny distributed information on the police and IT budget requests and a memo on FY 2018 staffing requests. Chief Irving discussed factors impacting the FY18 police budget including a 3 year stipend for police officers related to the contract negotiations for the police to be removed from civil service (\$35K to be paid in FY17, 18 and 19 assuming the state approves the change) and salary increase related to additional education by the police officers. Chief Irving then reviewed the request for an additional police officer and distributed a memo "Authorized Strength of Police Department". A discussion ensued.

Information Technology – Mr. Jorge Pazos, director of IT for the Town, reviewed the budget changes for FY18 and the impact of additional software contracts, firewall improvements, server replacements and the movement of selected applications to the cloud. He discussed the program to upgrade servers to handle applications run in house and to support virtual desktop applications. A discussion ensued including (1) moving the IT budget from the Town to unclassified as the department supports both the Town and the School system, (2) technical process and business process improvements required including the hiring in FY17 of a business analyst, and (3) equipment upgrades required to replace equipment no longer supported by the supplier.

Report of the Finance Director:

Mr. Keveny reviewed the Dec 20, 2016 memo from the personal board regarding new positions including the Fire department that maybe funded from the ambulance fund, the inclusion of an additional person in the conservation budget and FY18 budget request from the recreation department that maybe funded from their revolving accounts. Mr. Keveny reviewed the impact of the additional proposed headcounts on the FY18 budget. Mr. Keveny distributed an analysis showing the changes from the FY17 to FY18 budget including committed and non-committed reconciling items. A discussion

ensued.

Mr. Watkins distributed an analysis of the major changes in the Town's budget from FY17 to FY18 for the committee to review and consider which departments should be invited in to review their proposed budgets.

Fin Com Schedule:

Mr. Watkins distributed an "Operating Budget Review" schedule and reviewed the tasks and related completion dates. In addition, he distributed a listing of potential article assignments for the committee to review. Mr. Watkins also reviewed the future meeting dates and demonstrated the new website for the Finance Committee.

OPEB's:

Mr. Shigley distributed a memo regarding issues and action list: Update on OPEB. He requested the committee review it in anticipation of a discussion at a subsequent meeting.

Interest Rates:

Mr. Uveges discussed a Wall Street Journal article he had previously distributed and the potential impact that tax law changes can have on interest rates.

Minutes:

- Dec 5, 2106 minutes were reviewed and minor edits suggested. Ms. Martin moved and Mr. Uveges seconded that the minutes be adopted as amended. Motion passed 5,0,1 with Mr. Cliff abstaining.
- Dec 12, 2106 minutes were reviewed and minor edits suggested. Ms. Martin moved and Mr. Uveges seconded that the minutes be adopted as amended. Motion passed 5,0,1 with Mr. Cliff abstaining
- Dec 19, 2106 minutes were reviewed and minor edits suggested. Ms. Martin moved and Mr. Uveges seconded that the minutes be adopted as amended. Motion passed 5,0,1 with Mr. Cliff abstaining

Adjourn: Ms. Martin moved to adjourn at 9:45pm. Mr. Shigley seconded. Vote: 6, 0, 0 to adjourn.

Respectfully Submitted,

George Uveges

Documents:

Source:

B. Keveny:

Agenda

Police and IT FY2018 budget information

Dec. 20, 2016 memo re. FY18 Staffing Requests

Reconciliation of FY17 to FY18 budget

Linda Segal:

Written comments regarding the recodification of the Planning Board Bylaws.

Chief Irving:

Memo on Authorized Strength of Police Department

Mr. Watkins

Analysis of major changes in budget from FY17 to FY18.

Operating budget review date schedule

Potential warrant article assignments

Mr. Shigley

OPEB memo

WHDC Meeting
School Committee Room, Town Building
November 17, 2016

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

Others present: Risa Hochroth (20 Bow Road), Frank Gorke (9 Bow Road)

Public Comment: There was none.

Minutes of October 20, 2016 accepted as amended.

7:35 pm. Public Hearing. 9 Bow Road - Enclose screened breezeway between house and garage with door and windows. Frank Gorke was present to explain his plan to enclose the breezeway. His plans showed a multi-pane glass door (3 panes across and 5 down) with multi-pane windows (3 across and 4 down). Shingles are proposed for under the windows to match the siding on the house, rather than the panels shown on the concept plan. The suggestion was made to use interior storms and regular windows. The proposed steps would be wood with perhaps one and a half steps. There was general approval for the concept, but the HDC needs to see the final plan. There was a motion to approve the concept of enclosing the breezeway, with the steps just slightly wider than the proposed door and not across the entire breezeway width. Final approval will still be needed for the windows and the door, but the concept plan received a unanimous, favorable vote. (5-0-0)

7:55 pm. Public Hearing. 20 Bow Road - Paint color change: house, trim and doors. The homeowner, Risa Hochroth brought color samples "In the Navy" (Sherwin Williams), and "Light French Gray" proposed for the house. Along with the house color, two doors are being considered for a color change. There was a motion to approve the application for color change to Light French Gray for the house color and Navy for the door color. This motion received a unanimous, favorable vote. (5-0-0)

Design Review Guidelines - The review of Guidelines started on page 11 and ended on page 20. The next review will start with "Suggested References" on page 21.

The next HDC meeting is scheduled for December 15.

The meeting adjourned at 9:00 pm.

Respectfully submitted,
Margery Baston

WAYLAND HOUSING PARTNERSHIP
Minutes – December 13, 2016
Submitted by Rachel G. Bratt
Unanimously approved January 10, 2017

Attending: Mary Antes, Kathy Boundy, Rachel Bratt, Chris Di Bona, Stephanie May, Armine Roat
Absent: Joanne Barnett, Pat Harlan
(Note: Jennifer Steel was not at the meeting but, since then, she has been approved as the WHA representative to the WHP.)

At 7:40 Rachel called the meeting to order.

Public Comment/New Business: We were joined by Brian Boggia, Executive Director of the Wayland Housing Authority, who was there to provide a public comment about two possible new 40B projects that he is working on. In the 1980s the Town was able to acquire 25 scattered site single or 2-family homes through a HUD grant, to be held as long-term public housing and managed by the WHA. Brian and Housing Trust member (and developer), Mike Staiti, are working on this together. The idea is to convert one of the homes (near the Cochituate Post Office) from a 1-family into a 2-family. The other home, on a second site, would remain a 1-family, but there is space and sufficient septic capacity to add another 2-BR home. Both will be LIP/40B projects, since the zoning is 1-family only; both will be rental. Brian explained that these 2 units cannot be added to the public housing stock, since he said the Faircloth amendment requires the WHA to remain at its public housing stock level from 1999. Rachel said she would explore this limit.

NOTE: Section 9(g)(3) of the Housing Act of 1937 ("Faircloth Amendment") limits the construction of new public housing units. The Faircloth Amendment states that the Department cannot fund the construction or operation of new public housing units with Capital or Operating Funds if the construction of those units would result in a net increase in the number of units the PHA owned, assisted or operated as of October 1, 1999. <https://portal.hud.gov/hudportal/documents/huddoc?id=FRCLTH-LMT.pdf>

Minutes of October 18: Two corrections were made. Mary moved to accept as corrected. Kathy seconded. Unanimously approved.

Monitoring Report: Brian discussed some of the issues/problems identified in the report, including a few owners of affordable units who are renting at market prices. The deeds governing those properties had not barred this and since Willowbrook was built through a program other than 40B Chris asked why DHCD is not doing something about this problem, which is Commonwealth-wide. Brian also mentioned that renting units also violates Willowbrook condo association by-law. Mary noted that Mark Lanza, prior town counsel, had not done anything on the problem at Willowbrook, but recently letters were sent; Mary said she would try to access them. Kathy commented that this may be an issue for the attorney general and she suggested that we contact Judith Liben at Mass. Law Reform Institute. Rachel will do this. [Note: Rachel spoke to Judith and she said that she did not know about this issue and suggested we contact Henry Korman.]

Here is some additional information from Brian: Willowbrook case was approved in the mid-1980's as a Planning Overlay District (POD) by the Planning Board with very little involvement from DHCD. Willowbrook was not built under a Chapter 40B Comprehensive Permit that is approved by the ZBA. There was no public funding involved. Later, the Town petitioned DHCD to have the units count under the Housing Opportunity Program (HOP which Brian believes later evolved into the Local Initiative Program-LIP). The six affordable units at Willowbrook continue to be counted in

the Town's Subsidized Housing Inventory (SHI). Today, all developments must submit a LIP application to DHCD to be counted in the SHI.

The Willowbrook units were actually built in 1997 and used the DHCD affordable deed rider at the time. But for some reason, the town (or Town Counsel) deleted relevant sections. Probably nobody could foresee what problems could arise. People at DHCD/LIP have told Brian that affordable units are being rented in this fashion across the state. Brian's impression is that DHCD does not have the inclination to enforce any of the provisions of the affordable deed rider and would prefer to leave enforcement to the individual towns. LIP does not take units that are in violation of their deed out of the SHI. Below is my breakdown of Willowbrook by unit:

The other problem is the resale discount price 67% of the appraised market value which when applied will take the sales price out of the affordable range.

Brian believes that affordability goals of the program are generally not in question-just not enforced. This is *part* of the reason why he now prefers affordable rentals over affordable homeownership. Brian stresses that the majority of affordable homeowners comply with the program.

Consultant report on Housing Organizational Structure: Mary reported that Nan is considering hiring a consultant to help implement the report. It is not clear when that will happen. We will postpone having a joint housing meeting on this until the consultant is hired and the next steps are clearer.

River's Edge: Chris noted that a developer has been recommended to the BOS by the River's Edge Committee: Wood Partners. Before proceeding with the plan, the BOS is assessing whether the proposed project is in the best financial interest of the Town.

40B Process in Wayland: Mary noted that she thought the document was written by the WHP, likely based on state guidelines. It would be good for the actual statute/regs. To be cited explicitly. Rachel suggested that we should form a sub-committee to work on this. Rachel is particularly keen to involve new members in this effort. Once our committee drafts a new document, we will then bring it to the joint housing committee for their approval.

Next meeting of WHP: January 10 @ 7:30
Final meeting for 2016 scheduled for December 13.

At 8:55 Chris made a motion to adjourn, seconded by Stephanie.

PUBLIC CEREMONIES COMMITTEE
Selectmen's Conference Room
Wayland Town Building
41 Cochituate Road
Wayland, Mass 01778
November 9, 2016

- 1) The committee meeting was called to order at 7:00 P.M.
In attendance: Richard Turner (RT), Carl Bernardo (CB), George Bernard (GB), Steve Streeter (SS) & John Dyer (JD). Not present: Dennis Berry
- 2) Public Comment: No Public Comment
- 3) Old Business Minutes from October 26, 2016 were reviewed and approved.
- 4) New Business:
 - Carl followed up with another call to Martin Cox in Wilmington to discuss having military vehicles in the Memorial Day, 2017. Carl waiting for a response.
 - The 15th annual patriotic football game and half time show will be on Friday evening, November 11. Veterans, fire fighters, police officers and other first responders will take the field at half time.
 - Veterans Day, November 11, 2016 at 10:45 A.M. Ceremony to take place at Veterans Memorial. RT to have Town of Wayland tent put up for event and sixty chairs set up by custodian. RT to notify and ask participation of Town Selectmen and possible State Senator or Representative. Wayland Town Crier has published event in newspaper. Boy Scouts have been contacted and will read names of fallen Wayland Veterans. RT to be Master of Ceremonies (MC). SS authorized by committee to buy cord for speaker system. SS to set up speaker system for Veterans Day and take care of tarps if needed due to weather.
 - SS purchased gooseneck podium stand and gave receipt to RT.
 - RT to check into a sign stating "Keep off Memorial" due to children playing on the Memorial while soccer games are held at the field next to it.
 - SS to check with Nan Balmer on who will put the flags up in Cochituate and Wayland Center prior to the Memorial Day, 2017 parade before January 11, 2017. The bucket truck used for putting the flags on telephone poles is being transferred from the fire department to DPW. There are 75 poles and flags put on utility poles for Memorial Day.
 - Subcommittees to be addressed at the next meeting.
 - Plaques to be displayed at Town Hall for the Lydia Childs award and the Freedom Prize at Wayland High School with the name of the first-place finishers only to be discussed at next meeting.

Meeting adjourned at 8:00 P.M.

- The next WPCC meeting is scheduled for Wednesday, January 11, 7:00 P.M. at the Town building.