

PACKET

MAR 20

2017



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN

Monday, March 20, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

REVISED Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. The meeting likely will be broadcast and videotaped for later broadcast by WayCAM.

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|---------|--|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none">• Review Agenda for the Public; Announcements |
| 7:02 pm | 2.) Public Comment |
| 7:10 pm | 3.) Vote to Approve and Sign Letter to Mass Housing regarding 24 School Street 40B Project Eligibility Application |
| 7:25 pm | 4.) Vote to Sign Conservation Restrictions for Mainstone Farm |
| 7:40 pm | 5.) Discussion and Potential Vote on Town Meeting Articles, Errata and Handouts |
| 8:00 pm | 6.) Discussion and Potential Vote to Approve the Authorization of the Town Administrator to Extend the Period for Execution of the River's Edge Land Development Agreement |
| 8:10 pm | 7.) Minutes: Review and Vote to Approve Minutes of March 6, 2017 |
| 8:20 pm | 8.) Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 8:25 pm | 9.) Review Correspondence (See Separate Index Sheet) |
| 8:35 pm | 10.) Report of the Town Administrator |
| 8:45 pm | 11.) Selectmen's Reports and Concerns |
| 8:55 pm | 12.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:00 pm | 13.) Adjourn |

(3) 24 SCHOOL ST



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March 15, 2017

Katherine Lacy
40B Specialist
MassHousing
One Beacon Street
Boston MA 02108

Re: 24 School Street, Wayland, MA

Dear Ms. Lacy:

Thank you for the opportunity to comment on the application for a Site Approval Letter submitted to MassHousing by Windsor Place Development LLC, in connection with a proposed housing development on 24 School Street, in Wayland, Massachusetts. The Board offers the following information for your agency to consider in developing its Findings with respect to Project Eligibility.

While the Town of Wayland supports the inclusion of rental housing, the Town is concerned that the project is too large for the property and for the surrounding neighborhood.

The issues identified below are most directly influenced by the size of the project. Issues such as the compactness of the site, lack of landscaping and massing of the building along School Street would be best addressed by reducing the number of units within the project. A reduction would allow for less parking, less area for a septic leaching field, less drainage, and better access for public safety personnel. The combination of the reductions would allow a building redesign that would reduce the massing of the building while improving the curb appeal of the project, allow for increased screening of the structure, a greater amount of open space, and for reduced environmental and neighborhood impacts.

Project

The Applicant submitted a Project Eligibility/Site Approval application by hand to the Board of Selectmen's office for a 12 unit residential rental development on February 15, 2017. A site visit was conducted by Mass Housing on March 6, 2017. A copy of the sign-in

sheet is enclosed. The Planning Board and the Wayland Housing Partnership held an informational meeting on Tuesday March 7, 2017 attended by over one hundred residents. The comments from residents and department heads are posted on the Planning Department website and are considered part of the record (see: [http://www.wayland.ma.us/Pages/WaylandMA Planning/apps](http://www.wayland.ma.us/Pages/WaylandMA%20Planning/apps)).

The subject property is located at 24 School Street and consists of approximately 37,865 square feet of land bordering a stream on the adjacent property to the west. The site is zoned single family R-20., 20,000 square feet, 20% minimum lot coverage. The Applicant proposes the construction of two buildings with six units in each totaling 12 units of which 3 will be affordable. The applicant proposes a single access way from School Street with an emergency gated access drive to East Plain Street (Route 30).

According to the application, twenty-five percent, or three of the rental units, will be made available to households earning less than eighty-percent area median income. Setbacks to adjoining residential properties range from 10' - 20'. One of the proposed buildings and portions of the parking lot will be located within 75' of offsite bordering vegetated wetlands and a tributary to Snake Brook. A wastewater collection system will convey flows to a shared wastewater septic system located under the parking lot. A stormwater infiltration system is also being proposed under the driveway between the two buildings.

Municipal Action

In terms of affordable housing development and unrelated to the subject property, the Town has taken the following major steps intended to meet local housing needs:

- On September 20, 2016 the Department of Housing and Community Development approved the Town of Wayland's Affordable Housing Plan. The Town of Wayland has also updated its 2011 Master Plan and recently completed the Open Space and Recreation plan in 2016. The proposed project was not included in any of the master plans.
- River's Edge - The Town of Wayland at the Annual 2014 Town Meeting approved a zoning overlay district on Town owned- land consisting of 8 acres to define the scope and nature of the River's Edge Development at 489-490 Boston Post Road, at and including the former Wayland/Sudbury Septage Facility site, for the development of 188 units of affordable and market-rate rental housing units. This density equates to 24 units per acre. The Town has been working on the pre-development process for this site for over four years. This project will produce 47 affordable units. All 188 units will count towards our Subsidized Housing list pushing the Town to 9.32%. The Board of Selectmen voted in February 2017 to issue a Notice of Award to WP East Acquisitions, LLC (Wood Partners) for the sale and redevelopment of 484-490 Boston Post Road,

Wayland, Massachusetts known as River's Edge, in response to Wood Partners' proposal submitted on July 6, 2016. Wood Partners has recently executed a Notice of Award and a final Land Disposition Agreement for the premises (the LDA) is due within 30 days. Wood Partners has a 90 day due diligence period. It is anticipated that Wood Partners will close on the purchase under the LDA within (12) months of execution of the LDA. Wood Partners only needs to seek Site Plan Approval from the Planning board within this 12 month time frame.

- Funding for Affordable Housing -The Town of Wayland has an Article before the April 2017 Town Meeting to transfer funds for community housing to the Wayland Municipal Affordable Housing Trust Fund (WMAHTF) which will provide for the creation and preservation of affordable housing in Wayland. The Wayland Municipal Affordable Housing Trust Fund (WMAHTF) was authorized by the 2014 Annual Town Meeting to provide for the creation and preservation of affordable housing in Wayland. Funds to be transferred include monies already allocated to the Community Housing Fund. By transferring the CPA Community Housing Fund to the WMAHTF, the Town has greater flexibility for addressing affordable housing issues as the WMAHTF is not required to bring each proposed transaction to Town Meeting, only when creating more than two units of affordable housing.
- In addition, the Town of Wayland also has another article requesting \$20,000 for the purpose of funding a housing consultant to assist the Board of Selectmen and the Town's various other housing committees in making informed decisions on affordable housing. Having a professional with expertise in housing laws, regulations, and guidelines, who can oversee and coordinate local affordable housing efforts, will fill a gap in the Town's ability to protect and produce affordable housing. The Scope of Work for a Housing Consultant would be developed by the Board of Selectmen with input from the Housing Partnership and the Housing Trust and would likely report to the Town Administrator.

Project Specific Comments

Municipal staff reviewed the application/plans and raised a number of concerns about the proposed development. Comments are summarized below:

Public Safety Traffic and Circulation

The Police Chief and Fire Chief submitted comments on this Application which are posted on the Town of Wayland Planning department's website. The Applicant will need to prepare a Traffic Impact Assessment with sufficient data, including traffic volumes, crash rates, and the safety and level of service (LOS) at the site entrance and area intersections of School Street and East Plain Street, in order to assess the Project's potential traffic impacts on area roadways. The Planning Board is very concerned with safety at this location. This

intersection has been the scene of many traffic accidents, including fatalities, over the years. The Town of Wayland has conducted several traffic studies and has recently implemented a major improvement to reduce the number of conflicting traffic streams to better control turning movements. These improvements have caused additional backups during commute hours. We strongly recommend no curb cuts onto East Plain Street.

The intersection of School Street and East Plain Street, already a high crash location, will be impacted by the development as well. A traffic light or right turn only from the driveway may be warranted. The proposed gate at the East Plain entrance is not acceptable to the Fire Department. The Fire Department does not allow gates on Fire Lanes due to operational concerns and accessibility delays during an emergency.

Wetland Impacts, Drainage and Sewer

- A significant portion of the site is subject to the jurisdiction of the Wayland Conservation Commission pursuant to local and state wetland regulations. The Town is concerned that the Project, particularly several condominium units and an enlarged stormwater detention basin located within the 75-foot buffer, would have a negative impact on area wetlands, both on and off site. Neighbors to the proposed development are concerned that the Project may exacerbate existing drainage problems in the area. The applicant will need to make a determination if the adjacent stream is intermittent or perennial. The actual size of the watershed would need to be addressed during the permitting process as well as the potential flooding the development may cause due to an increase in impervious surface and the possible undersized culvert at East Plain Street.
- Public sewer is not available in Wayland. The site does not appear to include a reserve area in the event the wastewater treatment system fails in the future. The Town of Wayland Board of Health Regulations requires larger leaching areas to prevent premature failures.
- A major wetland violation and land encroachment on Town of Wayland property was observed during the site visit.

Historic

The Wayland Historic Commission has raised concerns that the area represents the last farming area of Cochituate Village. In addition to the historic farm property, the existing barn on the property dates back to 1880.

- The Applicant failed to recognize the historical significance of this property in its application. In the "Site Characteristics and Development Constraints" (pg. 24 of the Mass Housing application PDF available on the Wayland Planning website), the
-

developer falsely answered “no” to two separate questions about the property’s historical designations. Both the house and the barn are listed in MACRIS:
<http://mhc-macris.net/Results.aspx>

Deed Description/Ownership/Application check list

- The Deed description to the project seems to be describing a different shaped parcel than what is shown on the Applicant’s plan. On pg. 6 of the Mass Housing application PDF, the developer indicated that the property is a 37,865 ft. lot, which would be approximately .86 acres. However, the required Tax Map (pg. 9 of the application) submitted by the developer indicates that the lot is actually .65 acres. The Wayland GIS map (<https://www.axisgis.com/WaylandMA/>) also indicates that the lot is .65 acres or 28,400 ft. The lot is referenced as 37,000 ft in other documents, but the actual size should be confirmed.
- At the meeting on March 7, a resident indicated that the property was not yet owned by the developer and was possibly in foreclosure. Pages 54-70 of the application PDF contains the Purchase and Sales Agreement and relevant sale documents. Per these documents, the sale has not yet closed and the agreement has been extended to 3/17/2017. Additionally, pg.67, 19.b indicates that there are liens on the property that exceed the purchase price and the seller intends to conduct a short sale.
- The developer’s “Application Checklist” (pg. 164-168 of the Mass Housing) contains misleading information. For example:
 - Item #3 - Protect Land and Ecosystems: The developer checked “Responds to state or federal mandate”, “Eliminates or reduces neighborhood blight” and “Addresses public health and safety risk” as reasons why this development should be approved. We do not agree that 24 School Street is a neighborhood blight and believe that the proposed development will actually reduce public safety and jeopardize the surrounding conservation land by increasing the area’s traffic and density
 - Item #6 – Provide Transportation Choice: The developer checked “Increased bike and pedestrian access”. However, pedestrian access is likely decreased by this development given the proposed curb cut on East Plain St.
 - The application also does not provide any of the required explanations to support the responses
 - The developer also failed to provide the necessary explanation of how the proposed development follows the relevant Sustainable Development Principles.

Lastly, the proposed plan would result in too much impervious surface and too little open space. The proposed level of density is incompatible with the surrounding neighborhood.

Thank you for the opportunity to comment on the Site Approval Application for the proposed Windsor Place. Please do not hesitate to contact the Town Administrator, Nan Balmer, in the Selectmen's Office with any questions related to this correspondence.

Sincerely,

Cherry Karlson, Chair
Board of Selectmen

cc: M. Antes, Chair, Wayland Affordable Housing Trust
D. Hill, Chair, Wayland Planning Board
R. Bratt, Chair Wayland Housing Partnership

enc: Memo of 3/9/17 from Town Planner to Board of Selectmen re: Planning Board Review of #24 School Street Application for 40 B Affordable Housing Project

NOTE: Additional comments from department heads, boards, committees and residents can be found online at [http://www.wayland.ma.us/Pages/WaylandMA Planning/apps](http://www.wayland.ma.us/Pages/WaylandMA%20Planning/apps)



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

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

MEMORANDUM

Date: March 9, 2017
To: Board of Selectmen
From: Sarkis Sarkisian, Town Planner
Re: Planning Board Review of proposed #24 School Street application for 40B Affordable Housing Project Preliminary Application for Mass Housing. 12 Units Residential Rental Development. Applicant Chadwick Homes 75 Pelham Island Road Wayland, MA 01778.

Staff recommendations and position based on comments heard and received from boards, committees, neighborhood residents, direct abutters and department heads.

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According to the application, twenty-five percent, or three of the rental units, will be made available to households earning less than eighty-percent area median income. Setbacks to adjoining residential properties range from 10' - 20'. One of the proposed buildings and portions of the parking lot will be located within 75' of offsite bordering vegetated wetlands and a tributary to Snake Brook. A wastewater collection system will convey flows to a shared wastewater septic system located under the parking lot. A stormwater infiltration system is also being proposed under the driveway between the two buildings.

Local Needs

On September 20, 2016 the Department of Housing and Community Development approved the Town of Wayland's Housing Plan. The Town of Wayland has also updated its 2011 Master Plan and recently completed the Open Space and Recreation plan in 2016. The proposed project was not included in any of the master plans.

Prior Municipal Action

In terms of affordable housing development and unrelated to the subject property, the Town has taken major steps intended to meet local housing needs.

River's Edge-

The Town of Wayland at the Annual 2014 Town Meeting approved a zoning overlay district on Town owned land consisting of 8 acres to define the scope and nature of the River's Edge Development at 489-490 Boston Post Road, at and including the former Wayland/Sudbury Septage Facility site, for the development of 188 units of affordable and market-rate rental housing units. This density equates to 24 units per acre. The Town has

been working on the pre-development process for this site for over four years. This project will produce 47 affordable units. All 188 units will count towards our Subsidized Housing list pushing the Town to 9.32%.

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The Town also has another article requesting \$20,000 for the purpose of funding a housing consultant to assist the Board of Selectmen and the Town's various other housing committees in making informed decisions on affordable housing. Having a professional with expertise in housing laws, regulations, and guidelines, who can oversee and coordinate local affordable housing efforts, will fill a gap in the Town's ability to protect and produce affordable housing. The Scope of Work for a Housing Consultant would be developed by the Board of Selectmen with input from the Housing Partnership and the Housing Trust and would likely report to the Town Administrator.

This position will assist the Board of Selectmen, Wayland Housing Partnership and the Wayland Municipal Affordable Housing Trust to make fully informed decisions regarding compliance with state requirements.

Project Specific Comments

Municipal staff reviewed the conceptual plan and raised a number of concerns about the proposed development. Those items related to Project Eligibility are summarized below:

Public Safety Traffic and Circulation

The Applicant will need to prepare a Traffic Impact Assessment with sufficient data, including traffic volumes, crash rates, and the safety and level of service (LOS) at the site entrance and area intersections of School Street and East Plain Street, in order to assess the Project's potential traffic impacts on area roadways. The Planning Board is very concerned with safety at this location. This intersection has been the scene of many traffic accidents, including fatalities, over the years. The Town of Wayland has conducted several traffic studies and has recently implemented a major improvement to reduce the number of conflicting traffic streams to better control turning movements. These improvements have caused additional backups during commute hours. We strongly recommend no curb cuts onto East Plain Street.

The intersection of School Street and East Plain Street, already a high crash location, will be impacted by the development as well. A traffic light or right turn only from the driveway may be warranted. The proposed gate at East Plain entrance is not acceptable by the Fire Department. The Fire Department does not allow gates on Fire Lanes due to operational concerns and accessibility delays during an emergency.

Wetland Impacts and Drainage

A significant portion of the site is subject to the jurisdiction of the Wayland Conservation Commission pursuant to local and state wetland regulations. The Town is concerned that the Project, particularly several condominium units and an enlarged stormwater detention basin located within the 75-foot buffer, would have a negative impact on area wetlands, both on and off site. Neighbors to the proposed development are concerned that the Project may exacerbate existing drainage problems in the area. The applicant will need to make a determination if the adjacent stream is intermittent or perennial.

Historic

The Wayland Historic Commission has raised concerns that the area represents the last farming area of Cochituate Village. In addition to the historic farm property, the existing barn on the property dates back to 1880 to the early 1900's.

Design Details

The facade of the proposed buildings face School Street, with back decks located a mere 12' from the road. The Plans indicate that two buildings measuring 115' in length will be

constructed each containing 6 units. The Building that faces School Street is out of character with the existing neighborhood.

This arrangement contradicts the predominant single family structures existing in the area. The Applicant should consider reducing/relocating and/or redesigning these units, in addition to adding appropriate landscaping to buffer the development from traffic on School Street.

The plan does not provide adequate pedestrian improvements. Sidewalks should be provided throughout the development to enable residents to walk safely to pick up their mail or children from the bus stop.

Public sewer is not available in Wayland. The site does not appear to include a reserve area in the event the wastewater treatment system fails in the future.

In general, the conceptual plan would result in too much impervious surface and too little open space. The proposed level of density is incompatible with the surrounding neighborhood. The density of 12 units per acre for the project, which is approximately 12 times the density of the underlying zoning district, is not in character with the surrounding neighborhood.

The Police and Fire Departments raise a general concern about driveway lengths within the development. Driveways must be designed with a minimum length of 20-feet to accommodate parked vehicles so that drivers do not inadvertently restrict circulation by overhanging into the internal roadways

CC: M. Antes, Wayland Housing
D. Hill Chair of Planning Board
R. Brattt Chair Wayland Housing Partnership

(4) MAINSTONE

DATE: MARCH 20, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: MAINSTONE FARM CONSERVATION RESTRICTIONS

RECOMMENDED ACTION:

VOTE TO APPROVE AND SIGN CONSERVATION RESTRICTIONS FOR MAINSTONE FARM, ONE FOR 208 ACRES OF FARMLAND AND ONE FOR 10 ACRE HOUSE LOT WITH BUILDING ENVELOPE
(Legal Counsel will be asked to prepare exact motions prior to the meeting)

BACKGROUND:

At 2016 Annual Town Meeting, the Board of Selectmen was authorized to acquire conservation restrictions on Mainstone Farm to be held by the Town of Wayland acting through its Conservation Commission and the Sudbury Valley Trustees. The draft conservation restrictions were made public last spring, after which they were sent to the State for review and approval. The final approved CRs have been signed by the Hamlen family and by SVT and now are ready for the signatures by the Board of Selectmen and Conservation Commission. The final documents received minor modification and were provided to the Board and posted on-line for public review. Special Counsel Elizabeth Wroblicka represented the Town in drafting and approving the CR. The closing date on the purchase of these restrictions has been extended until April 12, 2017.

The total purchase price of the main conservation restriction on the 208 acres of farmland is \$15,000,000. The purchase of the Conservation Restriction is contingent upon a \$7,000,000 bond sale on March 27th in anticipation of future Community preservation revenues. The bond sale to purchase Mainstone's conservation restrictions will be incorporated with the sale of \$6,000,000 in bonds for general municipal purposes. The CR on the 10-acre house lot is being donated to the Town and SVT, thus there is no purchase price.

Conservation Restrictions are available for public review at:

http://www.wayland.ma.us/Pages/WaylandMA_Conservation/Mainstone

(6) RIVERS EDGE

DATE: MARCH 20, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: RIVERS EDGE

RECOMMENDED ACTION:

VOTE TO AUTHORIZE TOWN ADMINISTRATOR TO SIGN EXTENSION FOR EXECUTION OF RIVERS EDGE LAND DEVELOPMENT AGREEMENT

BACKGROUND:

Special Counsel David Wiener will provide motion in advance of Monday's meeting.



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Board of Selectmen

Meeting Minutes

March 6, 2017

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

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

Absent: Lea T. Anderson

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and enter into Executive Session pursuant to Massachusetts General Laws Chapter 30 A, Section 21 (a)(3) to Discuss Strategy with Respect to Litigation if an Open Meeting may have a Detrimental Effect on the Litigating Position of the Public Body and the Chair So Declares and Specifically, to Discuss Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, Relative to Property and Development Located Off 400-440 Boston Post Road At 6:30 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and specifically, to discuss whether the town should pursue legal proceedings with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road. The Chair declared that a public discussion of this matter may have a detrimental effect on the litigating, bargaining or negotiating position of the Town. Roll call vote: YEA: M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: L. Anderson, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session in approximately thirty minutes. J. Nolan joined the meeting as the Board entered executive session.

The Board returned to open session at 6:58 p.m.

A2. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:58 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes announced that on Thursday the League of Women Voters will hold a meeting on selected Annual Town Meeting articles as well as Candidates Night on March 16. On March 30th the chair of the Finance Committee will talk about the town's big financial picture and policies.

A8. Minutes: Review and Vote to Approve Minutes of February 6, 2017, February 8, 2017, February 13, 2017, and February 24, 2017 M. Antes moved, seconded by L. Jurist, to approve the minutes of February 6, 2017, February 8, 2017, February 13, 2017, and February 24, 2017, as amended. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A8. Review and Approve Consent Calendar (See Separate Sheet) L. Jurist moved, seconded by M. Antes, to approve the consent calendar. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A3. Swearing In of New Police Officer Kenneth D. Davis II The Board welcomed new Police Officer Kenneth D. Davis II, who was sworn in by Town Clerk Beth Klein.

A4. Public Comment Sally Cartwright, Library Board of Trustees member, came before the Board to announce the kickoff of the 5th edition of Wayland Reads.

Michele Cunneen, 87 East Plain Street, discussed her concerns about the School Street 40B housing proposal. She said she is concerned about wetlands, parking and traffic. The Board asked her to submit her concerns to them in writing.

A5. Meet with Financial Advisor to Discuss 2017 Borrowing and Vote to Establish Maximum Useful Life for Equipment Recommend Clark Rowell and Zoe Pierce came before the board to discuss borrowing and vote to establish a realistic life for equipment. C. Rowell said the plan is to sell the bonds on March 20th or in early April. He said the cost impact isn't as bad as one would think. He proposed a different logistic to improve the bond sales process. He said his new way still wouldn't be complete until the selectboard approves them by signing the bonds, which they could do Thursday morning in Z. Pierce's office. He said equipment can be borrowed up to 5 to 20 years and presented a proposed schedule. J. Nolan suggested decreasing to 10 years for the heavy equipment borrowing. L. Jurist moved, seconded by J. Nolan, to establish the maximum useful life of vehicles for the purpose of issuing bonds as amended. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. The Board agreed with C. Rowell's proposed process for bond issuances.

A10. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board discussed M. Lanza working on a case with the Assessing Department since he is familiar with the issue. They also discussed the future location of the busses, WRAP minutes and the old landfill. C. Karlson mentioned that an open meeting law complaint was withdrawn on the Finance Committee.

A6. Discuss Wayland Meadows Agreement and Consider Acceptance of Gift of Land

Town Planner S. Sarkisian joined the Board. He discussed looking at the possibility to reserve part of the land for municipal purposes, a playing field, septic, or a reserve area. He and the Conservation Administrator have discussed the pros and cons. S. Sarkisian discussed where the land is located. He suggested that they might be able to write it into a deed. He said the land could potentially give the town 4,000-5,000 gallons of capacity. It's also a great opportunity for more conservation land. S. Sarkisian said the land owner is anxious to get this done soon. The Board decided get in touch with their contact at Raytheon and the land owner to answer a few questions before they took the next step.

A7. Discussion and Potential Vote on Annual Town Meeting Articles

N. Balmer stated that the Warrant has gone to print and is in the Selectmen's Dropbox. N. Balmer discussed the changes of the Revolving Fund Article and the 6 accounts. She described the work staff had to do last minute with the DOR regarding the Municipal Modernization Act. The Board decided not to take a position on the Street Acceptance Article at this time.

A11. Report of the Town Administrator

N. Balmer stated that the Notice of Award for Rivers Edge was signed Feb. 16. The Sudbury Water Superintendent is meeting next week regarding interconnection with Wayland, and N. Balmer said she is expecting positive results. N. Balmer discussed the reserve fund transfer request for legal services. She said there were additional costs for Rivers Edge but the Finance Committee decided not to hear it last week when N. Balmer attended. She said she hopes the Finance Committee will approve additional money for the legal

budget. C. Karlson said they didn't anticipate a second round of RFPs for Rivers Edge. N. Balmer said 150 Main St. could possibly see an appeal of a demolition permit. She said parking is an area that could be discussed but that's all up to the ZBA. She said staff is working well together in the building department. D. Berry has stated that due to his schedule there will not be a Moderator's Forum for Annual Town Meeting but he will attend the Board's meeting instead.

A12. Selectmen's Reports and Concerns M. Antes attended the site walk at 24 School Street and discussed her experience with the Board. N. Balmer said the board will see a draft of the letter that is going to be sent to the State regarding School Street. She said the Planning Board hearing is the 7th and the Board will meet on the 13th to discuss the letter. Nolan suggested someone reach out to Tech who has done studies in that area over the last few years.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A14. Adjourn There being no further business before the Board, L. Jurist moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 8:25 p.m. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 6, 2017

1. Amended Version of Board of Selectmen Article, Revolving Funds

Items Included as Part of Agenda Packet for Discussion During the March 6, 2017 Board of Selectmen's Meeting

1. Memorandum of 3/6/17 from Nan Balmer, Town Administrator, to Board of Selectmen re: Borrowing – 2017
 2. List of Annual Town Meeting Articles and Memorandum of 3/6/17 from Nan Balmer, Town Administrator, to Board of Selectmen re: Revolving Fund Article
 3. Memorandum of 3/6/17 from Nan Balmer, Town Administrator, to Board of Selectmen re: Wastewater – Wayland Meadows Agreement/PILOB
 4. Draft Board of Selectmen Meeting Minutes, February 6, 2017, February 8, 2017, February 13, 2017, and February 24, 2017
 5. Report of the Town Administrator for the Week Ending March 3, 2017
-

TOWN ADMINISTRATOR'S REPORT

WEEK ENDING MARCH 17, 2017

VOLUNTEER AND STAFF RECOGNITION AT TOWN MEETING

The Town Clerk re-checked the volunteer records and although there are no volunteers who are achieving 25 years of service this year, Library Trustee Lynne Lipcom will achieve over 24 years this year upon her retirement as a Trustee. Going forward, The Town Clerk will, in the Fall, send an e-mail to all department heads and chairs asking whether they believe any volunteers are likely to achieve 25 years of service. The Clerk will then confirm the record. Both the current and past Town Clerk say that the number of volunteers and their varied and long service to the town makes it difficult for the Town Clerk to know who has achieved 25 years. With regard to employee recognition, retired Library Director Ann Knight was not included in the warrant but should be recognized at Town Meeting. Ann did not show up in the town's list of retirees because she was re-hired as a Library employee.

PUBLIC RECORDS

In response to Mary Antes' question about the town's experience with the changes to the Public Records law, John Senchyshyn provided the attached report.

DATE: March 17, 2017
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **NEW PUBLIC RECORDS LAW - UPDATE**

REQUESTED MOTION:
NONE

BACKGROUND:

An Act to Improve Public Records, Ch. 121 of the Acts of 2016 became effective on January 1, 2017. I have been asked to provide an update on the implementation. Following are some key points:

- The Board of Selectmen appointed 5 Records Access Officers (RAOs). Department Heads have been instructed to forward all written requests for records to the RAOs to coordinate the responses.
- KP-Law conducted 3 distinct trainings on the new law – one for RAOs, one for staff and one for board members.
- Town Counsel prepared a template for responses which incorporated a number of key aspects from the new law.

Records Requests

- To date, 15 records requests have required varying degrees of written responses.
- The IT Director adapted an existing program to track records requests. Through February, the majority of requests have been simple, over the counter transactions. Records requests by department are:

○ Building	3
○ Conservation	1
○ DPW	1
○ Finance	2
○ Fire	8
○ Health	1
○ HR	2
○ Police	43
○ Schools	5
○ Selectmen	4
○ <u>Town Clerk</u>	<u>58</u>
○ Total	128

- Thus far, there has not been a significant increase in records requests. However, I do anticipate over time that there will be increased requests from companies seeking to use data for commercial purposes.

Open Items

- The new law requires Cities and Towns to post their Public Records Guidelines no later July 1, 2017. Prior to posting, the Guidelines will be shared with the Board

If there is any additional information that the Board would like, please let me know.



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TOWN ADMINISTRATOR
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

Monday, March 20, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

REVISED CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Placement of Two Temporary Sandwich Board Signs for the Wayland High School Scholarship from March 27-April 3, 2017, at Route 20 at the Weston Town Line, and at the Intersection of Old Connecticut Path and Cochituate Road (Routes 126 and 27)
3. Vote the Question of Re-Constituting the Attached Charge of the Audit Committee, and to Reappoint the Members of the Audit Committee as Follows:

Inna Kisseleva-Deeley to Represent the Board of Selectmen for a Term to Expire on June 30, 2017; Carolyn S. Bargoot to Represent the Finance Committee for a Term to Expire on June 30, 2017; Randall C. Moore to Represent the Board of Selectmen for a Term to Expire on June 30, 2018; and Christopher Cullen to Represent the Board of Selectmen for a Term to Expire on June 30, 2019
4. Vote the Question of Setting the Non-Employee Compensation for Election Workers as Follows: \$11.00/hour for Inspectors and All Training Sessions, \$11.50/hour for Night Tellers and Ballot Box Workers, \$12.00/hour for Clerks, and \$12.50/hour for Wardens

DiNapoli, MaryAnn

From: Andi Jenny <jennyfarm@comcast.net>
Sent: Friday, March 10, 2017 9:27 AM
To: DiNapoli, MaryAnn
Subject: Wayland High School Scholarship Signs

Hi MaryAnn,

I am writing to seek approval for placing the Wayland Scholarship temporary sandwich boards at Old Conn Path and Coch. Road, as well as Route 20/Old Connecticut Path by Coach Grill. Ideally we would like to put them up March 27-April 3rd.

Let me know if/when you get approval.

thank you,
Andi Jenny

Audit Committee

[Meeting Agendas](#)

[Meeting Minutes](#)

Additional Links:

[Audit Contract FY2015-FY2017](#)

[Financial Statements](#)

Name	Term Expires
Randall C. Moore	June 30, 2018
Inna Kisseleva-Deeley	June 30, 2017
Carolyn S. Bargoot	June 30, 2017
VACANCY	June 30, 2019
Chris Cullen	June 30, 2019

On Monday, January 9, 2012, the Board of Selectmen voted to establish an Audit Committee. On September 10, 2012, and March 23, 2015, the Board of Selectmen revised the charge. The charge is as follows:

RESOLVED, that the Board of Selectmen establish an Audit Committee to advise the Board of Selectmen, Finance Committee and town management including the Town Administrator, Finance Director/Town Accountant and Town Treasurer with respect to the town's internal auditing, financial systems and internal controls, and independent annual audit.

Duties and Responsibilities

Duties shall include:

- Make recommendations to the Board of Selectmen on the selection of the independent auditor and recommend scope of the independent audit
- Make recommendations to the Board of Selectmen for areas where extra focus or expanded attention may be appropriate
- Review annual financial statement and management reports prepared by the auditors and provide comments with respect to said review
- Review and report to the Board of Selectmen at least annually on the status of management recommendations made by the independent auditor and corrective action taken by management
- [Added March 23, 2015] Additionally, with approval of the Board of Selectmen, provide assistance in support of the process for other external audits or reviews, which may include providing input on the scope, reviewing and ranking respondents to RFPs, acting as a point of coordination and support for the auditor conducting the work, and, if requested, provide advice to the requestor on reading and interpreting the report.

Appointment

The committee shall be comprised of five (5) voting members serving for terms of three (3) years to be designated by the following committees and appointed by the Board of Selectmen, with preference given to individuals with professional expertise in accounting, financial management, law, or business or not-for-profit organization management. No officer of the town or member of

any board, committee or commission, whether elected or appointed, and no past or current town or school employee shall be a member of the Audit Committee:

- One (1) member to be designated by the School Committee;
- One (1) member to be designated by the Finance Committee;
- Three (3) members to be appointed by the Board of Selectmen.
- The Finance Director and Town Administrator shall serve *ex officio* without the right to vote and his/her presence shall not be counted in determining a quorum.

Initially, one (1) member designated by the School Committee and one (1) member appointed by the Board of Selectmen shall be appointed for one (1) year, one (1) member appointed by the Board of Selectmen and one (1) member designated by the Finance Committee shall be appointed for two (2) years, and one (1) member appointed by the Board of Selectmen shall be appointed for three (3) years to establish staggered, three-year (3) terms.



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK
BETH KLEIN

bklein@wayland.ma.us

ASSISTANT TOWN CLERK
DIANE M. GORHAM

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

www.wayland.ma.us

DATE: March 16, 2017

TO: Board of Selectmen

FROM: Beth R. Klein, Town Clerk

RE: **COMPENSATION FOR ELECTION WORKERS**

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN VOTE TO SET NON-EMPLOYEE COMPENSATION FOR ELECTION WORKERS AS FOLLOWS: \$11.00/HOUR FOR INSPECTORS AND ALL TRAINING SESSIONS, \$11.50/HOUR FOR NIGHT TELLERS and BALLOT BOX WORKERS; AND \$12.00/HOUR FOR CLERKS AND \$12.50 FOR WARDENS.

BACKGROUND:

At its January 23, 2017 meeting, the Personnel Board voted to accept the State's third and final year of the minimum wage increase, even though municipalities are exempt from the minimum wage provision. The Personnel Board voted to increase the minimum wage for Town workers from \$10.00 per hour to \$11.00 per hour effective January 1, 2017. Election Workers' compensation is set by the BOS per M.G.L. Chapter 54, Section 22. However, Election Workers are not considered employees under Chapter 151A, Section 6A. Last year the BOS amended Election Workers' compensation based upon the second of a 3-year increase in the minimum wage. The Town Clerk proposes to keep Election Workers compensation aligned with the Personnel Board's recent vote. Taking the action at this time will make the new wage effective for the March 28th election. The Town Clerk believes that sufficient funds are available to allow for the wage increase.

At a meeting held on March 20, 2017, the Board of Selectman voted to set compensation for Election Workers as set forth above effective March 27th, 2017.



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**REVISED PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM MARCH 10, 2017,
THROUGH AND INCLUDING MARCH 16, 2017,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR MARCH 20, 2017**

Items Distributed To the Board of Selectmen –March 10-16, 2017

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the
Meeting of March 13, 2017**

1. Email of 3/13/17 from the Sudbury-Wayland-Lincoln Domestic Violence Roundtable
re: Postponement of White Ribbon Campaign due to Weather Concerns
2. Memorandum of 3/10/17 from the Massachusetts Municipal Association to State Officials
re: Support for Funding in Municipal and School Aid Programs in Fiscal Year 2018

**Revised Items Included as Part of Agenda Packet for Discussion During the March
20, 2017 Board of Selectmen's Meeting**

1. Draft Letter to Mass Housing from Board of Selectmen re: 24 School Street
2. Memorandum of 3/9/17 from Sarkis Sarkisian, Town Planner, to Board of Selectmen,
re: Planning Board Review of Proposed #24 School Street Application for 40B
Affordable Housing Project
3. Memorandum of 3/20/17 from Nan Balmer, Town Administrator, to Board of Selectmen
re: Mainstone Farm Conservation Restrictions
4. Memorandum of 3/20/17 from Nan Balmer, Town Administrator, to Board of
Selectmen, re: River's Edge
5. Draft Meeting Minutes, Board of Selectmen, March 6, 2017
6. Report of the Town Administrator for the Week Ending March 17, 2017



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BOARD OF SELECTMEN

Monday, March 20, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

REVISED CORRESPONDENCE

Selectmen

1. Public Comment, Wayland Public Schools Missing Major Security Patches
2. Memorandum of 3/13/17 from Housing Partnership to Board of Selectmen, re: 24 School Street/Windsor Place Development Proposal
3. Monthly Report, Fire Department, March 2017

Minutes

4. Finance Committee, February 13, 2017

State

5. Letter of 3/15/17 from William E. Pickett, Jr., to Board of Selectmen, re: House Bill No. 2252 to Eliminate the Office of Constable
6. Letter of 3/16/17 from KP Law to Office of the Attorney General re: Town of Wayland Zoning Board of Appeals, Response to February 21, 2017 Open Meeting Law Complaint of George Harris



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

WPS Macs missing major security patches - again

3.11.2017

To: Wayland Board of Selectmen, School Committee & Finance Committee
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

From: Wayland Computer Privacy Initiative
Email: MarkAllenHays@Gmail.com

Dear Wayland Board and Committee members:

Unfortunately, the “missing security patches” problem continues to plague Wayland Public Schools. Despite breaches in the Wayland Treasurer’s office and a clear ‘high priority’ recommendation from McGladrey / RSM, Wayland Public schools has not installed a modern patch / endpoint management system.

The result? More missing ‘high priority’ security patches. Two sample screen caps are included on the following page from January and March of 2017:

- **In January**, some Macs were missing the major OS X 2016-007 security update that was released by Apple in December. Other Macs were missing an important Safari security update, plus older updates for Evernote, OneNote and OneDrive.
- **In March** we found Macs that were missing a critical security update for Apple’s GarageBand app.

If hundreds of student Macs are not being patched, it is likely that Macs used by Wayland teachers, staff and administrators are also unprotected.

This recurring problem creates a significant risk. As noted previously, the cost of a single breach could easily exceed \$1 million. Town managers who knew, but failed to take effective action, could be named personally. These costs would be paid by Wayland taxpayers and individuals, because Wayland does not have insurance coverage for data breaches – or for employees and board/committee members.

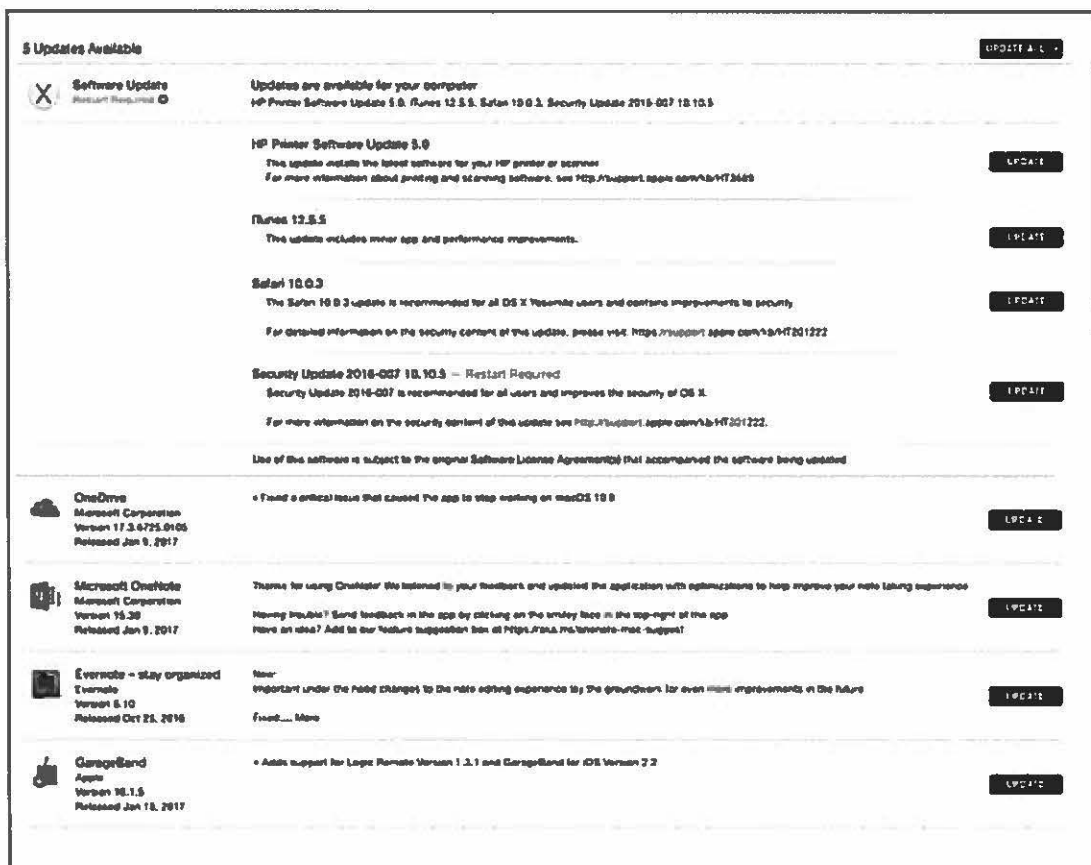
Theft of confidential Wayland family and student identity, medical, mental and behavioral data could never be repaired with any amount of money.

Missing security patches were a proximate cause of the breaches in the Wayland Treasurer's office – hence the recommendation from McGladrey / RSM. Do we need to learn this costly lesson again, the hard way? Or will you take effective action, and *require* WPS to install the solution that McGladrey recommended?

We look forward to your reply.

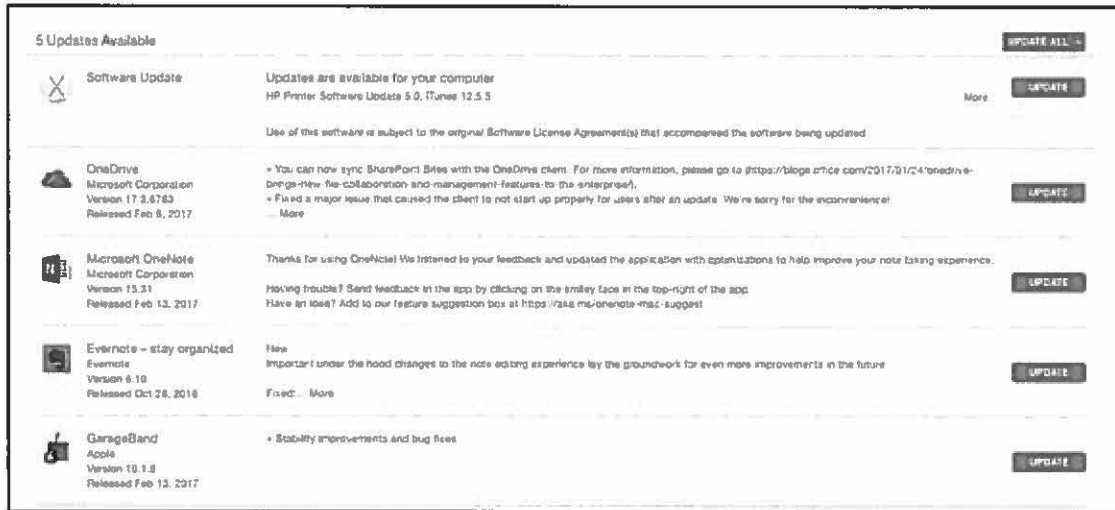
Mark Hays

January 2017 screen cap – listing missing patches:








Note the major Apple security update from December of 2016 for OS X, and the security update for the frequently used Safari web browser. Both are 'high priority' to fix significant risks.

March 2017 screen cap listing missing patches:



The screenshot shows a software update notification window with the following details:

Software Update	Description	Action
 Software Update Updates are available for your computer HP Printer Software Update 5.0, iTunes 12.5.5	Use of this software is subject to the original Software License Agreement(s) that accompanied the software being updated.	More <input type="button" value="UPDATE"/>
 OneDrive Microsoft Corporation Version 17.3.0.783 Released Feb 8, 2017	<ul style="list-style-type: none">You can now sync SharePoint Sites with the OneDrive client. For more information, please go to https://blogs.office.com/2017/01/24/onedrive-brings-new-file-collaboration-and-management-features-to-the-enterprise/.Fixed a major issue that caused the client to not start up properly for users after an update. We're sorry for the inconvenience! More	<input type="button" value="UPDATE"/>
 Microsoft OneNote Microsoft Corporation Version 15.31 Released Feb 13, 2017	Thanks for using OneNote! We listened to your feedback and updated the application with optimizations to help improve your note taking experience. Having trouble? Send feedback in the app by clicking on the smiley face in the top-right of the app. Have an idea? Add to our feature suggestion box at https://aka.ms/onenote-mac-suggest	<input type="button" value="UPDATE"/>
 Evernote - stay organized Evernote Version 6.10 Released Oct 28, 2016	New Important under the hood changes to the note editing experience lay the groundwork for even more improvements in the future. Fixed... More	<input type="button" value="UPDATE"/>
 GarageBand Apple Version 10.1.8 Released Feb 13, 2017	<ul style="list-style-type: none">Stability improvements and bug fixes	<input type="button" value="UPDATE"/>

Note the GarageBand security patch. This flaw would allow a hacker to take complete control over a Mac. The user would simply have to open a GarageBand file they receive via email or download from the Web.

MEMO

To: Board of Selectmen, Wayland, MA
From: Rachel G. Bratt, Chair, Wayland Housing Partnership, on behalf of the full committee
Re: 24 School Street/Windsor Place development proposal
Date: March 13, 2017

This memo is in accordance with the mission and mandate of the Wayland Housing Partnership (WHP) to advise you on affordable housing development proposals.

We are strongly supportive of adding affordable housing in Wayland, and consider the subject parcel ideal in many ways. Our concerns with the proposed development arise from the context of this development in terms of scale (it is a small parcel in a suburban village, not a dense, urban location) with environmental sensitivity. With that in mind, we offer the following comments and recommendations.

Review Process

On February 23, I forwarded to WHP members the Planning Board's link to the Comprehensive Permit Site Approval Application that had been submitted to MassHousing for the 24 School St./Windsor Place project.

On March 6, several members of our committee, representatives from several other Town Boards/Committees, as well as representatives from the Wayland Housing Authority, participated in a site visit walk at the location of the proposed Windsor Place development, led by various members of the development team.

On March 7, WHP held a joint meeting with the Planning Board to hear public comments about the proposed development.

The March 7 meeting was a regularly scheduled meeting of the WHP with 7 of our 9 members in attendance: Mary Antes, Joanne Barnett, Rachel Bratt, Chris Di Bona, Stephanie May, Armine Roat and Jennifer Steel. There were about 100 residents at the March 7 meeting; about a dozen people provided comments. Following that hearing, the WHP meeting continued to discuss the proposal and to decide on key points to be presented in this letter. With one exception that is noted, the points discussed below were supported by all members of the WHP in attendance, and this letter has been reviewed and approved by all members.

New Affordable Units

The WHP strongly supports the creation of more affordable housing in Wayland, particularly the creation of affordable rental housing. We feel that, for any new housing development in Town, the minimum number of units that are required to be affordable under Chapter 40B (25%) should, whenever possible, be exceeded. Our Housing Production Plan, for example, calls

for any parcel of publicly-owned land that is developed for housing to designate at least 50% of the units as affordable. The Housing Production Plan also explicitly notes that one of the Town's housing goals is to: "Meet local housing needs along the full range of incomes to promote diversity and stability of individuals and families." This means trying to reach households with incomes below the minimum mandated 80% of area median income.

Recommendation: We support this being a rental development. We would like to see the number of affordable units to be above the state-mandated minimum and for the affordable units to be affordable to households with incomes below 80% of area median income.

Mass and Siting of Buildings

First, the proposed mass of the buildings is not in keeping with its surroundings. While we recognize that most 40B developments are likely to be denser than other buildings in the immediate area, we are particularly concerned about this project. With the backs of the east set of units facing School Street, an unattractive, bulky appearance would be created. An additional unappealing view of the buildings would be the southern (East Plain Street) sides of both sets of buildings. All the other homes on both School Street and East Plain Street have a traditional orientation, with the front of the homes facing the street.

The Windsor Place development, as proposed, and which maximizes the available footprint and turns its back to the neighborhood, would be a visual eyesore to the neighboring community. Reducing the density of the site by decreasing the number of units and reconfiguring the site plan could address these concerns and create a completely different orientation of the new buildings.

In contrast to the proposed site plan, we feel that a recently completed 40B development on Route 126, known as Craftsman Village Homes, which is located on a lot approximately double the size of the 24 School Street parcel, and that has 8 units, fits in extremely well with the surrounding homes.

Second, the proposed site plan does not provide adequate useful and safe open space and visitor parking. Yet, the high number of units (i.e., the large number of residents) increases the demand for such amenities. Specifically, we are concerned that children in the east building will play in a very limited area, alongside one of the worst intersections in Town. The issues with the intersection are discussed below, but we note here our serious concern that with the very small backyards of the units facing a busy street, accidents involving children would not be surprising.

Third, the number of units that the developer is trying to fit onto the site has, seemingly necessitated his making the buildings 3-stories high. This means that each unit has three sets of stairs. This may be a limiting factor in who is able to live in the units.

Recommendation: The site plan would be significantly improved by including fewer units and with a more traditional orientation of the buildings in relation to East Plain Street and School Street – one that is more consistent with neighboring homes. Backyards for play and open space should not abut the streets. We think that the mass of the buildings can be reduced with creative stepping back of upper stories, further stepping down the site topography, irregular walls, added vegetation, etc.

Safety of the Intersection

As noted above, the proposed development abuts a complicated intersection. In fact, changes in the traffic pattern were recently finalized to help alleviate serious safety concerns. Adding the vehicle trips associated with 12 new households and the complication of vehicles entering and exiting the development during peak traffic hours, will worsen an already challenging situation.

The intersection has 4-way stop signs, numerous curb cuts, short segments of roadway, and a complex traffic pattern. The site plan currently has just one entrance into the proposed development. It is important to have a second point of entry. The significant increase in residents pulling into or out of 24 School Street will create additional challenges both for them and for other motorists.

Recommendation: The entry point(s) to the development should be as far away from the actual intersection as possible. Reducing the number of units at the development will improve the overall situation.

Environmental Concerns

Although the WHP is not tasked with providing input on environmental concerns, there appear to be a number of serious issues that could impact the quality of life for the new residents, as well as for neighbors of the area. We defer, of course, to the Conservation Commission on these points.

First, the site is bounded to the west by a stream and wetlands. With a new development, the health of wetland resource areas is susceptible to changes in groundwater quality and quantity, surface water quality and quantity, and physical alterations to the buffer zone. More analyses are needed to characterize, delineate, and ultimately protect or enhance these valuable natural resources.

Second, the very limited “open space” on the lot will make it challenging to properly treat and infiltrate stormwater and to store snow. State regulations require the incorporation of “Low Impact Development” techniques to the maximum extent practicable. Such a tight lot makes this much more challenging.

Third, it is not clear that the site can actually accommodate the likely flow of septage in the short- or long-terms.

Fourth, unless there is adequate open space associated with the development, residents may be more likely to encroach onto the adjacent Town parcel that is predominantly wetland and therefore very sensitive.

Recommendation: Much more detailed and realistic environmental analyses are needed to determine the true capacity of the site and the realistic anticipated water and septage flows resulting from different development scenarios.

Additional Considerations and Issues Needing Clarification or Correction in the MassHousing Application

- The existing buildings date back to the late 19th century. If they are not on the Historic Register, we understand that official protections are not likely available. Nevertheless, **some (but not all) members of WHP believe that the development team should carefully consider the possibility of utilizing and, perhaps, modestly expanding the existing structures, with minimal new construction.**
- Although the developer's application to MassHousing mentions access to public transportation, this is something of an exaggeration. The transportation provided by the MetroWest Regional Transit Authority is very limited and would not provide reasonable access for commuting to jobs or schools, or most other area locations, due to the very limited and cumbersome nature of the bus routes. Unfortunately, given the virtual lack of public transportation in Wayland, most residents use private cars, whether they live in affordable or market rate units.
- It does not appear that any of the units, as proposed, would be handicapped accessible. **We propose that at least one of the affordable units be accessible to individuals with disabilities.**
- There are several discrepancies between the proposal and other sources of information. This included (1) the size of the parcel and, (2) the characterization of the stream and, therefore, the wetland jurisdiction (cesspool vs. conventional septic). **The proposal needs to be fact-checked for accuracy.**
- Additional information is needed about, for example, test pit results that would help determine the estimated seasonal high groundwater level.
- Although the state must ultimately determine the economic appropriateness of the proposal, **it seems that a smaller, more area-consistent project could be economically feasible.**

Conclusion

We recognize that, given the proximity of the 24 School Street site to major roadways, established neighborhoods, shops, schools, and community services, **the location is appropriate for a development that would be consistent with the zoned residential area building types and scale.** We also understand that that the project has to be economically viable for the developer.

Based on the various constraints of the site (e.g., need for septic system to be located on the north side of the parcel) we strongly recommend that this parcel accommodate a maximum of 8 units (a total of 18 bedrooms), with no less than two affordable units, one with 2-bedrooms and one with 3-bedrooms. At least one of the affordable units should be accessible to individuals with disabilities. The feasibility of renovating and possibly expanding one or both of the existing structures should be considered.

We appreciate your consideration of our comments and recommendations, which are consistent with Massachusetts law and the goals of Wayland's Housing Production Plan. Should you have any concerns or questions, we would welcome the opportunity to discuss any of the above more fully.



HOUGHTY'S HEROES



Monthly News from the Wayland Fire Department

Volume Five

March 2017

It's Back – As requested the monthly newsletter about the Wayland Fire Department is back. For the last seven months, I have been working with our first ever Assistant Chief, Neil McPherson, and our new part time Administrative Assistant, Sharon Maloney, on accomplishing many new tasks. The time invested in training these individuals and making changes to our procedures has been well worth it, making the department run smoother and more efficiently.

Truck Fire – The Department responded to a truck fire on February 15th in the area of 2 Old Sudbury Road. Upon arrival crews found a small commercial flatbed truck with the contents fully involved. The fire required the road to be closed while crews were extinguishing the fire, and the cause was determined to be due to careless disposal of smoking material. Due to the efforts of the duty crew, the driver actually drove the truck away.



A Close Call - The Department responded to a reported porch fire on February 22nd at 2:40 a.m. at 226 West Plain Street. The fire started on the rear porch and extended into the exterior walls of the home. The fire was quickly extinguished by the on duty shift. During the investigation it was determined that the smoke detectors in the home did not sound as they should have. It was further discovered that the detectors sounded when the test button was pushed, but the actual smoke sensors no longer worked and were long passed the 10 year life. The fire was determined to be accidental in nature.

As a result of the events of this fire, an 11 year old occupant was nominated for the State Fire Marshal's Office "Young Hero's Award". We have just been notified that she has been chosen to receive the award, and we will publish more details after the award event takes place.

SAFE and Senior Safe Grant Award - I am pleased to announce that the Fire Department has been awarded a grant from the Commonwealth to support our Safe and Senior Safe Fire programs. The grant total is \$6,547.00 which is slightly higher than prior grants received. These funds will be used to purchase educational materials and cover the some of the staff's time to teach fire prevention and life safety to preschoolers through our oldest residents. We know this program has had a tremendous positive impact, and we are pleased that we will be able to continue our efforts in this endeavor.

I would be remiss if I did not mention Firefighter Todd Winner who has run this program for many years and is truly the face of the Fire Department to the children in the Wayland Schools. Todd continues to make the program better each year and has recently brought Firefighter Pat Walkinshaw into the program to help keep up with the demands.

CO Alarm Alerts Residents - The Department responded to carbon monoxide detector activation on February 26th on Alice Drive. Upon arrival, firefighters found extremely high levels of CO in the home. After checking the home with meters, the source of the CO was found to be a propane fired pool heater. The residents were checked for CO, the house was ventilated, and the repair company was notified. If it were not for the working carbon monoxide detectors, the residents may not have been aware of the problem, and the results could have been very tragic. Remember CO is colorless, odorless and tasteless... Working detectors do save lives!!

Trimester Review Awards - For the past year reports written for all medical emergencies have gone through vigorous Quality Assurance and Quality Improvement reviews by an outside vendor. Once the reviews were complete, Dr. Groom, the department's medical control physician, reviewed the calls and commented on them before they were reviewed with the individual EMT or Paramedic. At the conclusion of each trimester a top scoring EMT and top scoring Paramedic are awarded a Certificate of Accomplishment. For this trimester, Firefighter-EMT Tim Dempsey and Firefighter-Paramedic Josiah David were the top EMT and Paramedic, respectively. I would be remiss if I did not mention that we had a few really close second and third placed individuals.

New Operating System - In an effort to be more efficient and reduce paper waste, we have been working with a programmer to develop a platform using "SQL" that now manages many tasks for us. The biggest change has been in the way shift officers submit their daily roster and overtime. Now, the shift officers simply enter the attendance, time-off, and overtime directly into our database, drastically reducing the time and paper needed to create payroll and attendance sheets. We ran both the old school paper way and the new electronic way simultaneously for the past few months. I am pleased to say that there have been no discrepancies found, and we have only had to do some minor tweaking to the program.

Web Page Updates - Firefighter Todd Winner is actively updating and changing the information on the Fire Department's section of the Town's website. We are reorganizing the Department's website to include updated information and photos. Although many sections have been updated, some have been

taken down while they are being edited. Our goal is to be back up with all current information by the end of April.

Wayland Fire Now on Twitter - We continue to utilize various communication channels to educate residents. The Department continues to maintain a Facebook page, and we recently started to use Twitter. Twitter has been a great addition to our communication options as it allows for the distribution of time sensitive information, and it is carefully monitored by media outlets. Please join us on Twitter.



Training - The Department continues to pursue an aggressive training program. Training topics include: Alzheimer's, forcible entry, fire service air management, emergency elevator operations, and emergency medical service quality review. The picture below shows an on duty shift conducting forcible entry of a door that was brought in by a vendor hired to conduct this program.



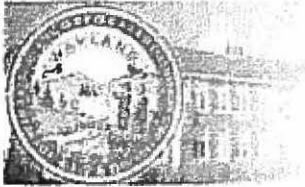
Chiefs on Planning Team - Both Chiefs were asked to participate and have been working with the Town of Natick on the planning team for a functional exercise for an active shooters event at the Natick Mall. We are excited to see how things go as the exercise will be taking place on March 8th at the Natick Amory. We have been able to offer a lot of support, and as the event has been planned out, we have been able to learn a lot as well. Natick hopes to learn from this exercise and then plans on going to a full scale drill next calendar year. An update will be forth coming.

Alternative Funding- The Department continues to seek alternative means of funding to supplement the funds received from the town. We have been actively seeking grants of various amounts, and we are happy to announce that we have received the following funds:

MIAA – The Department received a \$5,000 grant for the purchase of a thermal imaging camera. A thermal imaging camera can play a critical role from a life safety perspective. It is a tool that can be used to search for a victim or injured firefighter. The technology allows department personnel to rapidly search a structure and to more quickly identify a victim, which will help prevent injury or death.



Eagles – The Department received a grant from the Fraternal Order of the Eagles for the purchase of CPR training manikins. With these funds we have ordered adult and pediatric training manikins that will replace the badly worn ones we are currently using.



Town of Wayland Massachusetts

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

**Finance Committee
Minutes
February 13, 2017**

Attendance: D. Watkins, N. Funkhouser, C. Martin, G. Uveges, K. Shigley, Mr. Cliff and B. Keveny (Finance Director). Location: Senior Center in the Town Building.

Call to Order:

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

Discussion with John Senchyshyn

John Senchyshyn (Asst. town Administrator / Director of Human Resources) and Donna Lemoyne (Financial / Research Analyst) presented a draft of the FY 18 Insurance 32B estimate schedule, which should be finalized later in the week. Mr. Senchyshyn reviewed changes in the rates of the various plans and enrollment groups including (1) that the Medicare eligible employee rates are reset as of January 1st and (2) there is seasonality in the amounts based on when school employees are paid.

Q & A followed which included questions on number of active vs retirees covered, Medicare eligible vs non Medicare eligible retirees, the growth in the premiums for retirees and the number of new heads built into the calculation. The coverage through West Suburban was discussed and the Town is self-insured for certain coverage under the plan so it can have a surplus or deficit at the end of any plan year for which it is responsible.

Follow up - The following follow up request were made:

- To refine the cost based on the meeting with West Suburban and refinement of the number of anticipated new personal.
- A detailed breakout of headcount detail between Town and School employees.

Public Comment:

Lynne Cavanaugh (Plain Road) talked in favor of the Article "Acceptance of Design and Approval and Authorization of Library Building Grant Application" including feedback she has received from the community.

Committee's Response to Public Comment:

None

Review of Articles:

The community reviewed the articles for the upcoming Town meeting and took the following votes:

Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application Ms. Martin reviewed the article and changes from the last draft and a discussion ensued regarding the use of the current site and deed restrictions, the impact on operating cost, the amount of potential debt and the increase in debt service from the financing of the new library and site location. (Dana Mastroianni (Library Director) answered questions from the committee). Ms. Mastroianni responded to a question as to the size of the proposed library that it was based on input from the State based on the Town size and requirements developed. A discussion ensued as to what information should be presented in the warrant since this was a grant approval warrant and not a funding article and it was agreed that, because of the potential financial impact of the potential library financing, information as to that impact should be included in the warrant. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 3, 2, 1 with Mr. Watkin and Shigley and Ms. Funkhouser voting yes, Mr. Cliff and Uveges voting no and Ms. Martin abstaining.

Revolving Fund Bylaw Ms. Martin reviewed the article, with the assistance of Elizabeth Doucette, Town's financial analyst, including the impact and reasons for changing some of these funds from a 53D Revolving Fund to a 53E / 53E ½ Revolving Fund and questions regarding who will bear the cost of field maintenance between DPW and the Rec. revolving funds. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Limited Site Plan Review – Exempt use Mr. Shigley reviewed the article and Daniel Hill (Chair of the Planning Board) and Sarkis Sarkisian (Town Planner) reviewed the history behind the article, the current process and changes required with lessons from the development of the Carroll School. The committee questioned the limited scope of the article vs. a complete revision of the planning and zoning bylaws. Mr. Hill responded that it was not practical to do a full scope revision to the bylaws and get the changes through Town meeting. Ms. Martin moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 5, 0, 1 in favor, with Ms. Funkhouser abstaining.

Plastic Bag Reduction Bylaw Mr. Watkins reviewed the article and Paul Dale (Grace Road – the lead petitioner) responded to questions regarding the article. Mr. Dale stated that Town Counsel had

approved the wording in response to several questions regarding the text of the article. Ms. Funkhouser moved and Mr. Cliff seconded a motion that the Finance Committee recommends approval of the article. The vote was 2, 2, 2, with Ms. Funkhouser and Mr. Shigley voting in favor, Mr. Watkins and Mr. Cliff voting opposed and Ms. Martin and Mr. Uveges abstaining.

Polystyrene Food Container Bylaw Mr. Watkins reviewed the article and Paul Dale (Grace Road – the lead petitioner) responded to questions regarding the article. The committee expressed discomfort with only one side of the article being presented to the Committee. Ms. Funkhouser moved and Mr. Cliff seconded a motion that the Finance Committee recommends approval of the article. The vote was 0, 4, 2 with Ms. Martin, Mr. Cliff, Watkins and Uveges voting no and Ms. Funkhouser and Mr. Shigley abstaining.

OPEB Funding Mr. Shigley reviewed the article, discussed the results from the actuarial report and explained the major cost drivers behind the increase in the OPEB liability and funding requirement. Mr. Shigley suggested that, using the same process as historically used and backing out the effect of the change in funding method and the change in mortality assumptions, the funding for FY18 should be \$240,000. Cliff Lewis (Claypit Hill Rd. and former member of the OPEB Advisory Committee) spoke on the article indicating that he agrees with the recommendation and that the Town is facing significant funding / cost increases going forward. Rather than experiencing significant funding increases in the future, he suggested that Town considering reducing its share of the premiums to the State mandate of 50% as multiple other Massachusetts towns have done. Mr. Cliff moved and Mr. Uveges seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Standard Articles Mr. Watkins reviewed the following standard articles with action taken as follows:

Recognize citizens and employees for particular service to the town Mr. Cliff moved and Ms. Martin seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor

Pay previous fiscal year unpaid bills. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Hear Reports Ms. Martin moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Choose Town Officers Ms. Martin moved and Mr. Cliff seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Sell or Trade vehicles and equipment Ms. Martin moved and Mr. Cliff seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

The following articles were tabled to a future meeting:

- Current year transfers
- Accept gifts of land

Authorize local voting rights for permanent resident aliens residing in Wayland. Ms. Funkhouser reviewed the article and history of similar articles in the past and responded to questions. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 1, 2, 3 in favor with Mr. Shigley in favor, Mr. Cliff and Uveges opposed and Mr. Watkins and Ms. Funkhouser and Martin abstaining.

Street Acceptance Mr. Shigley reviewed the article and issues related to street acceptance of Spencer Circle. He indicated the cost to do the required repairs to bring the street up to specifications would be approximately \$32,000 plus the cost to repair the catch basins. The cost to repair the catch basin is not known at this point because access is impeded by a driveway. Mr. Lowry (Board of Public Works) indicated that the article had an issue because it did not include funding for the Spencer Circle repairs should the street be accepted. The committee decided to table the article until the cost and funding questions were addressed.

Transfer Station Access Road Improvements Mr. Cliff reviewed the article and the 3 segments of the project which totaled \$1.6 million. He pointed out that the scope and cost have been reduced from that in the prior draft of the article and reminded the committee that the environmental portion of the project is a legal responsibility of the Town. Mr. Watkins expressed concern about the cost of the project and inquired if there were other, less expensive, alternatives. Ms. Martin moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 5, 1, 0 in favor, with Mr. Watkins opposed.

Authorize Acquisition of an Access and Utility Easement at 89 Stonebridge Road Mr. Cliff introduced the article and pointed out that the funds for paving the road had been appropriated at a prior Annual Town Meeting. Mr. Lowry (B of PW) indicated that the easement was required based on condition of the area and that Habit for Humanities had agreed to the easement. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Preservation of Historically Significant Buildings through Demolition Delay Mr. Uveges reviewed the article. Mr. Watkins expressed concern that by using a 100 year benchmark vs. an actual date additional buildings would fall under the article each year. Mr. Cliff moved and Mr. Shigley seconded a motion that the Finance Committee recommends approval of the article. The vote was 3, 2 1 in favor with Mr. Cliff and Ms. Funkhouser voting no and Mr. Watkins abstaining.

Non-Medical / Recreational Marijuana Moratorium – Zoning Bylaw Amendment Mr. Uveges introduced the article and indicated that the text of the article was being redrafted by Town counsel. As a result, the article discussion was tabled to a future meeting.

CPC articles - Community Preservation Fund General Budget – Set Asides and Transfers and Appropriate Funds to Restore Mellon Law Offices and Cochituate Town Clock Mr. Watkins introduced the two CPC funding articles and pointed out that each was funded by Community Preservation funds. Ms. Martin moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the respective articles. The vote was 6, 0, 0 in favor of each article.

Appropriate Funds to Hire a Housing Consultant Mr. Shigley introduced the article pointing out that the funds to pay for the consultant would be paid for from CPC funds. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 5, 0, 0 in favor (Ms. Funkhouser having left the meeting for a brief period).

Appropriate Funds to Construct Athletic Fields at Oxbow Meadows. Mr. Cliff introduced the article pointing out that the funds to pay for the fields would be paid for from CPC funds. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Appropriate Funds to Construct ADA Trails and Signs at Dudley Woods. Mr. Cliff introduced the article pointing out that the funds to pay for the fields would be paid for from CPC funds and that the amount requested represents the reduction in the FY15 funding request (original request was \$135,000 of which \$85,000 was approved) and is necessary to complete the project. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article. The vote was 6, 0, 0 in favor.

Appropriate Funds to Restore / Replace Windows of First Wayland High School, now known as Bradford Hall. Ms. Funkhouser introduced the article pointing out that the work would be funded by CPC funds and that the Church was committed to expend additional funds to complete the work. A discussion ensued regarding whether it was appropriate to expend CPC funds for private property and property owned by a church. In response, it was pointed out that similar expenditures had been funded in the past. Mr. Cliff moved and Ms. Funkhouser seconded a motion that the Finance Committee recommends approval of the article to accept the article. The vote was 6, 0, 0 in favor.

FY 2018 Operating and Capital Budget Review:

Mr. Cliff reviewed information from the Municipal DataBank related to real estate taxes and where Wayland stands in terms of average tax bill. He pointed out that for the period 2009 through 2016 Wayland ranked between 6 and 11 in terms of the highest tax rate out of 351 communities (see listing attached).

Operating Budget - Mr. Keveny distributed an updated Operating Budget for FY18 and reviewed recent changes in the FY18 budget that totaled \$12,000. The committee directed Mr. Keveny to make the changes to the approved operating budget and begin to prepare the warrant schedule.

Capital Budget – Mr. Keveny distributed the updated Capital Budget for FY2018 and reviewed the changes from the prior draft inquiring if the committee wanted to move any items between Borrowing, Cash Capital and Free Cash as the changes made at the last meeting increased the Capital funding amount using Borrowed funds and decreased the Capital funding amount using cash capital. The Committee decided not to make any changes to the General Fund Capital Budget. Mr. Keveny inquired if the Committee wanted to add a capital item for bus parking. Because the project was still in development the Committee decided not to add a capital expenditure for bus parking at this time.

Minutes

January 30, 2017 minutes were reviewed and minor edits suggested. Ms. Martin moved and Mr. Shigley seconded that the minutes be adopted as amended. Motion passed 5,0,1 with Mr. Uveges abstaining

Adjourn: Ms. Martin moved to adjourn at 10:35 pm. Mr. Shigley seconded. Vote: 6, 0, 0 to adjourn.

Respectfully Submitted,

George Uveges

Documents:

Article List for 2017 Annual Town Meeting

FY18 Insurance 32B

Municipal DataBank tax bill information

Fiscal 2018 Budget-Draft

Fiscal 2018 Capital Schedule

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William E. Pickett, Jr.
9 Willowbrook Drive
Framingham, MA 01702

March 15, 2017

Wayland Board of Selectmen/
Town Manager
41 Cochituate Road
Wayland, MA 01778

Dear Sirs or Madam:

I am submitting this information to you because I know of your personal and professional interest in ensuring the proper selection, appointment of, and the ongoing professional activities of Constables serving the Town of Wayland, MA.

It has just been brought to my attention that a State Rep named Cahill from Lynn, MA submitted a Bill, House No 2252 on January 19, 2017 to eliminate the Office of Constable in the Commonwealth of Massachusetts. This Bill was submitted based on the illegal activities of a Boston Constable who in 2016 shot two Boston Police Officers and was himself shot and killed by the officers who were responding to a domestic violence situation in the deceased constable's home.

This situation should have never happened. The deceased constable should never have been appointed. After the shooting, investigation by the press determined that prior to his appointment in Boston MA the deceased constable was a criminal who had one or more out of state criminal records that were never properly checked by the Boston Police Department. The background investigation they conducted was poorly done and only involved checking possible criminal records in Massachusetts and nowhere else.

This minimal background investigation appears to be the policy of the City of Boston relative to constable appointments and in my opinion was the major factor in an unsuitable and completely unqualified person being appointed as a constable by the City of Boston. Additionally, as a retired Federal Agent I question how this individual obtained a Massachusetts License to Carry Firearms, (if he in fact ever had one) and how he obtained a firearm or firearms.

I know for a fact that the background investigations conducted on constables by the Town of Wayland, MA are extensive and I feel relatively certain that in my thirteen years of service to the town, that no Wayland Constables have been involved in any kind of illegal or unprofessional activity.

It appears to me that Bill, House No 2252 is greatly over reaching in an attempt to eliminate the Office of Constable in the Commonwealth of Massachusetts, with no input or concurrence by the city or town officials who appoint the constables. I wonder what other forces are involved behind the scene in this attempted state over reach.


In addition to the adverse effect this would have on Civil Constables, (based on input from an attorney and associate), he feels that Bill House No 2252 would also eliminate all lawful enforcement / inspection authority under the constable law that may be currently utilized by Traffic Constables, Building Inspectors, Gas, and Electric Inspectors, Housing Authority Officials, etc. to conduct official activities and inspections.

As the Vice President of the Massachusetts Bay Constable's Association, I know there are at least 1000 or more appointed or elected constables in Massachusetts. As a Wayland Constable, I know there have been other serving Constables before me and none have been in any kind of trouble. Statewide, I don't know of many, (with the exception of a very few) that have been any kind of problem.

I respectfully request that any and all information relative to Bill House No 2252 be brought to the full attention of the Wayland Board of Selectmen and Town Counsel, in an effort to discourage its passage. The appointing officials in the cities and towns of Massachusetts should be the only authorities determining how many constables, if any, they should retain or appoint, not the state, based on a situation that should never have been allowed to happen. Additionally, It appears that other political forces in the state are utilizing this terrible Boston situation in an effort to eliminate the Office of Constable in the Commonwealth.

If you have any questions relative to this matter that I can answer, please feel free to call me at any time at 508 872-2891.

Sincerely,



William E. Pickett, Jr.
Constable

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March 16, 2017

Carolyn M. Murray
cmurray@k-plaw.com

BY HAND AND FIRST CLASS MAIL

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

Re: Town of Wayland Zoning Board of Appeals –
Response to February 21, 2017 Open Meeting Law Complaint of George Harris

Dear Mr. Sclarsic:

Thank you for your courtesy in granting the Zoning Board of Appeals of the Town of Wayland (the “Board”) an extension of time to respond to George Harris’s complaint alleging violations of the Massachusetts Open Meeting Law (“OML”). A copy of Mr. Harris’s OML complaint is enclosed as Exhibit A. You state in your March 8, 2017 letter that “[t]he complaint was originally filed with the Board by Attorney George Harris on February 21, 2017.” In fact, Mr. Harris had e-mailed a copy of the complaint to the Chair of the Board at his personal work e-mail address. Despite the Board’s objections to Mr. Harris’s attempted service pursuant to 940 CMR 29.05(3), the Board listed the complaint on the public notice for its February 28, 2017 meeting to discuss the substance of the complaint. The Board voted to authorize this response following its deliberation.

Mr. Harris alleges the following violations against the Board: (1) deficient meeting notice for its January 24, 2017 and February 14, 2017 meetings to review and accept meeting minutes; and (2) inaccurate minutes for the January 24, 2017 meeting. As discussed below, the Board asserts that the complaint was not properly served in accordance with the OML, rendering it procedurally defective and due to be dismissed. To the extent the complaint is deemed properly served, however, the Board denies that any OML violation occurred relative to its meeting notices or minutes for the reasons that follow.

Background

By way of background, the Board is comprised of eight Wayland resident volunteers. The Board has no dedicated support staff and exclusively relies on administrative support from the Wayland Building Commissioner/Zoning Enforcement Officer and Building Department Assistant. The Board typically meets bimonthly, or more frequently depending on the volume and complexity of the applications filed and statutory timelines for conducting hearings and rendering decisions.

Jonathan Sclarsic, Esq.
Director, Division of Open Government
March 16, 2017
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Procedural Deficiencies in Service of Mr. Harris's Complaint

The Board denies that Mr. Harris “filed” his latest complaint against the Board, properly or otherwise, and therefore, his February 21, 2017 complaint is not properly before the Board for response. Pursuant to 940 CMR 29.05(3), “the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body. The complainant shall also file a copy of the complaint with the municipal clerk, who shall keep such filings in an orderly fashion for public review on request during regular business hours.” The Massachusetts Office of the Attorney General’s Guide to the Open Meeting Law instructs that “[i]ndividuals who allege a violation of the Open Meeting Law must first file a complaint *with the public body* alleged to have violated the OML.” See AG’s OML Guide, <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html>. (emphasis in original).

Here, Mr. Harris failed to “file a complaint” with the Board. Instead, he e-mailed a copy of the complaint to the Board’s Chair at his personal work e-mail address with an electronic copy to the Wayland Town Clerk. See Exhibit B. Mr. Harris did not later hand-deliver or mail a copy of the complaint to effect service or filing on the Board or Town Clerk. Such method of service does not comply with 940 CMR 29.05(3).

Notably, this is not the first time that Mr. Harris has contacted the Board’s Chair by e-mail regarding alleged OML violations. Mr. Harris no doubt is aware that the Town of Wayland does not assign Board members e-mail addresses for the purposes of conducting town business. Moreover, under the recently revised Public Records Law, the personal e-mail addresses of town employees and board members are not a public record subject to disclosure. See G.L. c. 4, §7, cl. 26(o). Surely, if personal e-mail correspondence is worthy of protection from public disclosure under the Public Records Law, it is entitled to equal treatment under the Open Meeting Law. The primary (and appropriate) means of communicating with the Board is through the Wayland Building Department—indeed, Mr. Harris has filed OML complaints with the Building Department on prior occasions. His decision to disregard the OML’s clear filing requirements not only was intrusive but constitutes invalid service under 940 CMR 29.05(3). The Board respectfully requests that the February 21 complaint be deemed legally insufficient, and it welcomes guidance from the Division of Open Government to make clear that the OML does not sanction service by e-mail. Such guidance would ensure consistent treatment of personal e-mail of town employees under Massachusetts law. Should the Division of Open Government find the Complaint properly was filed, the Board submits this substantive response.

Jonathan Scarsic, Esq.
Director, Division of Open Government
March 16, 2017
Page 3

Response to Alleged Open Meeting Law Violations

With respect to Mr. Harris's allegations of deficient meeting notices for the Board's January 24, 2017 and February 14, 2017 meetings, the Board denies any violations of the OML. The OML requires that public bodies detail *topics* on meeting notices with specificity. G.L. c. 30A, §20(b); 940 CMR 29.03(1)(b); OML 2016-170. As outlined in the Meeting Notices for the January 24, 2017 and February 14, 2017 meetings, copies of which are enclosed as Exhibits C and D, the Board listed the topics for discussion with the requisite specificity, including "Review/Accept Minutes." While additional detail may have been helpful to interested members of the public, the Office of the Attorney General has held that the OML does *not* require public bodies to list all tangential topics related to a matter, only that "the list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." *See* OML 2017-32; *see also* OML 2016-171. The Board's position is that a reasonable member of the public could and would have reviewed these items and understood the nature of the proposed discussion-*viz.*, the Board was scheduled to review and approve prior meeting minutes. Therefore, the Board denies it violated the OML.

Further, the Board asserts that the nature of this complaint is distinguishable from other situations where a public body's meeting notices were found to be deficient. For example, in OML 2015-8, the Office of the Attorney General determined that the Ayer Conservation Commission violated the OML by listing properties to be discussed using their Department of Environmental Protection file numbers, such that the complainant had no knowledge that his property would be discussed.

The Board's decision not to identify the dates of past meetings from which minutes would be reviewed and approved is different on its face. Review and approval of meeting minutes is entirely ministerial, *i.e.*, no *future* action by the Board is affected by its review, modification, and approval of minutes of *past* meetings. Neither Mr. Harris nor any Wayland resident was deprived the right or ability to meaningfully participate in the Board's review. Accordingly, the Board did not violate the OML by not listing the dates of the meeting minutes to be reviewed.

Subject to the foregoing, the Board will endeavor to include as much detail as possible on its future meeting notices, including the date(s) of any meeting(s) from which minutes likely will be reviewed.

Lastly, in response to allegations of inaccuracies in the Board's minutes from its January 24, 2017 meeting, the Board voted on February 28 to amend these minutes to list the dates of the specific meeting minutes that were approved. A true and accurate copy of the revised minutes from the January 24 meeting, which were reviewed by the Board at its February 28 meeting, are enclosed as Exhibit E. The Board submits this was an inadvertent clerical oversight, which now has been

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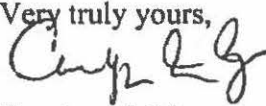
Jonathan Sclarsic, Esq.
Director, Division of Open Government
March 16, 2017
Page 4

fully corrected. The revised minutes have been made publicly available. Therefore, there is no violation to remedy.

Conclusion

As discussed at its February 28, 2017 meeting, despite the lack of proper filing of the complaint, the Board has been and remains committed to full compliance with the OML, including through the public dissemination of accurate meeting notices and minutes with the requisite degree of specificity.

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

Very truly yours,

Carolyn M. Murray

CMM/JMA/man

Enc.

cc: Zoning Board of Appeals
Board of Selectmen
Mr. George Harris

577030/WAYL/0001