

**PACKET**

**MAR 27**

**2017**

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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 27, 2017**  
**Wayland Town Building**  
**Large Hearing Room**  
**41 Cochituate Road Wayland**

### Proposed Agenda

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

- |         |      |  |
|---------|------|--|
| 6:40 pm | 1.)  | Call to Order by Chair <ul style="list-style-type: none"><li>• Review Agenda for the Public; Announcements</li></ul>   |
| 6:42 pm | 2.)  | Public Comment   |
| 6:50 pm | 3.)  | Vote to Award Bonds  |
| 7:00 pm | 4.)  | Annual Town Meeting Warrant Hearing, Including Review of Motions   |
| 8:00 pm | 5.)  | Annual Town Meeting: Discussion of Business Related to Town Meeting including Motions, Errata, and Voting on Articles  |
| 8:10 pm | 6.)  | Receive and Discuss Report from Listening Session Subcommittee;<br>Vote to Disband   |
| 8:25 pm | 7.)  | Minutes: Review and Vote to Approve Minutes of March 13, 2017  |
| 8:30 pm | 8.)  | Consent Calendar: Review and Vote to Approve (See Separate Sheet)  |
| 8:35 pm | 9.)  | Review Correspondence (See Separate Index Sheet)   |
| 8:45 pm | 10.) | Report of the Town Administrator   |
| 8:55 pm | 11.) | Selectmen's Reports and Concerns   |
| 9:05 pm | 12.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any  |
| 9:10 pm | 13.) | Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), to Conduct Strategy with Respect to School and Town Non-Union Personnel; and<br><br>Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes on the Following Topics: Pursuant to |



**BOARD OF SELECTMEN  
Monday, March 27, 2017  
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41 Cochituate Road Wayland**

**Proposed Agenda Page Two**

Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect 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; and a Discussion of Strategy with Respect to a Pending Action Regarding 150 Main Street LLC v. Zoning Board of Appeals, Pending with the Land Court; and a Discussion of Strategy with Respect to Pending Actions Regarding Boelter et al v. Wayland Board of Selectmen, and a Discussion of 20 Millbrook Road, and a Discussion of Strategy with Respect to Collective Bargaining and Pending Litigation in regard to Sams-Lynch v. Town of Wayland, and a Discussion of Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees; and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), a Consideration of the Purchase, Taking, Lease or Value of Real Property in Regard to the Rivers Edge Project at 484-490 Boston Post Road because a Public Discussion of these Matters may have a Detrimental Effect on the Negotiating, Litigating or Bargaining Position of the Town:

**APPROVE FOR RELEASE WITH REDACTIONS: January 30, 2017**

**APPROVE AND HOLD: January 23, 2017, February 6, 2017, February 13, 2017, March 6, 2017, and March 13, 2017**

- 9:40 pm 14.) Executive Session Minutes: Approve for Release with Redactions January 30, 2017, and Approve and Hold January 23, 2017, February 6, 2017, February 13, 2017, March 6, 2017, and March 13, 2017
- 9:45 pm 15.) Adjourn

(3) VOTE BONDS



**Town of Wayland**  
Treasurer/Collector's Office  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
www.wayland.ma.us TEL. 508-358-3633

Date: March 23, 2017  
TO: Nan Balmer-Town Administrator  
FROM: Zoe Pierce, Treasurer/Collector  
RE: Board of Selectmen Meeting-March 27, 2017

**BOND ISSUANCE**

**REQUESTED ACTIONS:**

Vote to award the bonds to the Underwriter offering the lowest True Interest Cost (TIC) to the town. The process is as follows:

- 1) The bond sale is set for 12:00pm on Monday, March 27, 2017. At that time, after the verification process, the Treasurer will make a verbal award, and the bonds will be awarded. The Treasurer will sign a Certificate of Award.
- 2) Bond Counsel will provide the Town with the appropriate vote for the Board of Selectmen.
- 3) **On Monday evening, the actual vote document will be provided to the Board**, the Board will take that vote, and it will be signed by the Clerk of the Board. The funds will be available April 6, 2017.
- 4) By the end of the week, the Treasurer will have all of the borrowing documents. It would be helpful if the BOS members stopped by on Friday to sign, but signatures could be deferred to the meeting scheduled for April 3<sup>rd</sup>.

**BACKGROUND:**

These documents to be signed represent the standard forms required for any borrowing. After being signed, the Town Clerk will place the Town seal on the appropriate documents. The Town Financial Advisor will be present.

**(A summary of our bonds issuance is listed below)**

**SUMMATION OF BOND ISSUANCE-MARCH 2017**

1) Mainstone Farm-CPC	\$ 7,000,000
2) Enterprise Fund-Water	\$ 2,710,000
3) General Fund	\$ 3,300,000

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Total Bond Issuance      \$13,010,000



(4) WARRANT  
HEARING

DATE: March 27, 2017  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: WARRANT HEARING

Please find attached documents to supplement the review of the 2017 Annual Town Meeting Warrant:

1. Draft Motions (Also posted on-line)
2. Draft Errata
  - a. Errata on Article 9: Marijuana Moratorium will be provided at Monday's meeting.

The following Town Meeting Handouts will be provided at the meeting on Monday:

1. Finance Committee comments on Article 5: Revolving Funds
  2. Finance Committee Comments and Maps for Article 13: Street Acceptance;
-

**MOVER:** *Cherry Karlson*

**MOTION – 2017 ATM April 2, 2017**

**ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN**

**MOTION No. 1**

**I MOVE YOU SIR:**

**Moved:** that the Town recognize the following town employees who have retired since the 2016 Annual Town Meeting and have served the Town for over 20 years (service need not be consecutive):

<b>Stephen Rizzo</b>	<b>33 years</b>	<b>Teacher Assistant</b>
<b>Richard Weingartner</b>	<b>29 years</b>	<b>Teacher</b>
<b>Kay Seligson</b>	<b>28 years</b>	<b>Teacher</b>
<b>Sally Carmody</b>	<b>24 years</b>	<b>Teacher Assistant</b>
<b>James Stone</b>	<b>23 years</b>	<b>Teacher</b>
<b>Corrine Lowen</b>	<b>20 years</b>	<b>Teacher</b>
<b>Michael Lindeman</b>	<b>38 years</b>	<b>DPW Superintendent</b>
<b>Ann Knight</b>	<b>21 years</b>	<b>Library Director</b>

**MOVER:** *Cherry Karlson*

**MOTION – 2017 ATM April 2, 2017**

**ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN**

**MOTION No. 2**

**I MOVE YOU SIR:**

**MOVED:** that the Town recognize and observe a moment of silence in remembrance of the following elected or appointed volunteers or employees who have passed away since the 2016 Annual Town Meeting:

Peter Bulkeley	August 30, 2016	Heavy Equipment Operator, DPW
Talbot D. Bulkley Jr.	October 14, 2016	Housing Authority
Stephen “Stubby” Kadlik	December 9, 2016	DPW Director
Roy T. Mogan	February 1, 2017	Police Department Sergeant
Sarah “Kathy” Sherry	August 4, 2016	Teacher
Walter Nutting	March 13, 2017	Public Safety Dispatcher



*MOVER: Cherry Karlson*

**MOTION – 2017 ATM**

**ARTICLE 2: PAY PREVIOUS FISCAL YEAR UNPAID BILLS**

**I MOVE YOU SIR:**

**MOVED:** that the Town pay the bills of prior years as listed on page 20 of the Warrant for the 2017 Annual Town Meeting under the heading of “Fiscal 2016 liabilities to be paid using Fiscal 2017 appropriations,” the Fiscal Year 2017 appropriation for Schools to be used to pay the bill so listed as item number 1 and the Fiscal Year 2017 appropriation for the Surveyor Budget to be used to pay the bill so listed as item number 2.

**4/5 vote is required**

*MOVER: Cherry Karlson*

**MOTION – 2017 ATM**

**ARTICLE 3: CURRENT YEAR TRANSFERS**

**I MOVE YOU SIR:**

**MOVED:** that the following sums be appropriated as listed on page 21 of the Warrant for the 2017 Annual Town Meeting to be expended by the following boards and committees in Fiscal Year 2017 for the following purposes:

<u>Purpose</u>	<u>Amount</u>	<u>Board or Committee</u>
1.Snow and Ice personnel	\$30,000	Board of Public Works
2.Snow and ice Expenses	\$240,000	Board of Public Works
3. Septage Fund	\$7,742	Board of Selectmen
4.Board of Health payroll	\$4,000	Board of Health

**For a total of current year transfers of \$281,742**

And further, that said appropriations be provided by transferring \$270,000 from the General Fund Unreserved Fund Balance, by transferring \$7,742 from the Septage Retained Earnings, and by transferring \$4,000 from the Board of Health contractual services line item.

*MOVER: Cherry Karlson*

**MOTION – 2017 ATM**

**ARTICLE 4: OPEB FUNDING**

**I MOVE YOU SIR:**

**MOVED: that the Town:**

- a) transfer the sums of money from the enterprise funds and revolving funds listed in Paragraph a of Article 4 on Page 22 of the Warrant for the 2017 Annual Town Meeting totaling \$50,000 to the General Fund;
- b) appropriate \$22,261 to be deposited in the Town’s Other Post-Employment Benefits Trust Fund and that said appropriation be provided by transferring the sums of money from the enterprise funds and revolving funds listed in Paragraph b of Article 4 on Page 22 of the Warrant for the 2017 Annual Town Meeting; and
- c) appropriate \$221,023 to be deposited in the Town’s Other Post-Employment Benefits Trust Fund and that said appropriation be provided by transferring \$221,023 from the General Fund unreserved fund balance.



**MOVER:**            *Louis Jurist*

**MOTION – 2017 ATM**

**ARTICLE 5:            REVOLVING FUNDS**

**Motion No. 1:**

**I MOVE YOU SIR:**

**MOVED:**            that the Town amend the Code of the Town of Wayland  
by adopting General Bylaw §19-10, entitled “Revolving  
Funds”, as set forth in Article 5 on Pages 25-27 of the  
Warrant for the 2017 Annual Town Meeting.

*MOVER: Louis Jurist*

**MOTION – 2017 ATM**

**ARTICLE 5: REVOLVING FUND ANNUAL LIMITS**

**Motion No. 2:**

**I MOVE YOU SIR:**

**Moved:**

that the Town set the total amount that may be expended from the respective Revolving Funds for Fiscal Year 2018 as listed in Paragraph “2” of Article 5 on Pages 25-27 of the Warrant for the 2017 Annual Town Meeting and as amended by the errata sheet, as follows:

1. Transfer Station - \$625,000
2. Council on Aging - \$50,000
3. School Department/Professional Development - \$50,000
4. School Department/Curriculum - \$25,000
5. Recreation - \$950,000
6. Recreation: Athletic Fields -\$150,000

*MOVER: David Watkins*

**MOTION – 2017 ATM**

**ARTICLE 6: FY 2018 OMNIBUS BUDGET**

**MOTION No. 1**

**I MOVE YOU SIR:**

**MOVED:**

That each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2018 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$81,850,460 which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated, \$74,104,908 shall be raised by taxation, \$615,000 shall be provided by transfer from Ambulance receipts, \$85,245 shall be provided by transfer from Premium on Bonds Account, \$1,284,931 shall be provided by transfer from other funds, \$500,000 shall be provided by transfer from Overlay Surplus, \$500,000 shall be provided by transfer from Unreserved Fund Balance, \$4,002,227 shall be provided from Water revenue, \$45,405 shall be provided from Septage Retained Earnings, and \$712,744 shall be provided from Wastewater revenues.



*MOVER: David Watkins*

**MOTION – 2017 ATM**

**ARTICLE 6: FY 2018 OMNIBUS BUDGET**

**MOTION No. 2**

**I MOVE YOU SIR:**

**MOVED:** That the Town continue for Fiscal Year 2018 the revolving funds for the purposes and with the funding sources, expenditure authorities and expenditure limits for the Fiscal Year beginning July 1, 2017 all as set forth in Paragraphs 2-6 of Article 6 on Page 28 of the Warrant for the 2017 Annual Town Meeting, pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws.

**Alternative Motion No. 2**

That the Town continue for Fiscal Year 2018 the revolving funds for the purposes and with the funding sources and expenditure authorities for the Fiscal Year beginning July 1, 2017, as set forth in Paragraphs 2-6 of Article 6 on Page 28 of the Warrant for the 2017 Annual Town Meeting, pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws, with such funds subject to the following limits for Fiscal year 2018:

**Comment [A1]:** At Motions meeting, we decided to condense the revolving funds into one motion. Need to choose one format or other.

1. Transfer Station - \$625,000
2. Recreation Commission - \$950,000
3. Council on Aging - \$50,000
4. School Committee/Professional Development - \$50,000
5. School Committee/Curriculum - \$25,000

**MOVER:** *David Watkins*

**MOTION – 2017 ATM**

**ARTICLE 6: FY 2017 OMNIBUS BUDGET – CAPITAL BUDGET**

**MOTION No. 3**

**I MOVE YOU SIR:**

**MOVED:**

That each and every numbered item set forth in the Finance Committee’s capital budget of Fiscal Year 2018 listed on Pages 39-48 of the Warrant for the 2017 Annual Town Meeting in the total amount of \$2,983,000 be appropriated for equipment and vehicle acquisitions and projects for the listed departments, each of which shall be a separate appropriation, and, of the total sum so appropriated, \$347,128 shall be raised from taxation, \$219,180 shall be provided by transfer from the General Fund - Unreserved Fund Balance, \$225,000 shall be provided from water surplus, \$445,000 shall be provided from Ambulance receipts, \$120,000 shall be provided from the Cemetery Fund, and \$336,692 shall be provided by transfer from surplus capital closeouts, and, further, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,290,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, or any other enabling legislation, and to issue bonds or notes of the Town therefore, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

**2/3 vote required**



*MOVER: Miranda Jones*

**MOTION – 2017 ATM**

**ARTICLE 7: PERSONNEL BYLAWS AND WAGE & CLASSIFICATION PLAN**

**I MOVE YOU SIR:**

**Moved: That the Town amend the Code of the Town of Wayland, Chapter 43, PERSONNEL, and the Personnel Wage and Salary Classification Plan previously adopted by the Town by making the following revisions thereto as set forth on Page 49 and of the Warrant for the 2017 Annual Town Meeting by amending recreational and seasonal positions and adjusting selected positions affected by the Massachusetts Minimum Wage Law as set forth in Appendix B on Pages 102-107 of said Warrant.**

**MOVER:** *Lea Anderson*

**MOTION – 2017 ATM**

**ARTICLE 8: COMPENSATION FOR TOWN CLERK**

**I MOVE YOU SIR:**

**MOVED:** that the Town fix the salary and compensation of the elected Town Clerk at \$70,504 effective July 1, 2017.

Please Note: This Motion may be subject to further revisions.

**MOVER:** Sarah Greenaway  
**MOTION – 2017 ATM**

**ARTICLE 9: NON-MEDICAL/RECREATIONAL MARIJUANA  
MORATORIUM ZONING BYLAW**

**I MOVE YOU SIR:**

**MOVED:**

That the Town vote to amend Chapter 198 of the Town Code, the Town’s Zoning Bylaw, as listed in Article 9 on Pages 51-52 of the Warrant for the 2017 Annual Town Meeting, and as further amended per the errata, by adding a new definition for “Marijuana Establishment” and establishing a temporary moratorium on the use of land, buildings or structures for said Marijuana Establishments in all zoning districts in the Town of Wayland, as follows:

**I. Section One**

Amend Section 104.2 by adding the following new definition:

Marijuana Establishment – as defined in Section 1 of Chapter 94G of the General Laws, meaning a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

**II. Section Two**

Amend Section 803.5 by adding the following new subsection:  
Section 803.5.8. There shall be a temporary moratorium on Marijuana Establishments until January 1, 2019, or six months from the date that final regulations are issued by the state Cannabis Control Commission under Chapter 94G of the General Laws, whichever date is later.

**2/3 vote required**

*MOVER:*

*Mary Antes*

**MOTION – 2017 ATM**

**ARTICLE 10:**

**LOCAL VOTING RIGHTS FOR PERMANENT  
RESIDENT ALIENS RESIDING IN WAYLAND**

**I MOVE YOU SIR:**

that the Town authorize the Board of Selectmen to petition the General Court for special legislation and approve Article 10 as set forth on Page 53 of the Warrant for the 2017 Annual Town Meeting; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves clerical or editorial amendments which are within the general purpose objectives of this petition to the bill before enactment by the General Court.



*MOVER: Aida Gennis*

**MOTION – 2017 ATM**

**ARTICLE 11: ACCEPTANCE OF PRELIMINARY DESIGN FOR  
NEW LIBRARY AND APPROVAL AND  
AUTHORIZATION OF LIBRARY BUILDING  
GRANT APPLICATION**

**I MOVE YOU SIR:**

**MOVED: that the Town:**

- a) accept the preliminary design for the construction of a new library at 195 Main Street as recommended by the Board of Library Trustees, the Library Planning Committee, and the Permanent Municipal Building Committee; and
  
- b) authorize the Board of Selectmen and/or the Board of Library Trustees to apply for, accept, and expend, without further appropriation, but with the approval of the Permanent Municipal Building Committee, any state funds that may be available to defray all or part of the cost of the design, construction, and equipping of the new library building, including, but not limited to, a public library construction grant from the Massachusetts Board of Library Commissioners.

**MOVER:** *Woody Baston*

**MOTION – 2017 ATM**

**ARTICLE 12: AUTHORIZE ACQUISITION OF ACCESS AND UTILITY EASEMENT AT 89 STONEBRIDGE ROAD**

**I MOVE YOU SIR:**

**MOVED:** that the Town:

- a) authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen deems appropriate, an access and utility easement on property commonly known as 89 Stonebridge Road, identified as Tax Map 37, Lot 32A, described in a deed recorded with the Middlesex South District Registry of Deeds in Book 62732, Page 282, said easement shown on a plan entitled “Plan of Land in Wayland, Massachusetts 89 Stonebridge Road Habitat for Humanity,” dated December 5, 2016, on file with the Town Clerk; and
- b) authorize the Board of Selectmen to execute any and all documents as may be necessary or convenient in relation thereto.

*MOVER: Ira Montague*

**MOTION – 2017 ATM**

**ARTICLE 13: STREET ACCEPTANCE**

**Motion No. 1**

**I MOVE YOU SIR:**

**MOVED:** That the Town accept as a public way the roadway known as Dylan Circle, as heretofore laid out and shown on a plan of land entitled “Definitive Subdivision Plan, Field Stone Estates, Wayland, Massachusetts” dated February 12, 2003, as revised, prepared by Seltec Engineering, Inc., recorded as Plan Number 382 of 2004 and on file with the Town Clerk, and authorize the Board of Public Works, acting as Road Commissioners to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in Dylan Circle for all purposes for which public ways are used in the Town of Wayland, and any drainage, utility, access, and/or other easements related thereto, all as shown on the plan; or take any other action relative thereto.

*MOVER: Ira Montague*

**MOTION – 2017 ATM**

**ARTICLE 13: STREET ACCEPTANCE**

**Motion No. 2**

**I MOVE YOU SIR:**

**MOVED:** That the Town accept as a public way the roadway known as Summer Lane, as heretofore laid out and shown on a plan of land entitled “Summer Lane Definitive Subdivision” dated September 6, 2011, as revised, prepared by Snelling and Hamel Associates, Inc., recorded as Plan Number 28 of 2012 and on file with the Town Clerk, and authorize the Board of Public Works, acting as Road Commissioners to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in Summer Lane for all purposes for which public ways are used in the Town of Wayland, and any drainage, utility, access, and/or other easements related thereto, all as shown on the plan; or take any other action relative thereto.

**MOVER:** *Daniel Hill*

**MOTION – 2017 ATM**

**ARTICLE 14: LIMITED SITE PLAN REVIEW ZONING  
BYLAW– EXEMPT USES**

**I MOVE YOU SIR:**

**Moved:** That the Town amend the Code of the Town of Wayland, Chapter 198, Zoning, by adopting revisions to the Site Plan Review Bylaw as set forth in Article 14 on Pages 59-60 of the Warrant for the 2017 Annual Town Meeting.

**2/3 Vote required**

*MOVER:*

*Elisa Scola*

**MOTION – 2017 ATM**

**ARTICLE 15:**

**PRESERVATION OF HISTORICALLY  
SIGNIFICANT BUILDINGS THROUGH  
DEMOLITION DELAY**

**I MOVE YOU SIR:**

**MOVED:**

that the Town amend the Code of the Town of Wayland,  
by adopting a new General Bylaw entitled “Preservation  
of Historically Significant Buildings Through Demolition  
Delay” as set forth in Article 15 on Pages 62-65 of the  
Warrant for the 2017 Annual Town Meeting.

**MOVER:** *Gretchen Schuler*

**MOTION – 2017 ATM**

**ARTICLE 16: COMMUNITY PRESERVATION FUND GENERAL BUDGET – SET ASIDES AND TRANSFERS**

**MOTION No. 1**

**I MOVE YOU SIR:**

**MOVED:** that the Town set aside from the Community Preservation Fund’s uncommitted funds for later spending, as set forth in Article 16 on Pages 67-68 of the Warrant for the 2017 Annual Town Meeting and as revised in the **errata**:

**Comment [A2]:** Need errata sheet because wrong fiscal year noted.

- a) \$89,019 for open space, but not including land for recreational use, \$89,019 for historic resources, and \$89,019 for community housing pursuant to Massachusetts General laws Chapter 44B, Section 6 for Fiscal Year 2018;
- b) \$10,000 for administrative expenses; and
- c) \$411,111 for the Fiscal Year 2018 debt service obligations from prior town meeting approval for the purchase of a conservation restriction on Mainstone Farm.



*MOVER: Gretchen Schuler*

**MOTION – 2017 ATM**

**ARTICLE 16: COMMUNITY PRESERVATION FUND GENERAL BUDGET – SET ASIDES AND TRANSFERS**

**MOTION No. 2**

**I MOVE YOU SIR:**

**MOVED: that the Town appropriate and transfer from funds set aside from the Community Preservation Fund for community housing \$89,019 to be deposited in the Wayland Municipal Affordable Housing Trust Fund.**

**MOVER:** *Elisa Scola*  
**MOTION – 2017 ATM**

**ARTICLE 17: APPROPRIATE FUNDS TO RESTORE MELLEN  
LAW OFFICE AND COCHITUATE TOWN  
CLOCK**

**MOTION No. 1**

**I MOVE YOU SIR:**

**MOVED:** that the Town appropriate \$30,000 to be expended by the  
Wayland Historical Commission to preserve and restore the  
Mellen Law Office, a town-owned building at 33 Cochituate  
Road in Wayland Center and provide for said appropriation by  
transferring \$30,000 from funds set aside in the Community  
Preservation Fund for historic preservation.

*MOVER: Elisa Scola*

**MOTION – 2017 ATM**

**ARTICLE 17: APPROPRIATE FUNDS TO RESTORE MELLEN  
LAW OFFICE AND COCHITUATE TOWN  
CLOCK**

**MOTION No. 2**

**I MOVE YOU SIR:**

**MOVED:** that the Town appropriate \$30,200 to be expended by the  
Wayland Historical Commission to preserve and restore the  
Cochituate Town clock located at 80 Main Street and provide  
for said appropriation by transferring \$30,200 from funds set  
aside in the Community Preservation Fund for historic  
preservation.

**Comment [A3]:** Confirm board authorized to spend funds.

*MOVER:* Susan Weinstein  
**MOTION – 2017 ATM**

**ARTICLE 18: APPROPRIATE FUNDS TO HIRE A HOUSING  
CONSULTANT**

**I MOVE YOU SIR:**

**MOVED:** that the Town appropriate \$20,000 to be expended by the Board of Selectmen to hire a Housing Consultant to assist with affordable housing issues and provide for said appropriation by transferring \$20,000 from the Community Preservation Fund's Uncommitted Fund for community housing.

**MOVER:** *Gretchen Schuler*

**MOTION – 2017 ATM**

**ARTICLE 19: APPROPRIATE FUNDS TO CONSTRUCT  
ATHLETIC FIELD AT OXBOW MEADOWS**

**I MOVE YOU SIR:**

**MOVED:** that the Town appropriate \$300,000 to be expended by the Wayland Recreation Commission to construct one full size athletic field with parking at Oxbow Meadows, Oxbow Road, and provide for said appropriation by transferring \$300,000 from funds in the Community Preservation Fund's Uncommitted Fund for recreational use.

**MOVER:** *Gretchen Schuler / Brud Wright*

**ARTICLE 20:                   MOTION – 2017 ATM  
                                  APPROPRIATE FUNDS TO CONSTRUCT ADA  
                                  TRAILS AND SIGNS AT DUDLEY WOODS**

**I MOVE YOU SIR:**

**MOVED:**           that the Town appropriate \$50,000 to be expended by the  
                                  Wayland Recreation Commission to construct accessible trails,  
                                  consistent with the Americans with Disability Act at Dudley  
                                  Woods, a 7-acre parcel near Dudley Pond and provide for said  
                                  appropriation by transferring \$50,000 from funds set aside in  
                                  the Community Preservation Fund's Uncommitted Fund for  
                                  recreational use.

**MOVER:** *Elisa Scola*

**MOTION – 2017 ATM**

**ARTICLE 21: APPROPRIATE FUNDS TO RESTORE/REPLACE  
WINDOWS OF FIRST WAYLAND HIGH  
SCHOOL, NOW KNOWN AS BRADFORD HALL**

**I MOVE YOU SIR:**

**MOVED:** that the Town appropriate \$80,000 to be expended by the Wayland Board of Selectmen to preserve, restore, and replace the windows of the first Wayland High School, now known as Bradford Hall, 55 Cochituate Road and provide for said appropriation by transferring \$50,000 from funds set aside in the Community Preservation Fund's Historic Preservation Fund and \$30,000 from for the Community Preservation Fund's Uncommitted Fund.



*MOVER: Michael Lowery*

**MOTION – 2017 ATM**

**ARTICLE 22: TRANSFER STATION ACCESS ROAD IMPROVEMENTS**

I MOVE YOU SIR:

Moved:

that the Town appropriate \$1,625,360 to be expended by the Board of Public Works for the purposes as stated in Article 22 on Page 76 of the Warrant for the 2017 Annual Town Meeting, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$1,625,360 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, or any other enabling legislation, and to issue bonds or notes of the Town therefore, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

**Comment [A4]:** Is full amount to be borrowed?

**MOVER:**

**MOTION – 2017 ATM**

**ARTICLE 23: PLASTIC BAG REDUCTION BYLAW**

**I MOVE YOU SIR:**

**MOVED:** that the Town amend the Code of the Town of Wayland, by adopting a General Bylaw entitled “Plastic Bag Reduction Bylaw” as set forth in Article 23 on Pages 78 through 79 of the Warrant for the 2017 Annual Town Meeting.

*MOVER:*

**MOTION – 2017 ATM**

**ARTICLE 24: POLYSTYRENE FOOD CONTAINER BYLAW**

**I MOVE YOU SIR:**

**MOVED:** that the Town amend the Code of the Town of Wayland, by adopting a General Bylaw entitled “Polystyrene Food Container Bylaw” as set forth in Article 24 on Pages 81 through 82 of the Warrant for the 2017 Annual Town Meeting.

*MOVER: Cherry Karlson*

**MOTION – 2017 ATM**

**ARTICLE 25: ACCEPT GIFTS OF LAND**

**I MOVE YOU SIR:**

**MOVED: That the Town pass over this article.**

**MOVER:** *Cherry Karlson*

**MOTION – 2017 ATM**

**ARTICLE 26: HEAR REPORTS**

**I MOVE YOU SIR:**

**MOVED:** that the Town accept the 2016 Wayland Annual Report, and the reports of the Town officers, agents, trustees, commissioners, boards and committees listed on Page 84 of the Warrant for the 2017 Annual Town Meeting.

**MOVER:** *Cherry Karlson*

**MOTION – 2017 ATM**

**ARTICLE 27: CHOOSE TOWN OFFICERS**

**I MOVE YOU SIR:**

**MOVED:** that the following persons be nominated for the following offices in accordance with Article 27 of the 2017 Annual Town Meeting Warrant:

As Trustees of the Allen Fund:	Michael B. Patterson
	Benjamin W. Johnson III
	Lynn S. Dowd
As Fence Viewers:	The Selectmen
As Field Drivers:	The Constables
As Measurers of Wood and Bark:	Paul Doerr
	Lewis S. Russell Jr.
	Harry F. Sweitzer
As Surveyors of Lumber:	Susan W. Pope
	Jean B. Pratt
	Harry F. Sweitzer

**MOVER:** *Cherry Karlson*  
**MOTION – 2017 ATM**

**ARTICLE 28: SELL OR TRADE VEHICLES AND EQUIPMENT**

**I MOVE YOU SIR:**

**MOVED:** that the Town authorize the Board of Selectmen to sell or otherwise dispose of the following surplus equipment in connection with the purchase of new vehicles and/or equipment:

Department	Vehicle/Equipment	Year
Fire	Ford Expedition	2011
Recreation	Metal Craft Beach Docks	10+ years

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**TOWN OF WAYLAND  
ANNUAL TOWN MEETING  
April 2017 DRAFT ERRATA SHEET**

**REPORT OF THE FINANCE COMMITTEE**

Page 5, Highlights (\$Million) Chart:

<p style="text-align: center;"><b>Operating Expenses - \$77</b></p> <ul style="list-style-type: none"> <li>• 3.27% Increase over FY17</li> <li>• Town: 2.71%</li> <li>• School: 2.02%</li> <li>• Unclassified: 5.94%</li> </ul>	<p style="text-align: center;"><b>Receipts - \$77.1</b></p> <ul style="list-style-type: none"> <li>• Property Tax: \$64.64</li> <li>• State Aid: \$5.2</li> <li>• Local Receipts: \$4.5</li> <li>• Overlay Surplus \$0.35</li> <li>• Other: \$2.40</li> <li>• Free Cash: \$0.5</li> </ul>	<p style="text-align: center;"><b>Capital Expenses - \$2.9</b></p> <ul style="list-style-type: none"> <li>• DPW: \$1.2</li> <li>• Facilities: \$0.16</li> <li>• Fire: \$0.37</li> <li>• School: \$0.29</li> <li>• DPW Water: \$0.93</li> </ul>
<p style="text-align: center;"><b>Cost Drivers - \$4.5</b></p> <ul style="list-style-type: none"> <li>• Increase in Payroll: \$1.7</li> <li>• Free Cash Transition: \$1</li> <li>• 16 Full Time Resources: \$0.6</li> <li>• Assessor's Overlay: \$0.6</li> <li>• River's Edge: \$0.15</li> </ul>	<p style="text-align: center;"><b>Active Employees that Receive W-2s – 1,170</b></p> <ul style="list-style-type: none"> <li>• 823 School</li> <li>• 347 Town</li> <li>• 16 New School FY2018 Full Time Employees</li> </ul>	<p style="text-align: center;"><b>Peer Towns – Average Tax Bill</b></p> <ul style="list-style-type: none"> <li>• 2<sup>nd</sup> Finance Peer Comparison</li> <li>• 6<sup>th</sup> School Peer Comparison</li> </ul>
<p style="text-align: center;"><b>Tax Rate – \$18.5749</b></p> <ul style="list-style-type: none"> <li>• Estimated \$18.5749 (Mils)</li> <li>• <del>2.381.92%</del> change in tax rate from FY2017</li> </ul>	<p style="text-align: center;"><b>Use of Free Cash - \$0.9</b></p> <ul style="list-style-type: none"> <li>• \$0.5 Towards General Fund Operating Expenses</li> <li>• \$0.2 Towards Capital Expenses</li> <li>• \$0.2 Towards OPEB Expenses</li> </ul>	<p style="text-align: center;"><b>Debt Service - \$7.5</b></p> <ul style="list-style-type: none"> <li>• Schools: \$4.3</li> <li>• Town: \$3.2</li> </ul>

Page 10, Top of Page

<i>Thousands of Dollars</i>	Approved 2016	Approved 2017	Proposed 2018	Change Over <u>Five Three</u> Years
Real Property Tax Rate Forecast				
Property Tax Revenue (000's)	\$58,375	\$62,712	\$65,8513	12.7422%
Total Assessed Valuation (000's)	3,366,486	3,457,138	3,543,566	5.26%
Equals Tax Rate (Mils)	17.34	18.14	18.5749	7.096.63%
% Change in Tax Rate from Prior Year	-5.71%	4.61%	<del>2.381.92%</del> <sup>2</sup>	
<i>Average Resident Tax Bill (Not in 000's)</i>	11,730	12,529	<del>12,815</del> 12,757	9.25%
<i>Average Annual Change from prior year</i>	-2.65%	6.81%	<del>2.281.82%</del>	
<i>Cumulative Change from FY 14</i>	6.65%	13.92%	<del>16.52</del> 15.19%	

<sup>2</sup> ~~2.381.92%~~ is the year over year increase in the tax rate. The use of taxation increased 4.9447% year over year from FY2017.

*Key to Revisions: Strikethrough indicates deletions, underlining indicates added text*

**ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN**

Page 19:

The following town and school employees have retired since the 2016 Annual Town Meeting and have served the Town for over 20 years:

DELETE:	<del>Lynn Dowd</del>	<del>30 years</del>	<del>Director, Youth and Family Services</del>
ADD:	<u>Michael Lindeman</u>	<u>38 years</u>	<u>DPW Superintendent</u>
	<u>Ann Knight</u>	<u>21 years</u>	<u>Library Director</u>

The following elected or appointed volunteers or employees have passed away since the 2016 Annual Town Meeting:

ADD:	<u>Sarah "Kathy" Sherry</u>	<u>August 4, 2016</u>	<u>Teacher</u>
	<u>Walter Nutting</u>	<u>March 13, 2017</u>	<u>33 years, Dispatcher</u>

**ARTICLE 6: FY 2018 OMNIBUS BUDGET**

Page 28, top of page:

**MOTION UNDER ARTICLE 6:**

- 1) "That each and every numbered item set forth in the Finance Committee's Budget for Fiscal Year 2018 be voted, granted and appropriated as and expenditure for several purposes and uses set forth in said budget establishing a total budget of \$81,850,460 which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated, ~~\$74,404,908~~ 74,104,908 shall be raised by taxation, \$615,000 shall be provided by transfer from Ambulance receipts, \$85,245 shall be provided by transfer from Premium on Bonds Account, \$1,284,931 shall be provided by transfer from other funds, ~~\$200,000~~ 500,000 shall be provided by transfer from Overlay Surplus, \$500,000 shall be provided by transfer from Unreserved Fund Balance, \$4,002,227 shall be provided from Water revenue, \$45,405 shall be provided from Septage Retained Earnings, and \$712,744 shall be provided from Wastewater revenues.

**ARTICLE 9: NON-MEDICAL/RECREATIONAL MARIJUANA MORATORIUM - ZONING BYLAW AMENDMENT**

***(THERE WILL BE MORE ERRATA COMING FOR THIS ARTICLE)***

Pages 51-52:

**DELETE:**

~~**FINANCE COMMITTEE COMMENTS:** The Ballot issue to legalize non-medical marijuana passed in Wayland by 33 votes (4,215 to 4,182). There are many unanswered questions that State and local officials are struggling with and the State passed a measure in December 2016 delaying the opening of recreational marijuana stores for 6 months to July 2018. The objective of this article is to provide sufficient time for the Town to develop appropriate zoning regulations and bylaws to effectively manage the sale and use of non-medical/recreational marijuana. The Attorney General's~~

~~Office issued a ruling that a local zoning bylaw that imposes a temporary moratorium on recreational marijuana is “consistent with the Town’s authority to impose reasonable time limitations on development so that the Town can engage in a legitimate planning study”.~~

~~The Board of Selectmen recommends approval. (Vote 4-0-0)~~

~~**ARGUMENTS IN FAVOR:** The Town and its various Boards and Committees need time to research and understand the impact of stores selling recreational marijuana on the (1) physical and mental health of town residents; (2) medical services in town; (3) social impact in Wayland.~~

~~There are conflicts between state and federal law regarding this issue that need to be understood considering the federal conservation land in Wayland.~~

~~The legalization of marijuana in Massachusetts introduced a new commercial industry to the state. Infrastructure and policies must be developed as well as implementation strategies.~~

~~Location and permitting of retail stores near schools and recreational areas needs to be understood and then appropriate zoning bylaws need to be developed similar to those dealing with alcohol sales. The moratorium will allow time for these to be developed and presented at the 2018 Town Meeting.~~

~~The moratorium will provide time for the State to pass legislation dealing with the sale and use of recreational marijuana.~~

~~The moratorium will allow the Town to work with neighboring communities to have a consistent legal framework to manage the sale and use of medical marijuana.~~

~~**ARGUMENTS OPPOSED:** Recreational use of Marijuana is legal in Massachusetts, and Wayland can play a part in the initial implementation of the law. Some voters may believe that we can handle the impacts without any further delay as many other states, cities, and towns across the country have gone through this process in recent years.~~

~~A moratorium delays financial and other benefits to potential individual business owners and users of recreational marijuana.~~

~~**RECOMMENDATION:** The Finance Committee voted to take no position on this article, and elected to defer its decision until the Annual Town Meeting. (Vote 7-0-0)~~

**ADD:**

**FINANCE COMMITTEE COMMENTS:** By offering the citizens of Wayland the opportunity to vote to extend the moratorium until January 1, 2019 it allows Wayland the opportunity to weigh all options, look to develop best practices and insure that Wayland would be prepared in the event that a commercial marijuana business applies to open in Wayland. The Ballot issue to legalize non-medical marijuana passed in Wayland by 33 votes (4,215 to 4,182). There are many unanswered questions that State and local officials are struggling with and the State passed a measure in December 2016 delaying the opening of recreational marijuana stores for 6 months to July 2018. The objective of this article is to provide sufficient time for the Town to develop appropriate zoning regulations and bylaws to effectively manage the sale and use of non-medical / recreational marijuana. The Attorney General’s Office issued a ruling that a local zoning bylaw that imposes a temporary moratorium on recreation marijuana is consistent with the Town’s authority to impose reasonable time limitations on development so that the Town can engage in a legitimate planning study.

The Planning Board voted 4-0 in favor of Article 9.

The Board of Selectmen voted to recommend approval of this article 4 to 0.

The Youth Advisory Committee voted to recommend approval of this article 5 to 0.

The Board of Public Health voted to recommend approval of this article 4 to 0.

**ARGUMENTS IN FAVOR:** An extension of time will enable the Town and its various Boards and Committees to research and understand the impact of stores selling recreational marijuana on the (1) physical and mental health of town residents; (2) medical services in town; (3) social impact in Wayland.

There are conflicts between state and federal law regarding this issue that need to be understood considering the federal conservation land in Wayland.

The legalization of marijuana in Massachusetts introduced a new commercial industry to the state. Infrastructure and policies must be developed as well as implementation strategies.

Location and permitting of retail stores near schools and recreational areas needs to be understood and then appropriate zoning bylaws need to be developed similar to those dealing with alcohol sales. The moratorium will allow time for these to be developed and presented at the 2018 Town Meeting.

The moratorium will provide time for the State to pass legislation dealing with the sale and use of recreational marijuana.

The moratorium will allow the Town to work with neighboring communities to have a consistent legal framework to manage the sale and use of medical marijuana.

**ARGUMENTS OPPOSED:** Recreational use of Marijuana is legal in Massachusetts, and Wayland can play a part in the initial implementation of the law. Some voters may believe that Wayland can handle the impacts without any further delay as many other states, cities, and towns across the country have gone through this process in recent years.

A moratorium delays financial and other benefits to potential individual business owners and users of recreational marijuana.

**RECOMENDATION:** The Finance Committee recommends approval. Vote 6-0-1.

## **ARTICLE 16: COMMUNITY PRESERVATION FUND GENERAL BUDGET – SET ASIDES AND TRANSFERS**

Page 67, top of page:

- a.) i.) \$89,019 for open space, but not including land for recreational use, \$89,019 for historic resources, and \$89,019 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6 for FY ~~2016~~ 2018; and

**APPENDIX B: Article 7, List of Town Positions (FTE'S) and  
Personnel Bylaws and Wage and Classification Plan**

Page 99:

	ACTUAL FTEs FY15	ACTUAL FTEs FY16	ACTUAL FTEs FY17	PROPOSED FTEs FY18
<u>Information Technology</u>				
IT Manager	1.00	1.00	1.00	<del>1.00</del> <u>0.00</u>
IT Technician			<u>0.00</u>	<u>1.00</u>
<u>Selectmen's Office</u>				
Financial Administrator			<u>0.00</u>	<u>1.00</u>
Financial/Research Analyst	1.00	1.00	1.00	<del>1.00</del> <u>0.00</u>

Page 102:

**NON-UNION WAGE SCALE, N SCHEDULE**

Effective July 1, 2016 ( No July 1, 2017 increase at this time)

<u>N-3</u>	<u>Information Technology Technician</u>		
<u>N-6</u>	<u>Financial/Research Analyst</u>	<u>N-8</u>	<u>Financial Administrator</u>





NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**Board of Selectmen Listening Session Subcommittee  
Listening Session #8  
Meeting Minutes  
February 22, 2017 at 1:00 p.m.  
Wayland Town Building – Senior Center  
41 Cochituate Road, Wayland**

**Attendance:** Subcommittee members Lea T. Anderson, Mary M. Antes

**Others in attendance:** Lynne Cavanaugh (facilitator), Andrea Case, Larry Kiernan, Anette Lewis, Janot Mendler de Suarez, Arlene Petri, Gary Slep, Kathleen Steinberg, Brian Waldner

**Welcome and introductions** Facilitator, Lynne Cavanaugh, welcomed eight members of the community to the last of eight Listening Sessions at 1:00 p.m. in the Senior Center at the Wayland Town Building. She gave a brief statement of her background and asked the attendees to introduce themselves. She explained that Selectmen Mary Antes and Lea Anderson were there to listen and take notes for a summary report. She assured the attendees that no statements would be attributed to individuals in the report. L. Cavanaugh reviewed the ground rules.

**Questions and discussion** L. Cavanaugh led the group through a series of questions:

- What town services do you use most often and how well do they serve your needs? How could they be improved?
- What are three things in Wayland Town Government that are working well and you don't want to see changed? What three things would you like to see changed?
- Do you participate in town activities and town-sponsored events? Why or why not?
- What would encourage you to take advantage of these activities and services?
- Many feel that Wayland taxes are high. What services might you be willing to forego in order to add new or additional services?
- What is the best way for the town to provide you with information on a regular basis?
- Do you have skills that you would be willing to share with the town on a short-term, one-shot, or regular basis? What is keeping you from joining a board or committee?
- Do you have concerns or comments that have not already been mentioned?

**Feedback** Notes on comments received are attached.

**Approval of minutes** M. Antes moved, seconded by L. Anderson to approve the minutes to Listening Session #7 on Feb. 15, 2017. YEA: L. Anderson, M. Antes. NAY: none. ABSTAIN: none. Adopted 2-0.

**Adjourn** The listening session ended at 2:34 p.m.

**Items Distributed for Information and Use by the Listening Session attendees at Listening Session #8 on February 22, 2017**

1. Handout listing Town Departments
2. Draft minutes to Listening Session #7 on Feb. 15, 2017

**Items Included as Part of Agenda Packet for Discussion During the January 26, 2017 Listening Session**  
There were none.

Respectfully submitted: Lea T. Anderson

**Listening Session #8 Notes  
Wayland Town Building - Senior Center  
Wednesday, Feb. 22, 2017**

Facilitator, Lynne Cavanaugh  
Selectmen, Mary Antes and Lea Anderson

8 attendees      7 of 8 have been to Town Meeting  
                         6 of 8 attend Town Meeting regularly  
                         4 of 8 have served on town boards or committees or commissions

**Question: What town services do you use most often and how well do they serve your needs? Or not serve your needs?**

**DPW**

- DPW is working well; new head of DPW is good; DPW is doing a spectacular job on snow removal; they are looking long term at the roads
- Sidewalks are never cleared of snow; lake of ice near the Depot after a storm
- Snow policy states that first the roads get plowed, then the sidewalks near schools get cleared, then rest of sidewalks
- DPW is great; met with BPW on plastic bag ban being proposed; wanted DPW to be enforcement arm; disappointed that they were not very proactive – split vote on article; they felt that enforcing what happens inside a building is outside their mandate – even though other towns have been able to manage with no enforcement necessary; need to think in more creative ways and move towards a zero waste future
- Transfer station is good; DPW was very helpful with rail trail

**Library**

- Library does a great job

**Recreation**

- Used recreation when kids were younger
- Love the beach and availability of boats; season should be extended; know that college kids have to go back to school, but would like to expand access

**Planning Dept./Building/Zoning**

- Worked very well with the rail trail project; took over ownership of rail trail; jumped in to help coordinate
- Problems in Building, Zoning, Planning; how about video to guide someone trying to get a permit?

**Fire, Police, Ambulance**

- Great

**Schools**

- Fine

**Conservation**

- Want to encourage more use for passive recreational space; compared to Weston, Lincoln, and Sudbury, we are lacking a network; Weston has 64 miles of connected trail easements; Wayland is a bunch of islands; Conservation holds things up on things developers have not done; Conservation more caught up in restrictions

- Departments don't talk to each other; Heard Pond/Pelham Island Rd. floods; Conservation put up road blocks to fixing the problem; govern in silos
- Tags on trees that need to be taken down stay there year after year; Conservation holds it up; one kid almost got killed this year
- Long term projects should be capitalized; need longer-term planning process
- Departments don't submit funding requests because they don't expect articles to be approved

**Question: Is the problem Conservation or coordination?**

### **Water Department**

- Protection of water resources is very important; water bans are not clear; why is it ok for private wells when water comes from same source? Communication problem across the board; wellhead protection plan is very good, not being implemented; need longer term planning option; water could be focus for testing new ways of problem solving; a competent town manager, if given a mandate, could address these issues

### **Coordination**

- As an outsider it is very clear that coordination is a problem; problems being addressed with band-aids; Town needs proactive approach to enforcement
- Coordination is an issue among boards and committees; Land Use department meetings have been reinstated; Town Administrator needs to be able to do her job as laid out by code; once we were better – 10 years ago; Town Administrator was obstacle; now we need to empower Town Administrator to do more coordination; we need a way to answer the question “how do I get a permit?” Could there be a video link to show someone the steps to getting a permit? Problems are in Building, Zoning, Planning
- An ombudsman might help, perhaps a volunteer
- We don't communicate well with citizens or between boards; Town websites are not updated; Website should be one and only comprehensive, understandable source of information
- Many things work well and am generally pleased; two things at play: silos and volunteers – silos make coordination hard, volunteers don't necessarily follow through; concerned about studies, we are not deploying resources to take care of problems, e.g. cow pastures not being cared for; complex issues yet have not increased staff in this building to take care of these things; reliant on property taxes to take care of all this; need longer term planning and stewardship of these resources
- Silo structure; just getting fields mowed in not enough; look forward to making best productive use of open space, recreation, planting; often it is easier to stick to the status quo; nobody wants to take responsibility for leading
- Farmer wanted to plant hay on Cow Common; Conservation owns it, so no talking about long term plan, farm vs. bird habitat

### **Assessors**

- Things have improved; previous issue with incorrect information on record showing up, being corrected, then reappearing over and over

### **Business**

- Shocked about lack of economic diversity; Wayland has really smart people, great ideas, leaders of business; shocked that economic base is residential property tax; durability of economy; make Wayland business friendly
- Now we have the town center; I never go there; what would you change to make town more friendly to business?
- Think that commercial costs us more money than it adds



## **BoS**

- Warrant is up to the BoS; they control what is in it; need to vet, exercise authority so that time is not wasted at Town Meeting
- Appointees – need to truly understand people’s backgrounds and experience
- Website is poor; needs to be revamped; need on-line calendar of all town functions including schools

## **Finance**

- Treasurer has been required to put together debt schedule in annual report; still not being done; long term benefits liability is a problem; OPEB report troubling; when we hire, need to put aside money for long term liability

## **Communication**

### **What is best way to reach you?**

- Town Crier; town boards take a negative hit in Crier, especially related to CVS (150 Main St.) – devastating; why couldn’t the town set up something with little shops, farm stand instead of CVS?
- Finnerty’s had been for sale for 10 years; now something is being done
- Need to sell ourselves better
- OML makes me never want to be on a board; not good for small towns
- Need a positive public relations person; look at Transition and the positive articles
- Need a better website; Town websites are not updated; Website should be one and only comprehensive, understandable source of information (repeated from above); need communication plan with website as the hub; should be interactive
- WayCAM is good, but quality is terrible, can’t hear anyone except people at table; boring meetings
- I think WayCAM is pretty good
- My family can’t agree on what to use to communicate; town needs better website; technology is evolving; look at best practices
- Should we have BoS hours? No
- Need Communications plan; combination of website and board tweets; need interactive method, comment section
- Weston has rail trail committee that sends out agendas, updates, etc
- Reverse 911 is used a little too often
- Why isn’t census on line? (Check state law)
- Allow engagement with town website
- Two kinds of communication: citizens need information and town wants to communicate with residents – can’t respond the same way to both types
- Do we have two methods? Look up and send out; could we ask for email addresses and sent out update once a month? Push and pull
- Need to use a variety of methods; website, snail mail, email (easy to use and inexpensive)

### **Question: What has your experience been like on a board or committee?**

- Have been on 3; still on CERT; high rate of turnover; would not join another committee; refuse to go to Town Meeting in last 5 years; warrant should be better organized – all planning/zoning together, don’t mix things up
- Moderators (past and present) talk too much, scream at mic; should allow no more than 1 amendment; difficult to read handouts when the moderator is talking
- Learned a lot, met people, would do it again when have more time
- Served on two elected boards and Master Plan – good experience if you are ready to work; should not be afraid of people with different views being on committees as long as decisions based on facts, issues; usually come to consensus

(7) MINUTES



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

NAN BALMER  
TOWN ADMINISTRATOR  
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**Board of Selectmen  
Meeting Minutes  
March 13, 2017  
Wayland Town Building, Large Hearing 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 30A, Section 21(a)(3) to Discuss Strategy with Respect to Litigation in Pending Action regarding Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road and 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; and Strategy with Respect to Collective Bargaining and Pending Litigation in regard to Sams-Lynch v. Town of Wayland, if an Open Meeting may have a Detrimental Effect on the Litigating or Bargaining Position of the Public Body** At 6:34p.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 in pending actions regarding Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road; and 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; and to discuss strategy with respect to collective bargaining and pending litigation in regard to Sams-Lynch v. Town of Wayland. The Chair declared that a public discussion of these matters 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, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Chair invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School IT Director Leisha Simon, Personnel Board Chair Deb Cohen, MIIA (Massachusetts Interlocal Insurance Association) attorneys Michael Stefanilo and Lenny Kestin, and MIIA Representative Johanna Mills.

The Board returned to open session at 7:20 pm

**A2. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:20 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.

The Board announced that the Domestic Violence Roundtable white ribbon event has been postponed and rescheduled to April 11<sup>th</sup>. C. Karlson stated that the Town Warrant has started to arrive at people's houses. M. Antes stated that Candidates Night is Thursday at 7:30. The Board recognized the passing of Walter Nutting, a retired dispatcher who worked for Wayland Police/Fire for over 30 years.

**A3. Public Comment**

J. Dyer, Cochituate Road, told the Board that he has a suggestion for a possible site for the school busses and would appreciate if someone from the Board got in touch with him.

E. Szeman, Camp Chickami Director, introduced himself to the Board and said he was looking forward to getting involved in the community.

**A4. Vote to Sign Conservation Restriction for Mainstone Farm and Vote to Extend the Closing Date for Purchase of Mainstone Farm Land Conservation Restriction to No Later Than April 15, 2017**

Conservation Administrator L. Hanson said the Conservation Commission is close to signing the CR and hopes to get a formal vote on it soon. She said although Conservation needs to vote to sign it, they are fully in favor of it, and it's just a matter of formally voting on it. L. Jurist asked why the Board would vote on it before even seeing it. N. Balmer and L. Hansen said the CR is on the website. The Board agreed to vote on the extension of the closing date so they can read the CR in more detail. N. Balmer stated that they may have to have another vote to delay date again due to the town's borrowing schedule.

L. Jurist moved, seconded by J. Nolan, to vote to extend the closing date for the purchase of the Mainstone Farm Land Conservation Restriction from March 15, 2017 to April 12, 2017 and authorize Special Town Counsel Mark Lanza to execute an amendment to the purchase and sale agreement relative to said restriction in order to effectuate said extension. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

Conservation Administrator L. Hansen reported on an item in the Town Administrator's report. She had reviewed with Raytheon the proposed land donation to conservation at Town Center as a future septic reserve and it wouldn't work. She said the land would be a great contribution to the town and could be used for other things such as a pocket park.

**A5. Discussion and Vote to Send Letter to Mass Housing regarding the Proposed 24 School Street Development** S. Sarkisian updated the Board on process so far and presented the Board with his memorandum. He also discussed comments submitted by Planning Board Chair D. Hill who had questions about the developer regarding transportation, protection of land and ecosystem and the developer's application. He also brought up the letter from the Wayland Housing Partnership regarding density. He said the town has until Friday the 17<sup>th</sup> to send the letter to the State. J. Nolan said the Board should make a strong case in their letter opposing it. C. Karlson said they should also mention all of the additional steps Wayland is taking in order to expand 40b on town property, especially highlight the Rivers Edge project.

The Board took public comment on the topic:

J. Hyman, Caulfield Road, discussed 10 points that he felt were important to the School Street project that were not thoroughly discussed at the last meeting. Some of the issues he pointed out were application inconsistencies, the historic area location, and safety issues due to traffic.

M. Barber, School Street, said that a police car is usually parked there for several hours a day because of the traffic. She said she saw a lot of upset people who are terribly concerned about a possible runoff into their septic systems.

G. Bernard, Plain Street, said he has lived there since 1959 and briefly discussed the history of postponed development due to traffic issues in the area.

---

J. Nolan reminded everyone that the current state of the traffic intersection was an interim solution and it's not perfect. He said it's not optimal but should be put on the table for a deterrent for this kind of development.

G. Dresens, 155 Main Street, brought up a previous traffic report by Police Chief R. Irving.

C. Karlson told J. Lyman that it's legally impossible to submit an article for the Town Meeting at this point. C. Karlson asked S. Sarkis if it's better to be open to potential 40b housing in the letter to the state. S. Sarkisian said he's seen towns do it both ways. He said ultimately they are going to do what they want to do.

C. Karlson said that ultimately MassHousing should not be making a decision based on inaccurate information, which is what they have with the developer's application. The Board also went over the other issues they will be including in the letter to the state, including wetlands, traffic, density and character of the neighborhood. The Board asked S. Sarkisian to ask MassHousing for an extension to March 21<sup>st</sup> so they can write a letter and approve it at the next meeting.

**A6. Discussion and Potential Vote on Annual Town Meeting Articles, Errata and Handouts**

N. Balmer said there will be some minor changes. C. Karlson asked that the Town Clerk provide information on volunteers who have surpassed 20 years of service so they can be recognized at Annual Meeting. N. Balmer said she will get in touch with Town Clerk.

M. Antes moved, seconded by L. Jurist, to support Article 5. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

**A7. Vote to Sign Annual Town Meeting Warrant** M. Antes moved, seconded by J. Nolan, to sign the 2017 Annual Town Meeting warrant. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

**A8. Minutes: Review and Vote to Approve Minutes of March 6, 2017** The minutes of March 6, 2017, were not ready to be approved.

**A9. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. M. Antes said she was sorry to see resignation of Michael Connors. The Board thanked him for his service.

**A11. Report of the Town Administrator**

N. Balmer updated the Board on her quest to pay for additional legal costs through a reserve fund transfer. She said the Finance Committee will once again consider funding it on March 27<sup>th</sup>. She said it may recommend a current year transfer approved by Town Meeting. She said she is also looking at other ways to fund this, including looking at costs already incurred if the Board agrees to that.

N. Balmer said Neil Phelan of Revolutionary Medical wants to meet with her and some department heads about possibly having a medical marijuana dispensary in Wayland. She said zoning does not list such a facility as an allowable use but an applicant could argue it could fit into town zoning as a health clinic or a retail use. She said she will meet with N. Phelan to learn more. N. Balmer said Town Counsel advises that if a medical marijuana dispensary is in town, then the town is required to have at least one recreational retail outlet.

C. Karlson said the article at Town Meeting on prohibition will give them a good sense of how residents feel about the recreational marijuana.

N. Balmer discussed the memo by the Town Planner and Chair of the Planning Board that states the legal steps followed for the street acceptance article. She also presented a new customer service tool to assist building permit applicants to understand the steps they have to take. The Board gave N. Balmer suggestions on how to improve the document.

**A12. Selectmen's Reports and Concerns**

M. Antes discussed the land purchased by Raytheon, and the various issues brought up at the MMA meeting she attended, most notably the public records law. She said municipalities were asked how the new law was going in their community but most said it was too early to tell.

**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 L. Anderson, to adjourn the meeting of the Board of Selectmen at 8:45 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 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

**Items Included as Part of Agenda Packet for Discussion During the March 13, 2017 Board of Selectmen's Meeting**

1. Memorandum of 3/13/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Mainstone
  2. Memorandum of 3/10/17 to Board of Selectmen re: Minutes of March 6, 2017, not Available for Packet
  3. Report of the Town Administrator for the Week Ending March 10, 2017
-

**TOWN ADMINISTRATOR'S REPORT**

**WEEK ENDING MARCH 24, 2017**

**AGREEMENTS WITH WWMDC**

Attached are the latest, and close to final, drafts of the agreement with the WWMDC for payment of the Payment in Lieu of Benefit authorized by Town Meeting last year and the agreement between Wayland Meadows, WWMDC and the Conservation Commission for the transfer of wastewater capacity for 5 Concord Road and the donation of Lot 8 to the Conservation Commission. The WWMDC continues to refine the exact payment due to the town from Wayland Meadows. I believe this matter will be ready for Board consideration immediately after Town meeting and would appreciate comments and questions.



## **AGREEMENT**

**This Agreement is dated as of \_\_\_\_\_, \_\_\_\_\_, 2017 and is entered into by and between the Town of Wayland, a Massachusetts municipal corporation, acting by and through the Wayland Wastewater Management District Commission (the "WWMDC") and the Board of Selectmen (the "Town"), both having an address of 41 Cochituate Road, Wayland, Massachusetts 01778 with respect to reserved sewer capacity for 5 Concord Road, Wayland, Massachusetts.**

**Whereas, in a separate agreement, Wayland Meadows, LLC agrees to transfer the parcel 023-052T to the Wayland Conservation Commission and the 380-gpd design flow (per Title V, hereafter, "design flow") to the Wayland Wastewater Management District Commission (WWMDC), and**

**Whereas, the Wayland Meadows, LLC, has demonstrated payment of all taxes for parcel 023-052T and all WWMDC operations fees for the associated 380-gallons-per-day (gpd) design flow, and**

**Whereas, 2016 annual Town Meeting passed Article 19 to allocate to the building at 5 Concord Road, Wayland, MA (currently the Wayland Free Public Library) a total of 820-gpd design flow, consisting of the 380 gpd from above and 440 gpd previously relinquished by another WWMD user and returned to the WWMDC, and**

**Whereas, Article 19 included a payment in lieu of betterment (PILOB) of \$53,350 an initial operation payment of \$2,400 for FY2017, and an administrative fee of \$250 to the WWMDC from town funds of a total of \$56,000, and**

**Whereas Wayland Meadows has paid \$3,709 of the betterment due to the WWMDC, and**

**Whereas, it is anticipated that the building at 5 Concord Road will eventually be connected to the WWMD system using separate funds, and**

**Whereas, the Town agrees to pay operation fees to the WWMDC starting in FY2017,**

**Therefore, the Wayland Board of Selectmen agrees to pay \$52,291 to the Wayland Wastewater Management District Commission, and the Wayland Wastewater Management District Commission agrees to transfer 820-gpd design flow to the property at 5 Concord Road.**

**Assignment. Neither the WWMDC nor the Town may assign their rights and obligations hereunder, in whole or in part, without the prior written consent of the other party. Any assignment without such prior written consent shall be deemed null and void. Subject to and without limiting the preceding two sentences, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns.**

**Governing Law. This Agreement, executed as of the date first above written, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, and may be cancelled, modified or amended only by a written instrument executed by the parties.**

---

**Additional Documents. The parties agree to execute any and all additional instruments and documents as may be reasonably required in order fully to effectuate the terms of this Agreement, provided none of the same shall increase any party's liability hereunder.**

**Entire Agreement.** This Agreement constitutes the entire agreement betweenbetween the parties hereto with respect to the Surplus Capacity and payment and no verbal statements made by anyone with regard to the transaction which is the subject of this Agreement shall be construed as a part hereof unless the same is incorporated herein by writing.

**Partial Invalidity.** In the event that any one or more provisions of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, the remainder of this Agreement shall not be affected.

**In Witness Whereof,** the parties have executed this Agreement as of the date first set above.

<b>Town of Wayland Board of Selectmen</b>	<b>Wayland Wastewater Management District Commission</b>
Cherry Karlson, chair	Fred Knight, chair
Joe Nolan	Sam Potter
Mary Antes	Rick Greene
Lea Anderson	
Louis Jurist	



**AGREEMENT**  
between  
**WAYLAND MEADOWS, LLC**  
and  
**TOWN OF WAYLAND**

This Agreement is dated as of \_\_\_\_\_, \_\_\_\_\_, 2017 and is entered into by and between Wayland Meadows, LLC, a Delaware limited liability company having an address of 145 Rosemary Street, Suite E, Needham, Massachusetts 02494 (the “Owner”) and the Town of Wayland, a Massachusetts municipal corporation, acting by and through the Wayland Wastewater Management District Commission (the “WWMDC”) and the Town’s Conservation Commission (the “Commission”) (collectively, the “Town”), both having an address of 41 Cochituate Road, Wayland, Massachusetts 01778 with respect to (1) surplus unused sewer capacity relative to the connection of the buildings constructed on the Wayland Commons Affordable Housing Project site to the WWMDC’s wastewater treatment plant; and (2) Lot 8 as shown on the plan entitled “Plan of Land in Wayland, MA” dated April 15, 2010, prepared by Hancock Associates, Civil Engineers, Land Surveyors and Environmental Consultants and recorded with the Middlesex South Registry of Deeds as Plan No. 252 of 2010 (“Lot 8”).

WHEREAS, on August 10, 2006, the WWMDC entered into an agreement with Wayland Meadows Development, Inc., a Massachusetts corporation, having an address of 2 Washington Street, Foxborough, Massachusetts 01778 (the “Prior Owner”) relative to the connection of the residential units in the Wayland Commons Affordable Housing Development, together with associated improvements and infrastructure (the “Project”)

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on the land then shown on Assessors Map 23, as Parcels 52D, 52E, 52G, 52H, 52I, 52J, 52K, 52L and 52M on and off Old Sudbury Road (Route 27), Wayland, Massachusetts (“Locus”) to the WWMDC-owned wastewater treatment plant located off Boston Post Road and Old Sudbury Road in Wayland, Massachusetts (the “Plant”); and

WHEREAS, the Owner acquired the Locus from the Prior Owner by deed dated December 4, 2009 recorded with said Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ and filed with the South Middlesex Land Court Registry District as Document \_\_\_\_\_ with Certificate of Title \_\_\_\_\_ and also received from the Prior Owner, as transferee, all permits and approvals relative to the Project; and

WHEREAS, the Owner has completed the Project and has surplus unused design flow sewer capacity it wishes to donate to the WWMDC and owns vacant land it wishes to donate to the Town.

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

**1. Transfer of Sewer Capacity.** The Owner hereby agrees to relinquish and transfer to WWMDC and the WWMDC hereby agrees to accept from Owner 380 gallons per day of unused surplus design flow sewer capacity (the “Surplus Capacity”), which had transferred to the Owner, effective as of August 31, 2016.

**2. Donation of Lot 8.** The Owner hereby agrees to convey, for no consideration, Lot 8 to the Town, provided that:

a) Lot 8 is to be conveyed by a good and sufficient quitclaim deed or deeds (the “Deed”), and said Deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- i. provisions of existing building and zoning laws;
- ii. such taxes for the then current year as are not due and payable on the date of the delivery of the Deeds;
- iii. any liens for municipal betterments assessed after the date of this Agreement; and
- iv. easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of the Locus for general municipal and conservation purposes.

It is understood and agreed by the parties that Lot 8 shall not be in conformity with the title provisions of this Agreement unless (i) no building, structure or improvement of any kind belonging to any other person or entity shall encroach upon or under Lot 8; and (ii) title Lot 8 and access thereto is insurable for the benefit of the Town by a title insurance company licensed to do business in the Commonwealth of Massachusetts at normal premium rates on a standard American Land Title Association Form B (Rev. 10-17-70 and 10-17-84), subject only to those printed exceptions to title normally included in the "jacket" to such form and the encumbrances listed above. Any title or practice matter which is subject of a title or practice standard of the Real Estate Bar Association of Massachusetts shall be governed by said title or practice standard to the extent applicable, unless otherwise specifically stated in this Agreement.

a.) the Town receives a satisfactory report, as determined in the sole discretion of the Town, from a consultant selected by the Town regarding the environmental conditions directly and/or indirectly affecting Lot 8;

b.) the Town is permitted, upon 24 hours prior written notice the Owner, to have access to Lot 8 in order to inspect, take measurements, conduct surveys, perform tests including soil and water tests, and to make other reviews or investigations thereof;

c.) The Town's obligations under this Agreement are contingent upon the Town authorizing the gift of Lot 8 to the Conservation Commission, pursuant to G.L. c. 40, §8C.

d.) The Owner consents to and will not contest the taking of Lot 8 by eminent domain for the purpose of confirming and making clear the Town's title to Lot 8, provided such taking occurs after the transfer and conveyance pursuant to this Agreement.

**3. Remedies.** The parties agree that, there being no adequate remedy at law for breach of this Agreement, it may be specifically enforced.

**4. Assignment.** Neither the Owner nor the Town may assign their rights and obligations hereunder, in whole or in part, without the prior written consent of the other party. Any assignment without such prior written consent shall be deemed null and void. Subject to and without limiting the preceding two sentences, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns.

**5. Governing Law.** This Agreement, executed as of the date first above written, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, and may be cancelled, modified or amended only by a written instrument executed by the Owner and the Town.

**6. Additional Documents.** The parties agree to execute any and all additional instruments and documents as may be reasonably required in order fully to effectuate the terms of this Agreement, provided none of the same shall increase any party's liability hereunder.

---

7. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with respect to the Surplus Capacity and Lot 8 and no verbal statements made by anyone with regard to the transaction which is the subject of this Agreement shall be construed as a part hereof unless the same is incorporated herein by writing.

8. **Partial Invalidity.** In the event that any one or more provisions of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, the remainder of this Agreement shall not be affected.

In Witness Whereof, the parties have executed this Agreement as of the date first set above.

Wayland Meadows, LLC  
a Delaware Limited Liability Company,

By: Wayland Meadows Corporation,  
Its Manager

\_\_\_\_\_  
Donald A. Levine, President

Wayland Wastewater Management District  
Commission, by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wayland Conservation Commission

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

578407/WAYL/0001



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 27, 2017**  
**Wayland Town Building**  
**Large Hearing 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 a One Day Liquor License for the Knights of Columbus Good Shepherd Council #16156, Beer and Wine Only, on Saturday, April 29, 2017, at St. Ann's Hall, 134 Cochituate Road, from 5:30 p.m. to 11:00 p.m.
3. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through February 28, 2017, Invoice 186, Account 5673-01M: \$900.00
4. Vote the Question of Approving Assistant Town Administrator/Human Resources Director John Senchyshyn as the Board of Selectmen's Representative to the School Committee for Successor Collective Bargaining Negotiations
5. Vote the Question of Approving the Reappointment of Reverend Ted Crass to the Youth Advisory Committee as the Representative of the Clergy Association for a Two-Year Term from July 1, 2016 to June 30, 2018





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
TEL. (508) 358-7755  
www.wayland.ma.us

## APPLICATION FOR ONE DAY LIQUOR LICENSE

### CHECK ONE

- Application by a manager for a one-day liquor license for the sale or service of BEER & WINE to be drunk on the premises
- Application by a manager of a nonprofit organization for a one-day liquor license for the sale or service of ALL ALCOHOLIC BEVERAGES OR BEER & WINE to be drunk on the premises

DATE OF EVENT BEING APPLIED FOR: April 29, 2017

Exact times of the license: FROM 5:30 PM am/pm TO 11:00 PM am/pm

The undersigned hereby applies for a License for a One Day Liquor License in accordance with the provisions of the Statutes relating thereto:

Full name, address, phone(s), and email of the organization making this application:

Knights of Columbus Good Shepherd Council #16156

c/o Good Shepherd Parish

99 Main Street, Wayland, MA 01778

617-962-0486

Full name, address, phone (s), and email of the manager who shall be responsible for this license:

Edward Hebert

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Applicant or Caterer TIPS Certified?  Yes  No If yes, please attach documentation.

Description of Event: \_\_\_\_\_

A Meal will be served @ 6:00 pm. The Races will begin at 7:00 Pm, 6 wooden horses with "volunteers" from the audience will travel around the track per the roll of the dice.

\$2 bets maybe made on your favorite contestant.

Number of Attendees 125 *If number of attendees exceeds 150 people, a police detail will be required)*



Is the applicant a non-profit organization duly registered with the Secretary of State? If yes, please attach appropriate documentation.

Location where event shall be held:

St. Ann's Hall  
134 Cochituate Road  
Wayland, MA 01778

Has the approval of the property owner been obtained?  Yes  No

Please supply written confirmation from the owner of the property stating that approval is given for the sale and service of alcohol, and the occupancy number for the location.

Has the applicant been issued similar license in Wayland in the past 12 calendar months?

Yes  No If yes, when? \_\_\_\_\_

Please attach a floor plan or diagram (8 1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed.

The applicant hereby states that the applicant has received a copy of the Licensing Authority's regulations pertaining to One Day Liquor Licenses and is aware of and shall comply with all applicable statutes, bylaws, and regulations.

Signature of Applicant: Edward A. Hebert Date: 3/21/17

Return this form, along with check for fee of \$25 made out to the TOWN OF WAYLAND, to:

BOARD OF SELECTMEN  
Wayland Town Building  
41 Cochituate Road  
Wayland MA 01778

If you have any questions, please call MaryAnn DiNapoli, Executive Assistant, Board of Selectmen, at 508-358-3621, or email [mdinapoli@wayland.ma.us](mailto:mdinapoli@wayland.ma.us).

*A certificate of insurance, showing evidence that the applicant has appropriate liability insurance, must be included with this completed application.*

Handicapped  
Entance

Storage  
Closet

BAR

Main Floor

Kitchen

Entry



COMMONWEALTH OF MASSACHUSETTS  
 DEPARTMENT OF REVENUE  
 PO BOX 7010  
 BOSTON, MA 02204



403M



GOOD SHEPHERD PARISH  
 99 MAIN STREET  
 WAYLAND, MA 01778

Notice Date: 03/26/11

Taxpayer ID Number:

Dear Taxpayer,

Below please find your Certificate of Exemption (Form ST-2). Please cut along the dotted line and display at your place of business.

Sincerely,

Massachusetts Dept. of Revenue



**Form ST-2  
 Certificate of Exemption**

**Massachusetts  
 Department of  
 Revenue**

Certification is hereby made that the organization herein is an exempt purchaser under General Laws, Chapter 64H, section 6(d) or (e). All purchases of tangible personal property by this organization are exempt from taxation under said chapter to the extent that such property is used in the conduct of the business of the purchaser. Any abuse or misuse of this certificate by any tax-exempt organization or any unauthorized use of this certificate by any individual constitutes a serious violation and will lead to revocation. Willful misuse of this Certification of Exemption is subject to criminal sanctions of up to one year in prison and \$10,000 (\$50,000 for corporations) in fines. (See reverse side.)

**GOOD SHEPHERD PARISH  
 99 MAIN STREET  
 WAYLAND MA 01778**

ISSUE DATE  
 12/01/10  
 CERTIFICATE EXPIRES ON  
 12/01/20



# Congratulations!

You have successfully completed the ServSafe Alcohol® Responsible Alcohol Service Training and Certification Program. This is your official ServSafe Alcohol Certification Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.

Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol training will help you make the right decision when the moment arises.

By completing the ServSafe Alcohol program, you show your dedication to safe and responsible alcohol service. The ServSafe Alcohol program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety.

To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at [ServSafe.com](http://ServSafe.com).

We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

Sincerely,



Sherman Brown

Senior Vice President, National Restaurant Association Solutions

  
National Restaurant Association  
**ServSafe Alcohol® CERTIFICATE**

ID # 6305430  
CARD # 14785000



EDWARD HEBERT

NAME

3/8/2017

DATE OF EXAMINATION

Card expires three years from the date of examination. Local laws apply.

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Sherman Brown  
Senior Vice President, National Restaurant Association Solutions

This certificate confirms completion of the ServSafe Alcohol® responsible alcohol service program.

**NOTE:** You can access your score and certification information anytime at [ServSafe.com](http://ServSafe.com) with the class number provided on this form.

If you have any questions regarding your certification please contact the National Restaurant Association Service Center at [ServiceCenter@restaurant.org](mailto:ServiceCenter@restaurant.org) or 800.765.2122, ext. 6703.

In Alaska you must laminate your card for it to be valid.

NATIONAL  
RESTAURANT  
ASSOCIATION

175 West Jackson Boulevard,  
Suite 1500  
Chicago, IL 60604-2814  
1-800-SERVSAFE  
312-715-1010 In the Chicago area  
[ServSafe.com](http://ServSafe.com)

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## TEMPORARY EVENT LIQUOR APPLICATION

IN ORDER FOR A POLICY TO BE ISSUED, YOU MUST:

- i Complete this application in full.
- ii Attach the appropriate premium payment payable to HMIC (Massachusetts) or HIC (all other states) Round to the nearest dollar.

### Policy Information

Name as it appears on license\* (if applicable): Good Shepherd Council #16156 K&C

D/B/A: \_\_\_\_\_

Mailing Address: 99 Main St. City/Town: Wayland State: MA Zip: 01778

Premise Address: 164 Cochituate Rd City/Town: Wayland State: MA Zip: 01778

Applicant is:  Individual  Corp. (Fed. I.D. #): \_\_\_\_\_  Partnership  Other (specify): Knights of Columbus

Contact Name: Edward Hebert Phone: 617-962-0486

*\*Only the license holder as it appears on the license will be insurable*

### Classification of Risk

#### TEMPORARY LICENSES

Single/ Multiple day licenses for temporary events—fairs, carnivals, bazaars, parades, etc.

#### Temporary Event Rates for One Day Events

Class Code: 41	50/100/100	100/200/200	250/500/500	500/1000/1000	1000/1000/2000
Adult Attendees / Day:					
1 - 249	\$125	\$167	\$230	\$305	\$416
250 - 499	\$250	\$334	\$459	\$617	\$840
500 - 749	\$375	\$500	\$689	\$917	\$1,249
750 - 999	\$500	\$667	\$917	\$1,234	\$1,680
1,000 & over	\$0.51 x #	\$0.67 x #	\$0.92 x #	\$1.23 x #	\$1.68 x #
	of adult attendees	of adult attendees	of adult attendees	of adult attendees	of adult attendees

**NOTICE OF ISSUANCE OF:  
RAFFLE AND/OR BAZAAR LICENSE  
CITY OR TOWN .....**

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FOR MASSACHUSETTS STATE LOTTERY COMMISSION USE ONLY									
<b>IDENTIFICATION NUMBER</b>	<b>DATE RECEIVED</b>								
<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>									

<i>Good Shepherd Council #16156 R+C</i>		
Name of Authorized Organization		
<i>99 Main St.</i>	<i>Wayland</i>	<i>01778</i>
Address (Street)	City/Town	ZIP CODE
FORM IS TO BE RETURNED TO: <b>CHARITABLE GAMING DEPARTMENT</b> Massachusetts State Lottery P.O. Box 859012 BRAintree, MA 02185-9012		

FOR CITY / TOWN USE ONLY	
Date of Issue: _____	
_____	City / Town Official
_____	Title
OFFICIAL SEAL:	

RBL  
25M-7-83

PRINT IN INK, OR TYPEWRITE

COMPLETE AND SIGN THE REVERSE SIDE



# Good Shepherd Parish

March 20, 2017

To Whom It May Concern,

The Knights of Columbus will be hosting an event on the evening of Saturday, April 29, 2017 at the St. Ann Hall, 134 Cochituate Rd., Wayland Ma. Good Shepherd Parish gives the Knights of Columbus permission to hold their event at the above-mentioned location.

Please call me if you have any questions.

Sincerely,

  
Jackie Fagone  
Business Manager  
Good Shepherd Parish

---

Office: Pastoral Center 99 Main Street Wayland, MA 01778

Phone: 508-650-3545 Fax: 508-655-6948

St. Ann Church 134 Cochituate Road and St. Zepherin Church 99 Main Street Wayland, MA 01778

Email: Parish@GoodShepherdWayland.org Web: GoodShepherdWayland.org

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

RECEIVED

MAR 20 2017

Board of Selectmen  
Town of Wayland

\*\*\*\*\*  
INVOICE FOR LEGAL SERVICES  
\*\*\*\*\*

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

Page 1  
03/16/2017  
Account No. 5673-01M  
Invoice No. 186

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	900.00
BALANCE DUE	<u>\$900.00</u>



**DATE:** March 24, 2017  
**TO:** Board of Selectmen  
**FROM:** John Senchyshyn, Asst. Town Administrator/HR Director  
**RE:** **Designation of BOS Representative to School Collective Bargaining Negotiations**

**REQUESTED MOTION:**

**CONSENT CALENDAR - Vote the Question of Approving the Assistant Town Administrator/Human Resources Director John Senchyshyn as the Board of Selectmen's representative to the School Committee for Successor Collective Bargaining Negotiations**

**BACKGROUND:**

The School Committee has begun successor collective bargaining negotiations with the school unions. In accordance with Chapter 150 E, Section 1 the BOS may designate a representative to the School Committee for purposes of collective bargaining negotiations. The designated representative may cast a vote on proposed settlements on behalf of the Selectmen.

---

**DATE:** MARCH 24, 2017  
**TO:** BOARD OF SELECTMEN  
**FROM:** MARYANN DINAPOLI, EXECUTIVE ASSISTANT  
**RE:** REAPPOINTMENT OF REV. TED CRASS TO YOUTH ADVISORY COMMITTEE

---

The Reverend Ted Crass was on the Board of Selectmen list for reappointment for another two-year term to begin on July 1, 2016, pending the recommendation of the Clergy Association.

The Clergy Association failed to vote a recommendation, and the reappointment was never done.

In order to correct this oversight, we have received the vote of recommendation below, and the Youth Advisory Committee is asking that the reappointment be confirmed by the Board of Selectmen as soon as possible.

Thank you.

**From:** [Rabbisrf@aol.com](mailto:Rabbisrf@aol.com) [<mailto:Rabbisrf@aol.com>]  
**Sent:** Friday, March 24, 2017 10:32 AM  
**To:** Dowd, Lynn  
**Cc:** [tfcross@gmail.com](mailto:tfcross@gmail.com)  
**Subject:** Appointment of Rev. Ted Crass

Dear Director Lynn and Mary Ann Dinapoli,

This is to confirm that during my term as president of the Wayland Clergy Association, the Rev. Ted Crass was appointed as the WCA representative to the Youth Advisory Committee for a two year term, running from 7/1/16 to 6/30/18. We are honored to have him serve as our representative, as we support all of the good work done by the Youth Advisory Committee.

Sincerely,  
Rabbi Sally Finestone  
Congregation Or Atid  
Member, WCA

---



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**REVISED PUBLIC DOCUMENTS PROVIDED TO THE  
BOARD OF SELECTMEN FROM MARCH 17, 2017,  
THROUGH AND INCLUDING MARCH 23, 2017,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR MARCH 27, 2017**

**Items Distributed To the Board of Selectmen – March 17-23, 2017**

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 20, 2017**

1. Draft Letter from Board of Selectmen to MassHousing re: 24 School Street
2. Motions for the Mainstone Conservation Restriction
3. Record of Vote of the Wayland Board of Selectmen with Respect to the Land Located at 484-490 Boston Post Road, River's Edge

**REVISED Items Included as Part of Agenda Packet for Discussion During the March 27, 2017 Board of Selectmen's Meeting**

1. Memorandum of 3/23/17 from Zoe Pierce, Treasurer/Collector, to Nan Balmer, Town Administrator, re: Board of Selectmen Meeting, Bond Issuance
2. Draft Errata for the Annual Town Meeting
3. Draft Motions for the Annual Town Meeting
4. Board of Selectmen Listening Session Subcommittee, Meeting Minutes of February 22, 2017
5. Draft Meeting Minutes, Board of Selectmen, March 13, 2017
6. Report of the Town Administrator for the Week Ending March 24, 2017





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

# TOWN OF WAYLAND

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

## BOARD OF SELECTMEN

**Monday, March 27, 2017**  
**Wayland Town Building**  
**Large Hearing Room**  
**41 Cochituate Road Wayland**

## REVISED CORRESPONDENCE

### Selectmen

1. Letter of 3/21/17 from Board of Selectmen to MassHousing re: 24 School Street
2. Letter of 3/22/17 from Nan Balmer, Town Administrator, to Wood Partners, re: 484-490 Boston Post Road Wayland – Extension of Date for Execution of a Final Land Development Agreement
3. Director of Public Health Report, March 20, 2017

### Minutes

4. Historical Commission, February 28, 2017
5. Wayland Real Asset Planning (WRAP) Committee, February 23, 2017, March 2, 2017

### State

6. Letter of 3/17/17 from Nan Balmer, Town Administrator, to Geoffrey Beckwith, Massachusetts Municipal Association, re: Request for Support in the Case of Boelter et al v. Wayland Board of Selectmen
7. Email of 3/21/17 from Geoffrey Beckwith, Massachusetts Municipal Association, to Nan Balmer, Town Administrator, re: Response to Request

1



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN  
LEA T. ANDERSON  
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CHERRY C. KARLSON  
JOSEPH F. NOLAN

March 21, 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 Chapter 40B Project Eligibility submitted to MassHousing by Windsor Place Development LLC, in connection with a proposed housing development on 24 School Street, in Wayland, Massachusetts (the "Project" and the "Project Site"). The Board of Selectmen would like to share with you the Town's substantial efforts, especially within the last few years, to expand affordable housing opportunities in Wayland including through the Chapter 40B permitting process, comment on the specific aspects of the proposed Project and the Project Site, and flag what we feel are material discrepancies, and in some cases misrepresentations, in the application.

While the Town of Wayland has consistently supported the creation of more affordable housing, we must object to this project as proposed, as it is dangerously out of scale for this parcel and for the surrounding neighborhood. This is the most intensive 40B application that the Town has ever received based on the number of units per acre. The issues identified below are most directly influenced by the proposed intensity of use: public safety access, numerous environmental impacts including threatened groundwater and surface water quality, septic issues, encroachment on vegetated wetlands, potential flooding, increased traffic and lack of available offsite parking. Other issues such as inaccuracies in the application, the compactness of the site, lack of landscaping, and massing of the buildings along School Street further the Town's concern. Attached as Exhibit A is a map showing the surrounding residential neighborhoods and the adjacent intersection.

---

The Craftsmen Village project (#5 below) represents a good 40B project with eight units on 3.6 acres, giving a scale, massing and aesthetic more in keeping with the surrounding



neighborhood. The proposed Windsor Place development would be best addressed by significantly reducing the number of units within the Project. A reduction would better accommodate parking, a septic leaching field, useable open space, 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 curb appeal, allow for increased screening of the structure, a greater amount of open space, and reduced environmental and neighborhood impacts.

## **I. Municipal Action to Facilitate Affordable Housing Development**

On September 20, 2016, the Department of Housing and Community Development approved the Town of Wayland's Affordable Housing Plan (Housing Production Plan). Under the Town's 2005 Comprehensive Plan, the Town identified a policy and process for encouraging affordable housing development. Since the submittal of the 2005 Plan to the Department of Housing and Community Development (DHCD), the following affordable housing developments were completed are under development.

### **1. Wayland Gardens**

Three (3) homeownership units were built through the comprehensive permit process at 236 Commonwealth Road for first-time homebuyers. The two-bedroom units have 2,100 square feet of living space and sold for \$166,000. The lottery was held in July 2009, and the project is completely occupied.

### **2. Commonwealth Residences**

The Commonwealth Residences development, also a comprehensive permit project, includes 52 units, a mixture of one-bedroom and two-bedroom apartments on an 18.1-acre parcel and will include 14 affordable units. The development was recently completed and is currently in the "lease-up" phase.

### **3. 89 Oxbow**

The residences at 89 Oxbow involved the redevelopment of the former Nike Missile site, which the Town of Wayland was able to acquire from the federal government. After considerable planning, the Town issued a Request for Proposals and selected a private developer to undertake the project. Through the "friendly" 40B process offered by the state's Local Initiative Program (LIP), 16 new units were created for first-time homebuyers, eleven (11) for those earning at or below 80% of area median income and sold for between \$161,834 and \$178,133, and five (5) for those earning between 80% and 100% of the area median income priced between \$216,759 and \$239,213. The project incorporated both smart and green design innovations including solar panels and Energy Star Plus features.

### **4. Wayland Commons**

This 44-unit project is located on Route 27, just north of the Town Center. The Zoning Board issued a comprehensive permit and eleven of the homes are affordable and have been included in the Subsidized Housing Inventory (SHI).

**5. Craftsman Village (formerly Tripolis)**

This development off of Old Connecticut Path includes eight (8) condo units, two (2) of which will be affordable and eligible for the SHI. The Zoning Board issued a comprehensive permit and the project received final MassHousing approval in July 2014 and is nearly complete.

**6. Wayland Forest**

At 137 Boston Post Road across from Lee's Farmstand, this development was approved for 16 total condominium units, four (4) of which are affordable. The Zoning Board issued a comprehensive permit, the project has been completed and the affordable units have been added to the SHI.

**7. Sage Hill**

One (1) affordable unit has been built off of Concord Road as part of the Sage Hill development pursuant to the Town's inclusionary housing zoning bylaw and the Planning Board's special permit.

**8. River's Edge**

At the 2014 Annual Town Meeting, the Town approved a zoning overlay district on eight acres of town-owned land at 489-490 Boston Post Road, to facilitate the development of **188 units** of affordable and market-rate rental housing units. This density equates to 24 units per acre. Town boards, officials and staff have spent hundreds of hours, many of it by volunteers, on pre-development and due diligence activities on this site over the last four years. This project, adjacent to the Sudbury River and the Great Meadows federal wildlife preserve, will provide 47 permanently-restricted affordable housing units. Under Chapter 40B rules, all 188 units will count towards the Town's Subsidized Housing Inventory, pushing the Town to **9.32%**. Following a lengthy Request for Proposals vetting and selection process, the Board of Selectmen voted in February, 2017 to award the River's Edge project to WP East Acquisitions, LLC (Wood Partners) . Wood Partners has a 90 day due diligence period, and must apply for and receive site plan approval from the Planning Board prior to obtaining a building permit.

**Other Initiatives - Funding for Affordable Housing Development**

The Town of Wayland has an Article before the April 2017 Town Meeting to transfer Community Preservation Act funds to the Wayland Municipal Affordable Housing Trust Fund (WMAHTF). The WMAHTF was created by the 2014 Annual Town Meeting to provide for the creation and preservation of affordable housing in Wayland. 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. The WMAHTF is currently working to bring two additional affordable units to Wayland.

---

Another Article before this year's Annual Town Meeting calls for the transfer of \$20,000 in CPA funds for the funding a housing consultant to assist Wayland's boards and officials to make 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.

## **II. The Project**

The Applicant submitted a Project Eligibility 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 .65 acres of land bordering a stream on the adjacent property to the west (owned by the Town of Wayland). The site is zoned single family R-20, with a 20,000 square feet minimum lot size, and a maximum 20% lot coverage. The Applicant proposes the construction of two, six-unit buildings, totaling 12 units of which 3 will be affordable. The applicant proposes a single access driveway from School Street with an emergency gated access drive to East Plain Street (Route 30).

Proposed 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 off-site 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.

## **III. Project-Specific Comments**

Municipal staff and town officials have reviewed the application/plans and raised a number of public health, safety and environmental concerns about the proposed development.

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### **A. Traffic and Circulation**



The Applicant's selection of the property at 24 School Street for this 12-unit project is troubling. The Project Site is located at the convergence of three busy streets - Commonwealth Road (Route 30), East Plain Street, and School Street. This intersection experiences long queuing during peak commuting hours, and has been the scene of many traffic accidents, including fatalities, over the years. The Town has conducted traffic studies and recently designed and constructed a major intersection reconfiguration in 2016, at a cost of \$273,000. Attached as Exhibit B is a presentation from the Town's traffic engineering consultants, TEC, Inc., describing the problem and proposing three remedies - "Option 1" was eventually selected and constructed.

The reconfiguration of traffic flow at this intersection did not account for a driveway on School Street to serve 12 housing units, and its attendant 120 vehicle trips per day (approx.). If the Project is permitted, this intersection will be impacted by increased congestion. A traffic light or right turn only restriction for traffic leaving the driveway may be warranted. Exhibit C is a photograph showing weekday morning traffic in front of the proposed development site.

The Fire Department has objected to the proposed emergency access gate at the East Plain Street entrance. The Fire Department stated that it does not allow emergency gates on Fire Lanes due to operational concerns and accessibility delays during an emergency. The Police Chief and Fire Chief submitted comments on this Application which are attached hereto.

The Police Chief noted in his comments that on-street parking on East Plain Street and School Street in this location would not be appropriate or feasible, and therefore the Project should provide ample parking for residents and visitors. There is no offsite parking available near the project.

#### B. Environmental Impacts

The Town's Conservation Commission has commented that that the Project would threaten groundwater and surface water quality from runoff and septic system leachate. It noted that there is relatively high water table on the Site, leaving little room to accommodate two infiltration systems (stormwater and septic) - state regulations mandate that a minimum depth of separation be provided between seasonal high groundwater and the bottom of those infiltration systems. The Project would encroach within the 100-foot buffer zone to Bordering Vegetated Wetlands abutting the Project Site. A stream located within this wetland is tributary to Snake Brook, and may be a *perennial* stream subject to protection under the state Rivers Act, which provides a 200-foot protective buffer. The Commission is disputing the Applicant's claim that the stream is merely "intermittent." This distinction is critical and should be addressed by the Applicant during this pre-permitting phase.

---

The Applicant should also address potential flooding that the development may cause due to an increase in impervious surfaces and the possible undersized culvert at East Plain Street.

Wayland's Director of Public Health stressed the importance of adhering to the Board of Health's local septic system regulation requiring leaching areas to be designed to accommodate 165 gallons per day, per bedroom, which is stricter than state Title 5 regulations that apply a 110 gpd/bedroom design standard. The Health Director opined that "an appropriately sized leaching area will be critical to ensure the septic system does not fail prematurely," and that "this preliminary project appears to be too large for this size lot and the number of bedrooms proposed in the plan should be scaled back to suit the environmental sensitivity of the area and the poor soil conditions."

We further note that the entire septic system leaching area is located under the proposed parking lot, inhibiting maintenance and replacement. Title 5 regulations prohibit the placement of soil absorption systems under impervious parking lots for this reason, "except where restrictions on the use of the land make it unavoidable." 310 CMR 15.240(7). The Applicant's proposal to "max-out" the development of this Site is not a "restriction on the use of the land." Public sewer is not available at this location, and therefore is not an option (as discussed below, the Town has approved affordable housing developments that have or will create dozens of new affordable housing units within the Town's limited sewer service area in its town center on Route 20).

C. Application Discrepancies / Inaccurate Information

1. *The Project Site is Listed in the State's Database of Historic Properties.*

In the "Site Characteristics and Development Constraints" (page 24 of the Mass Housing application), the Applicant falsely answered "no" to two separate questions about the property's historical designations. Both the house and the barn are listed in the state's database or historic places, MACRIS: <http://mhc-macris.net/Results.aspx>. The Wayland Historic Commission 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. According to the Mass. Historic Commission's record card for this property, the barn is the last remaining barn in this historic "Lokerville" village of Wayland. A copy of the MHC Record Card is attached as Exhibit D.

2. *The Size of the Project Site stated on the Application is Inconsistent with Assessment Records.*

On page 6 of the Mass Housing application, the Applicant states that the Project Site contains 37,865 square feet of land, but according to the Town Assessor, the size of the parcel is .65 acres, or 28,314 square feet. See, Tax Map, submitted at page 9 of the PE

Application. The actual size should be confirmed during this pre-permitting stage of development.

3. *The Project Site is not "Transit Oriented."*

The Applicant represented in the Application that the Project Site is served by public transportation. This is an exaggeration, as the Applicant admits that the transportation is the MetroWest Regional Transit Authority buses, and that the closest bus stop is .6 miles away, down Route 30.

4. *Site Development Constraints*

The Applicant states that there are no vernal pools on the Project Site, which is correct, but there are two certified vernal pools on the abutting conservation parcel owned by the Town, on which the current owner has encroached (illegally). As witnessed during the site visit, the current owner has expanded its yard onto the Town's land, including the construction of a decorative stone wall.

5. *Useable Open Space is Deficient*

The Applicant states that 46.3% of the Project Site will contain "useable open space," which we take to mean areas where residents can enjoy passive recreation or quiet contemplation. In looking at the site plan, it is hard to conceive where any "useable open space" would be located, much less on 46% of the Site. The grass buffer areas between East Plain Street and the buildings should not qualify, and the 10' - 15' wide grass strip between the building and School Street is hardly "useable" for anyone, and certainly not safe for children. We think that this representation of seemingly ample open space is deceptive.

6. *Site Control*

There appears to be typographical error on page 54 of the Application, stating that the purchase and sale agreement is dated October 5, 2017 - we assume the correct date is October 5, 2016. The Applicant states that its deadline to perform under the P&S Agreement was March 17, 2017, which date has passed. MassHousing should request evidence that this date has been further extended, otherwise the Applicant does not have the requisite site control under 760 CMR 56.04(1)(c).

7. *Sustainable Development Scorecard*

In the sustainable development scorecard section of the application (pages 164-168) we question some of the responses provided by the Applicant:

- 
- o 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 the Project Site is a "neighborhood blight" and believe that the proposed development will actually increase public safety risks given its location at a difficult intersection. Further, the Applicant is far from demonstrating that the Project will have no impact on groundwater and surface water resources based on the concerns raised above from the Board of Health and the Conservation Commission.

- o Item #6 – Provide Transportation Choice: The developer checked "walkable to public transportation," and "increased bike and pedestrian access". As discussed above, the Project Site is more than a half-mile from a regional transit authority bus stop, and it is unclear what is meant by increasing bike and pedestrian access – the Project will not *increase* pedestrian and bicycle opportunities in the neighborhood. The application also does not provide any of the required explanations to support the responses.

In conclusion, the Town of Wayland is committed to reaching its 10% affordable housing goal and supports affordable housing and even 40B development on this property. However, any project by either the Town or a private developer should respect the environmental sensitivities and historical significance of the property and its immediate surroundings, should have less impact on traffic congestion and public safety, provide meaningful open space for the future residents to enjoy, and create a development that is more compatible with the densities and architectural styles of the existing residential neighborhood.

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

Sincerely,



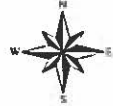
Cherry Karlson, Chair  
Board of Selectmen

Enc.

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

---





# 24 School St.

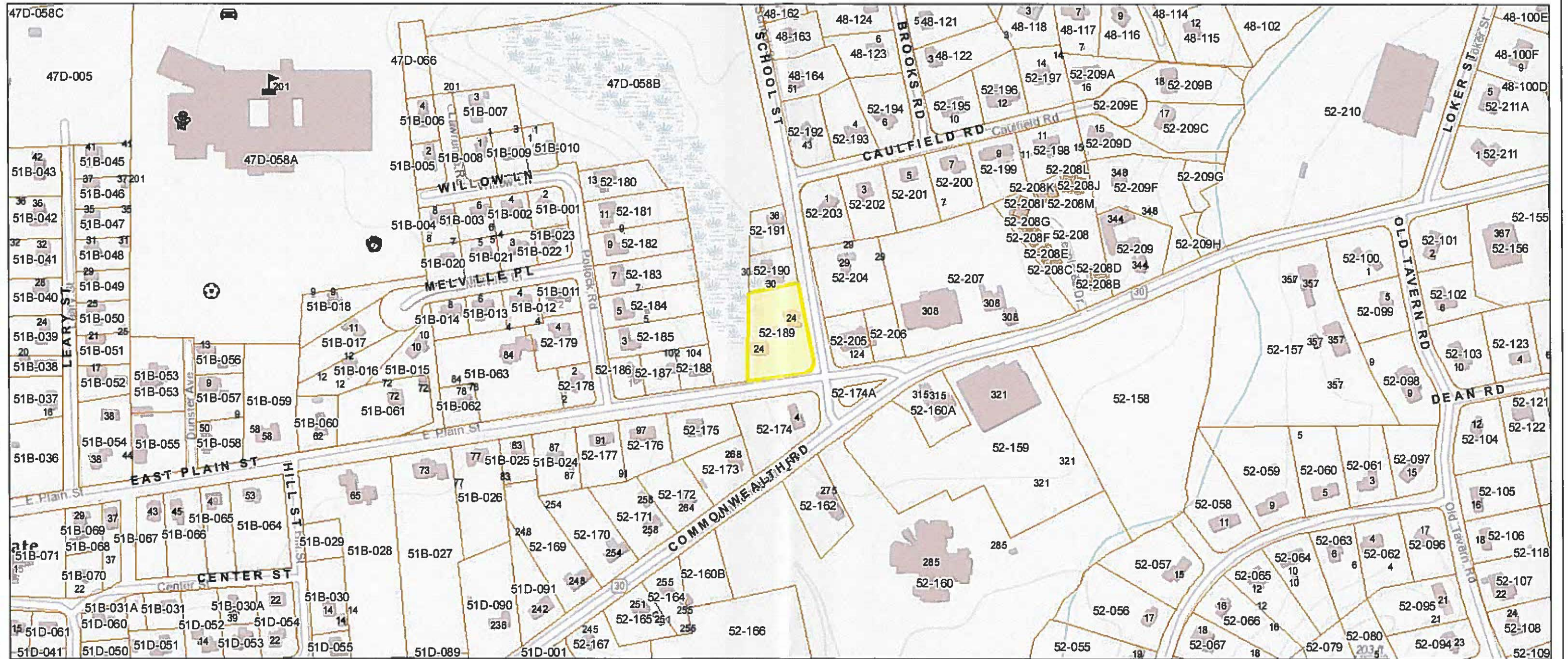
Wayland, MA

1 inch = 250 Feet



www.cai-tech.com

March 21, 2017



	Street Names		Public School
	Parcel Lines - No Ortho		Building Rooftops (2015)
	Parking Area		Building Shadows
	Baseball or Softball		
	Basketball		
	Soccer		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



**Route 30 at  
East Plain St / School St**  
*Opportunities for Improved  
Safety & Capacity*

**DPW Board Presentation**

Kevin R. Dandrade, PE, PTOE

TEC, Inc.

November 12, 2013

The logo for TEC, Inc. is located in the bottom left corner of the slide. It consists of the letters "TEC" in a bold, italicized, sans-serif font, set against a green rectangular background with a blue border.

# Purpose of Study

- Provide update to the 1999 study
- Review current traffic & crash data
- Prepare conceptual improvement plans for cluster of intersections that:
  - Improve safety characteristics
  - Improve to side street capacity
  - Manage access to adjacent properties
  - Incorporate pedestrian access



# Study Intersections

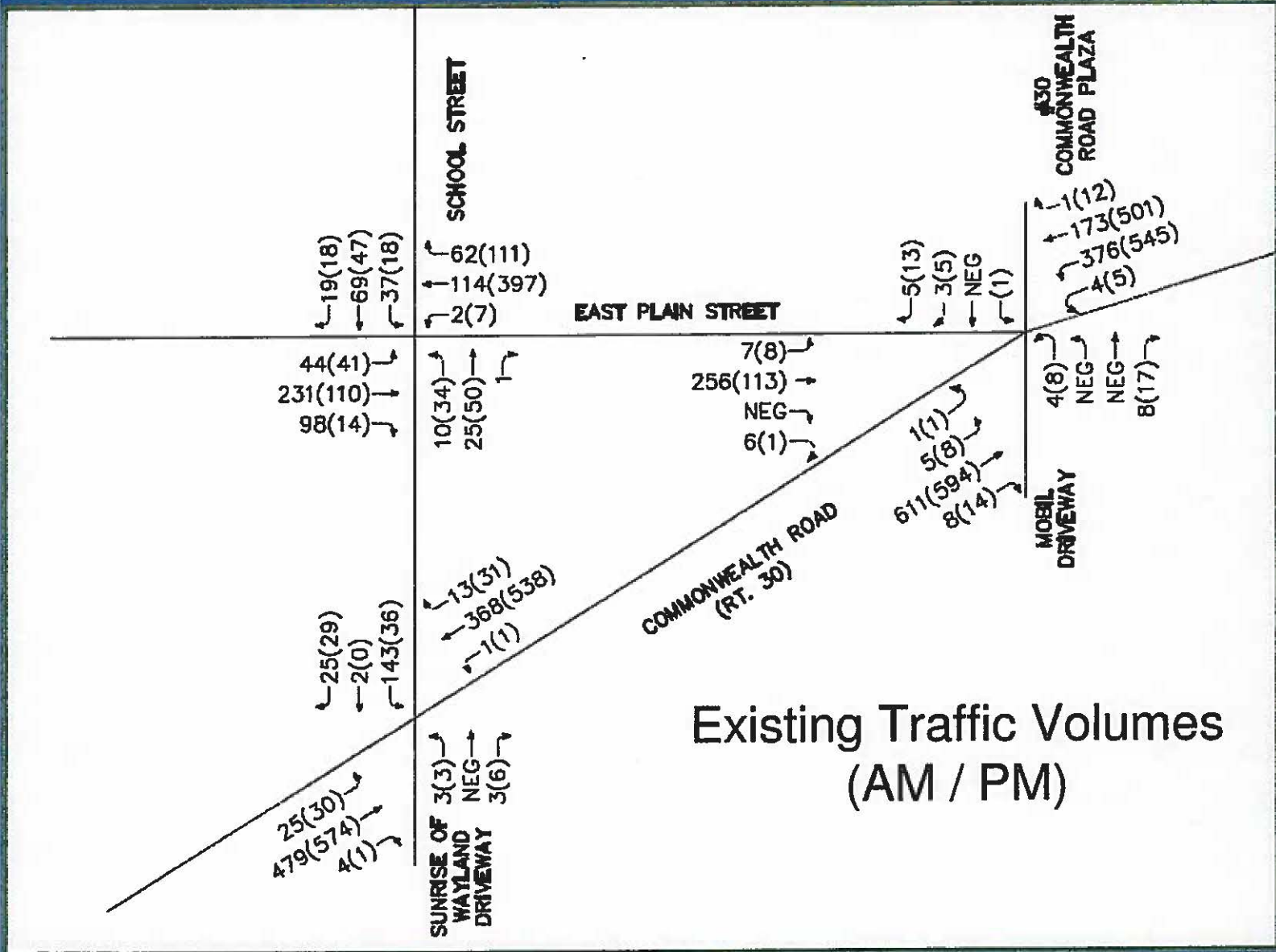




# Observations

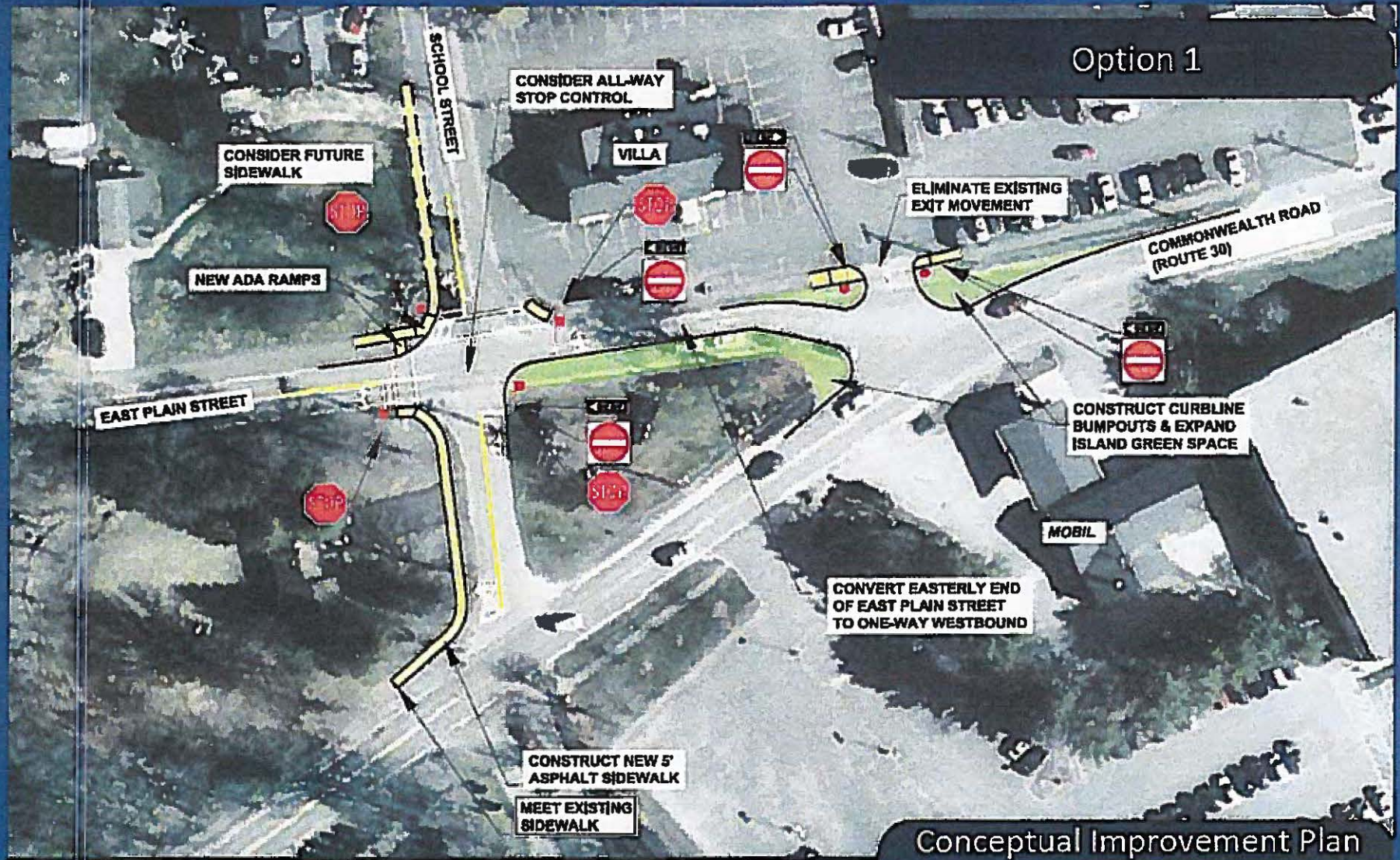
- Turning movement speeds are high
- Wide expanse of pavement keeps motorists within the intersection for longer
- Skewed angles make sight lines difficult
- Multiple driveways lead to additional conflict points
- No continuous sidewalk network along Rt. 30
- Delays turning left onto Rt. 30







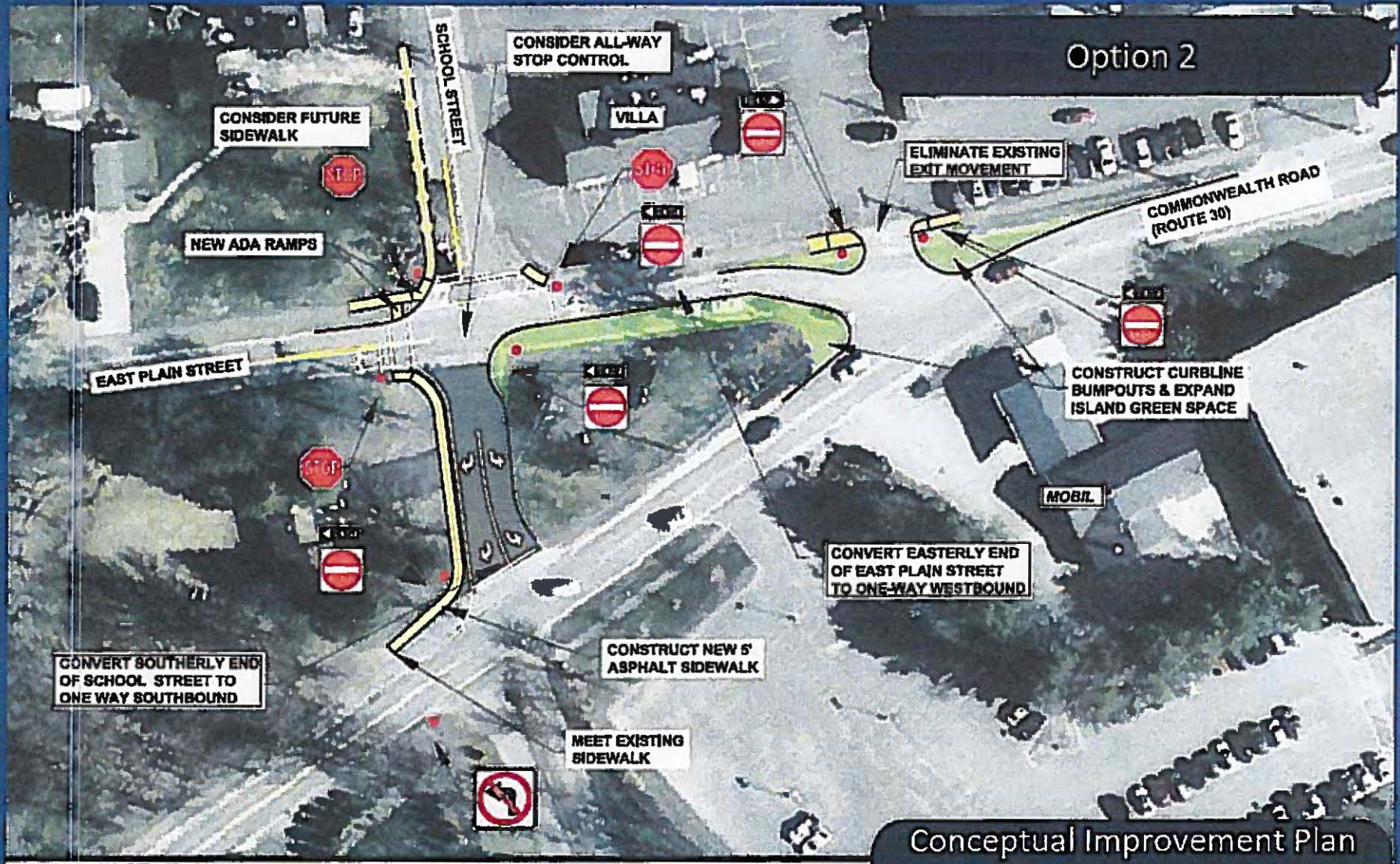
Option 1



Conceptual Improvement Plan



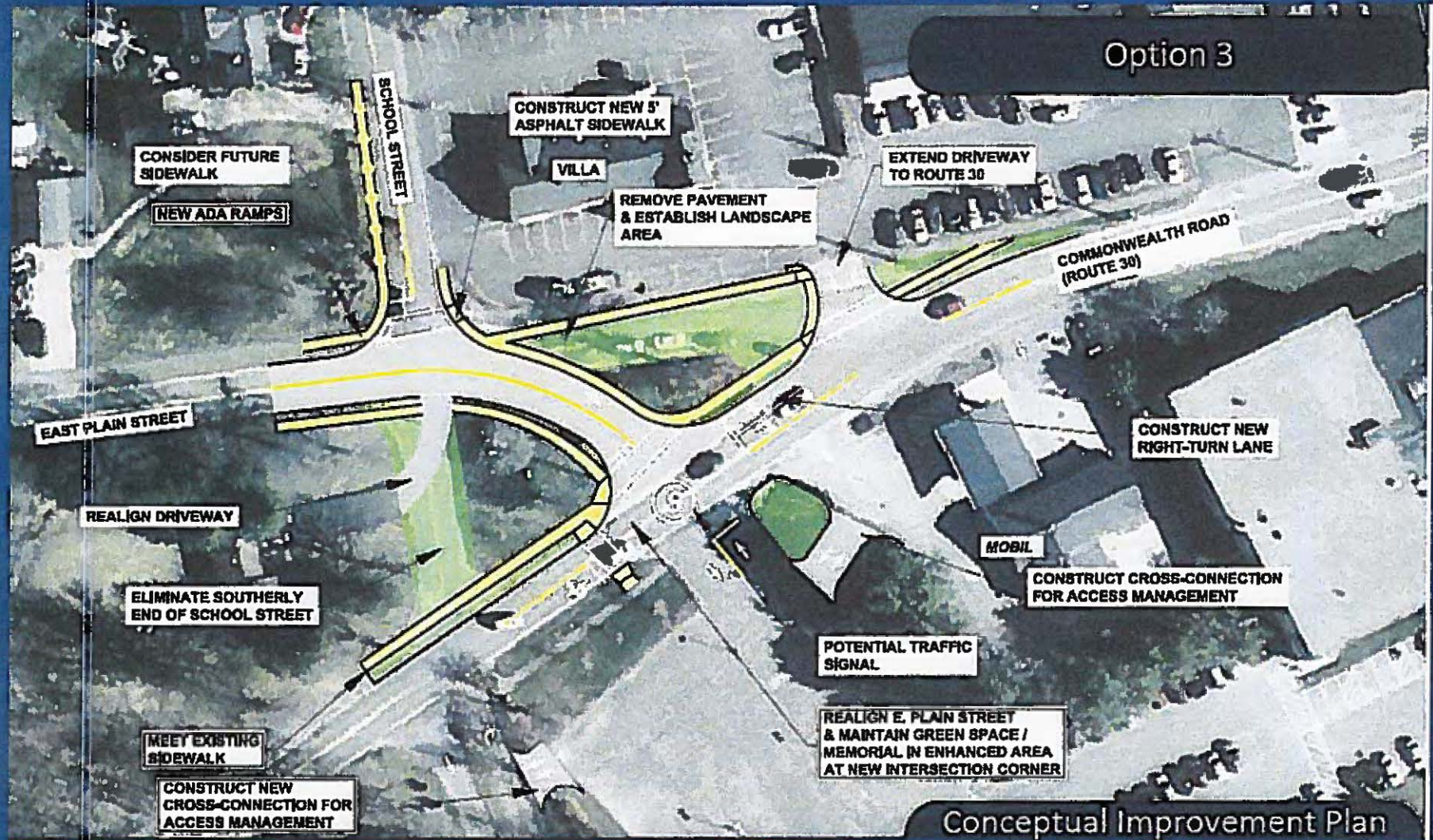
# Option 2



Conceptual Improvement Plan



Option 3





# TEC Recommendations

- Perform trial of one-way flow patterns similar to Options #1 and #2 using barrels and temporary signs
- Collect additional data
- Perform stakeholder outreach to understand the business community's views of potential changes
- Perform field survey and preliminary design to understand project impacts and costs
- Consider a traffic signal design with new alignment to consolidate traffic movements, enable access management, and enhance pedestrian and memorial park use



# Questions?

**Kevin R. Dandrade, PE, PTOE**

Principal / Sr. Project Manager

TEC, Inc.

65 Glenn Street

Lawrence, MA 01843

Phone: (978) 794-1792

Fax: (978) 794-1793

[kdandrade@theengineeringcorp.com](mailto:kdandrade@theengineeringcorp.com)

**TEC**



TRAFFIC AT SCHOOL STREET – WAYLAND MASSACHUSETTS





# Massachusetts Cultural Resource Information System

## Scanned Record Cover Page

**Inventory No:** WAY.150  
**Historic Name:** Porter, R. W. House  
**Common Name:**  
**Address:** 24 School St  
  
**City/Town:** Wayland  
**Village/Neighborhood:** Cochituate  
**Local No:** 52-189  
**Year Constructed:** c 1908  
**Architect(s):**  
**Architectural Style(s):** No style  
**Use(s):** Multiple Family Dwelling House; Single Family Dwelling House  
**Significance:** Architecture  
**Area(s):**  
**Designation(s):**  
  
**Building Materials(s):** Roof: Asphalt Shingle  
 Wall: Vinyl Siding; Wood  
 Foundation: Concrete Unspecified



The Massachusetts Historical Commission (MHC) has converted this paper record to digital format as part of ongoing projects to scan records of the Inventory of Historic Assets of the Commonwealth and National Register of Historic Places nominations for Massachusetts. Efforts are ongoing and not all inventory or National Register records related to this resource may be available in digital format at this time.

The MACRIS database and scanned files are highly dynamic; new information is added daily and both database records and related scanned files may be updated as new information is incorporated into MHC files. Users should note that there may be a considerable lag time between the receipt of new or updated records by MHC and the appearance of related information in MACRIS. Users should also note that not all source materials for the MACRIS database are made available as scanned images. Users may consult the records, files and maps available in MHC's public research area at its offices at the State Archives Building, 220 Morrissey Boulevard, Boston, open M-F, 9-5.

Users of this digital material acknowledge that they have read and understood the MACRIS Information and Disclaimer (<http://mhc-macris.net/macrisdisclaimer.htm>)

Data available via the MACRIS web interface, and associated scanned files are for information purposes only. THE ACT OF CHECKING THIS DATABASE AND ASSOCIATED SCANNED FILES DOES NOT SUBSTITUTE FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS. IF YOU ARE REPRESENTING A DEVELOPER AND/OR A PROPOSED PROJECT THAT WILL REQUIRE A PERMIT, LICENSE OR FUNDING FROM ANY STATE OR FEDERAL AGENCY YOU MUST SUBMIT A PROJECT NOTIFICATION FORM TO MHC FOR MHC'S REVIEW AND COMMENT. You can obtain a copy of a PNF through the MHC web site ([www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)) under the subject heading "MHC Forms."

Commonwealth of Massachusetts  
 Massachusetts Historical Commission  
 220 Morrissey Boulevard, Boston, Massachusetts 02125  
[www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)

**FORM B – BUILDING**

**MASSACHUSETTS HISTORICAL COMMISSION**

Assessor's Number USGS Quad Area(s) Form Number

52-189 Framingham 150, 151

Town Wayland

Place (neighborhood or village)  
Cochituate

Address 24 School Street

Historic Name R. W. Porter house

Uses: Present residential

Original residential

Date of Construction c. 1908

Source 1908 map

Style/Form L-shape

Architect/Builder unknown

**Exterior Material:**

Foundation parged concrete

Wall/Trim vinyl siding/vinyl trim

Roof asphalt shingles

Outbuildings/Secondary Structures  
gambrel-roofed, shingled barn  
1-car garage

Major Alterations (with dates)  
siding added (late 20<sup>th</sup> c.)

Condition fair

Moved  no  yes Date n/a

Acreage 38,400 sq. ft.

Setting House is sited on a gently sloping hill at the corner of East Plain and School Street. A restaurant is located across School Street. The barn faces East Plain Street at the lower part of the hill.



**RECEIVED**

MAY 9 2003

MASS. HIST. COMMI

Recorded by Eileen Wilde

Organization B.U. Preservation Studies for W.H.C.

Date (month / year) November 2002

Recommended for listing in the National Register of Historic Places. *If checked, you must attach a completed National Register Criteria Statement form.*

**BUILDING FORM**

**ARCHITECTURAL DESCRIPTION**  *see continuation sheet*

*Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.*

#24 School Street is located at the intersection of School Street and East Plain Street. The 1½-story house has an L-shape plan with the main entrance on the long axis facing east towards School Street. The back portion consists of two ells: the northern ell is 1½-stories with a gable roof, and the southern ell is 1-story with a shed roof. The structure sits on a concrete-parged foundation and is clad in wood clapboards with wood trim; the roof is covered in asphalt shingles and is pierced by two brick chimneys. The windows are 2/2 double-hung moveable sash. The front elevation is 6 bays wide with a cross gable on the northern end. Two 1-story, 1-bay deep, gable-roof additions with pedimented cornices extend from the front elevation. The northern addition contains the front entrance with a center door flanked by two windows. A gable-roofed, 1-car garage sits to the south of the main house.

The gambrel-end, 2-story, wood shingled barn is located to the southwest of the house, facing East Plain Street. The gambrel roof is covered in wood shingles with the end of the ridge extending out over the main façade. Two metal ventilators pierce the ridgeline of the roof. The main entrance has a wide, double-leaf, board-and-batten door; the hayloft also has a double-leaf, board-and-batten door protected by a small shed roof. A 1-story wing is attached to the east elevation of the barn. The front part of the wing is 2 bays deep and has a side gable roof with an exterior concrete chimney running along with eastern elevation; the back part of the wing is 3 bays deep and has a shed roof. A six-paneled door on the southern elevation leads into the wing. All windows on the barn and wing are 3/3 casement windows, with the exception of a 1/1 moveable sash under the eaves in the gambrel end of the barn.

#24 School Street is unique in the Lokerville area because it has the only barn left on its property. The house itself has little integrity or architectural value, but it provides a historic setting for the barn.

**HISTORICAL NARRATIVE**  *see continuation sheet*

*Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.*

The area of Cochituate between Main Street, East Plain Street, Commonwealth Avenue, and School Street was historically called Lokerville because of the large number of Lokers who lived there (Emery, 120-121). The intersection of East Plain and School Street originally held two important Cochituate buildings: the Wesleyan Methodist Church and the Lokerville School (also known as the South schoolhouse). Both buildings are no longer extant. The church fell into disuse in the late 19<sup>th</sup> c. but remained standing until 1902 when Jefferson Loker, who had been a devoted member, passed away (Emery, 102). Jefferson Loker apparently lived within viewing distance of the church, possibly at #84 East Plain Street (Emery, 102). Edgar B. Loker bought the church in 1902 and moved it to his property where it purportedly became a henhouse (Emery, 103). The Lokerville schoolhouse was used for Catholic services in 1885 before the Catholic church was built in Cochituate (Emery, 115); the school was demolished in 1913.

**BIBLIOGRAPHY and/or REFERENCES**  *see continuation sheet*

Directories: 1921-22, 1926  
Fitch, Helen Emery, The Puritan Village Evolves, 1981  
Maps: 1908



# INVENTORY FORM CONTINUATION SHEET

Town  
Wayland

Property Address  
24 School Street

MASSACHUSETTS HISTORICAL COMMISSION  
MASSACHUSETTS ARCHIVES BUILDING  
220 MORRISSEY BOULEVARD  
BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

	150, 151
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## HISTORICAL NARRATIVE *continued*

*Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.*

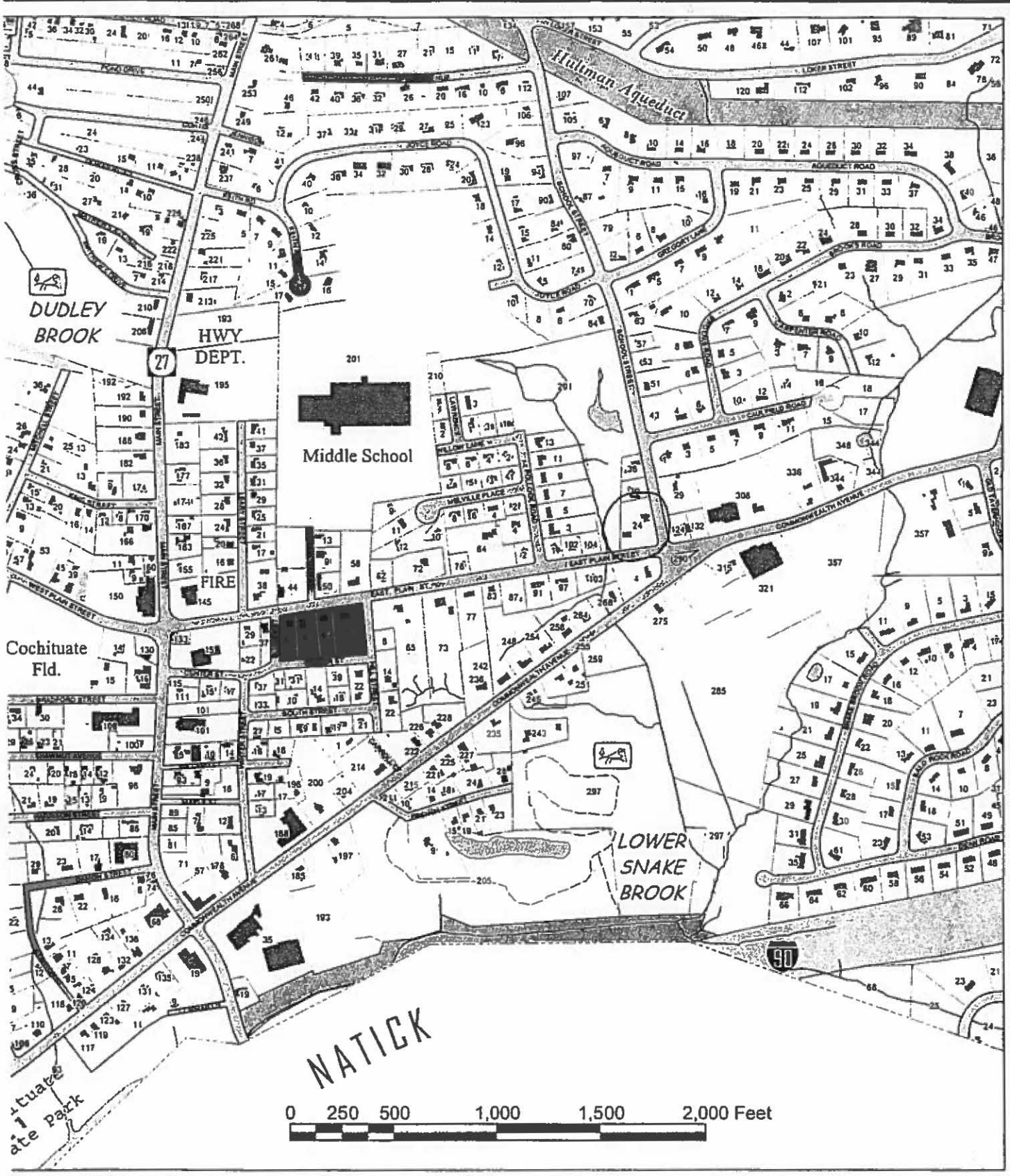
#24 School Street was probably built at the turn of the 20<sup>th</sup> c. There was a house at the corner of East Plain and School Street in 1866 owned by S. Jameson, but it is unlikely this is the house standing at #24 School Street today. Stephen Jameson was a shoemaker in Cochituate between 1840-1850 (Emery, 334). Another shoemaker, Enoch Dudley, made shoes near School Street in 1860 (Emery, 213). It is possible this site housed a small shoe shop.

In 1908, R.W. Porter was living at #24 School Street. The 1908 map shows that #24 has been heavily altered: the original house was a rectangular block with a rectangular ell parallel to the main block offset to the south. A porch ran along the southern elevation of the main block and the eastern elevation of the ell. A large outbuilding, likely a barn, was located at the northern side of the house. It is possible that the existing barn was moved from this spot.

The 1921-22 directory lists Maynard Porter, a carpenter, living on School Street with his wife Emma E., as well as Rupert P. Porter, also a carpenter, and his wife Pansy. The 1926 directory is more specific about location and places the four Porters on School Street at the corner of East Plain. Maynard and Rupert likely inherited the property from R.W. Porter.







Wayland, Mass.





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

March 22, 2017

James Lambert  
Wood Partners  
91 Hartwell Avenue  
3<sup>rd</sup> Floor  
Lexington MA 02421

RE: 484-490 Boston Post Road, Wayland – Extension of Date for Execution of a Final Land Development Agreement

Dear Mr. Lambert,

At a duly called public meeting of the Wayland Board of Selectmen on March 20, 2017, the Board voted as follows with respect to the land located at 484-490 Boston Post Road in Wayland, Middlesex County, Massachusetts, identified on the Wayland Assessor's Map as:

Parcels #22-3, 22-6 and 22-7, and commonly known as River's Edge (the "Property"):

To extend the deadline for execution of a final Land Disposition Agreement for the Property under that certain Notice of Award issued by the Town on February 24, 2017 and accepted by WP East Acquisitions, LLC on February 27, 2017 (the "Notice of Award") from Wednesday, March 29, 2017 until Friday, April 28, 2017 (the "LDA Deadline").

Thank you.

Sincerely,

Nan Balmer  
Town Administrator

cc: Board of Selectmen



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BoS

3

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

## Wayland Board of Health Director's Report March 20, 2017

**File alley project update:** We have begun the process of reorganizing the space. Our new file cabinets have been moved into the space and files have been reorganized/consolidated to allow more room in each file cabinet. We have a volunteer (prior intern) and some tax work-off help who assisted with this project.

**Medical Marijuana Dispensary-**The town has received an inquiry regarding a medical marijuana dispensary. Town staff met with Town Counsel and information was provided and presented to the BoS. The interested party will likely be meeting with town staff to discuss what their plan is and gather more information.

**Mass Dep seminar-**Health Agent Darren MacCaughey and I attended the annual educational seminar where updates on regulations were provided and educational information was provided (composting/private well/Title 5/emergency preparedness/pressure distribution).

**Septic work and building approvals-** we are getting busy again with building approvals. Soil testing appointments are starting to pick up and there are still many visits to our office by residents, builders/engineers, and for project submittals. We also continue to have numerous meetings with residents to provide guidance for potential home renovations/septic projects.

**New State Camp Regulations-**we have heard (unofficially) that the new camp regulations will not be adopted until the fall or next winter possibly. This is good news as we are quickly approaching the camp season and it would have been very difficult to do outreach and ensure proper compliance with such short notice.

**Whittemore Place Revised Definitive Subdivision-**we received a revised plan for this project as well as drainage calculations. Our drainage consultant for these projects is no longer in the business (which we found out recently). Therefore, we have identified a consultant through other town officials, to assist with this project as we have 45 days to make a decision. The company name is Terratech, and I will be speaking with them tomorrow to work out the details for the review.

Intern work-our intern has been working on compiling information for draft Private Well Regulations. Research involves online searching for model regulations, state guidelines and incorporating language into a working draft.

Volunteer work-we have a volunteer assisting with contacting other towns online and via telephone to research septic system permit fees to compare with our fees for future updating.

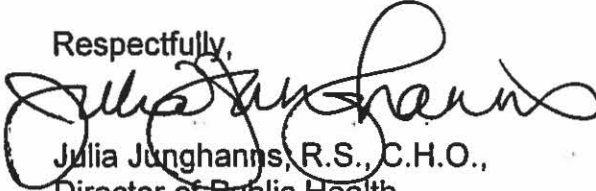
150 Main Street inquiries-we have been receiving numerous inquiries regarding this project and the demolition. I contacted Mass Dep who was overseeing the filing, inspection and process for asbestos removal. They provided information and were willing to speak to residents to answer questions.

Land Use meeting-attended this meeting and as requested by the Town Administrator I assisted with coordinating the meeting agenda and facilitating the meeting. Projects were discussed: 24 School Street 40B Affordable Housing project, Whittemore Place revised Definitive Subdivision, School Bus parking, 150 Main Street, Mahoney's Brookside 40B, River's Edge 40B, Royal Wayland Nursing Home, BoS listening sessions, and a potential site visit to see another town's permit tracking system, viewpoint, (probably Lexington).

Annual aerial larviciding notice-The notice has been advertised by East Middlesex Mosquito Control Project Superintended Dave Henley. The helicopter application of biological larvicide, Bti, to control mosquito larvae will take place sometime in mid-April.

Town sewer breakout-there was a sewer forcemain breakout at the corner of Shep's gas station. Health Agent Darren MacCaughey assisted with troubleshooting and coordination of efforts to identify contractors to fix the problem. The problem was identified during the day on March 3<sup>rd</sup> and fixed at 2am.

Respectfully,



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



**Wayland Historical Commission Meeting Minutes – February 28, 2017**

Attendees: Members: Elisa Scola (Chair), Tonya Largy, John Dyer, Kay Westcott, Ann Gordon, Amanda Ciaccio, Rick Conard; Guests: Sheila Carel.

Chair Elisa Scola called the meeting to order at 7:35 pm in the small hearing room on the second floor of Town Building.

1. There were no public comments.
  2. CPA Projects: First High School (Bradford Hall) Preservation Restriction: Elisa said that the CPC now wants a preservation restriction placed on non-public buildings if they receive CPA funds. Discussions are underway between CPC and the Trinitarian Congregational Church regarding the details of such a restriction for Bradford Hall, which would apply to the exterior of the building. The Commission discussed alternatives for the time period of a restriction if windows are replaced with CPA funds. Dudley Woods Trail: Sheila Carel presented draft text and graphics for a series of signs to be placed along the trail to interpret the geologic, indigenous people (Massachusetts tribe), colonial, water supply, Mansion Inn, Prohibition/Great Depression and post-WWII era history of the Dudley Pond and surrounding area. Ten to twelve panels size 2 ft. x 3 ft. are proposed. Members complemented Sheila on her work so far and Sheila invites further comments and suggestions.
  3. Proposed Demolition Delay Bylaw: Elisa summarized the public meeting that was held on Jan. 19 and the other meetings and feedback she has had with the Selectmen, Finance Committee and media. A front page article appeared in the Wayland Town Crier on Jan. 26th. She will also meet with the League of Women Voters and write articles for Wayland Patch and Wayland E-News. She will prepare a Frequently Asked Questions handout. Kay Westcott handed out an article on demolition delays in Oregon. There was a discussion of best ways of presenting and describing the proposed bylaw. Sheila offered to write an article on how a DD Bylaw might help save the last remaining barn in Cochituate.
  4. Railroad Site and Rail Trail: Rick Conard said that at the Conservation Commission meeting on Jan. 26 Dan Driscoll from the Mass. Dept. of Conservation and Recreation (DCR) said that they would be joining Eversource for the NOI application, and that DCR is proposing to build a paved rail trail on the Eversource access road when it is completed on the former railroad right of way between Concord Road and the Weston Town Line. Rick presented a draft letter to Mass. Historical Commission to urge them to require Eversource to preserve the cattlepass (underpass for cattle) that is located about 2,000 ft. west of Plain Road. Suggestions were made for revisions to the letter.
  5. North Cemetery: The contract for preservation of stone monuments in the Stoney Section of North Cemetery has been sent to Monument Conservation Collaborative for signature. Ann Gordon has offered to help monitor the progress of work once it starts as expected in the Spring. There was discussion of communicating with the DPW cemetery maintenance staff about possible ways to better manage and preserve the cemetery, as outlined in the Preservation Management Plan for North Cemetery prepared by Barbara Donohue in June 2015.
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6. **Archaeology:** Tonya has discussed with Betty Gardescu, Paul's wife, a memorial to honor Paul's many volunteer years with the Wayland Archaeology Group and Historical Commission. The suggestion has been made to install a bench along the Dudley Woods trail to honor the memory of Paul. John Dyer volunteered to discuss with Mike Lowery the details and cost of a bench. Another suggestion was made to place the bench near the Town Building since Paul spent so much time in the Archaeology Lab. Amanda visited Royce Kahler today to introduce herself and meet Royce. Tonya will give a talk on March 4 at Bridgewater State University entitled, "Wayland Uncovered: Archaeological Evidence of Our Pre-Colonial History."
7. **24 School Street Housing Project:** There was a discussion of this proposed Chapter 40B housing project and the impact it may have on historic properties. Tonya agreed to draft a letter for Elisa to sign to send to Sarki that he can send to Mass. Housing.
8. **January 2017 Meeting Minutes:** These will be discussed at our next meeting.
9. **New Business:** There was an update on school bus parking alternatives. Sheila will continue to monitor developments.

Our next meeting was scheduled for Monday, March 13.

The meeting was adjourned at 9:35 PM.

Respectfully submitted,

Richard Conard

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Wayland Real Asset Planning Committee  
PLANNING BOARD OFFICE  
WAYLAND TOWN BUILDING,  
41 COCHITUATE ROAD, WAYLAND MA

February 23, 2017 – 7:30 PM  
APPROVED 3/2/17

Present. Anette Lewis (presiding), Tom Abdella, Nicole Riley and Gretchen Schuler.

Also Attending. Mike Lowery, Carol Plumb.

Call to Order. The meeting was called to order at 7:35 PM by Anette Lewis who reviewed agenda.

Public Comment. Mike Lowery presented written public comment (attached) about the Library Grant Town Meeting Article in which he addressed the reuse of the existing Public Library building at 5 Concord Road. He enumerated reasons that he believed WRAP should recommend that the town not endorse the recently submitted State grant application for construction of a new library at 195 Main Street. WRAP members discussed the idea and decided that as a Committee we would not comment about the Library project at this time. Members explained that a Committee recommendation going forward will be to address timing and sequencing of projects and that a capital facilities committee will be recommended to carry out those recommendations.

As an aside Mr. Abdella asked Mr. Lowery about his opinion regarding using Blacksmith Green as a signboard location to host public service announcement signboards. Mr. Lowery is a member of the Board of Public Works and that board has been concerned with such signs being placed inappropriately within the right-of-way. Personally Mr. Lowery stated he would like to see the Town adopt a consistent sign policy.

Minutes. The minutes of February 16, 2017 were approved as amended by a vote of 4-0-0.

Review and Discuss List of Anticipated Major Capital Projects. Ms. Riley updated the draft list of "Anticipated Major Capital Projects" as of 2/16/2017. She explained that she had taken the list provided 4/28/16 and amended 6/18/16 and revised it based on updated information from the Department of Public Works, the Library, Recreation and Capital Facilities. Ms. Riley walked members through the chart and there was some discussion about amendments and clarifications for which Ms. Riley will follow up. There was some discussion about the ability to construct a building at the Loker Conservation and Recreation Area. Ms. Lewis recommended that the relevant legal documents be shared with Town Counsel at Kopelman and Paige (KP). Ms. Riley will add that to the memo that she is preparing for KP. Other Board of Public Works additions to the Capital Projects list are for FY2018: a study of the correct process to employ for removing manganese from the Campbell Wells; a study on construction of a second water tank; Transfer Station road mitigation; and for FY2019: replacement of filter media at the water treatment plant and identifying and preparing a laydown area for road construction projects.

The updated chart will be included in the WRAP final report and a lead in paragraph or two will explain the information sources and possibly a recommendation on how to compile this information in the future. Ms. Lewis noted that the Town's Unibank financial consultant has said that the Town should adopt a policy of bonding only \$2M to \$3M in general fund capital expenditures on an annual basis and anything above that should go to a vote at the polls so that it is excluded from Proposition 2 1/2.

Discuss Recommendations for "Site Consideration Properties." Additional sites were discussed and recommendations for future use were added to the table of town-owned properties GIS data including:

Site	Site Consideration Sheet	Recommendations-GIS Data Table
Alpine Field		Municipal and recreational uses on 07-019, part of which is on the northwest side of Alpine Field. Survey lot to see if 40,000 for potential sale as building lot or use as affordable housing lot; expand recreational use on southeast side of road to two fields with parking on nw side (with buffer).
Orchard Lane	Access from Orchard and Holiday Road	Housing – market and/or affordable by an approved plan.
Paine Estate/Greenways *	Parcel C: future municipal uses, geographic center of Town. 1996 Town Report states that funds from Conservation Commission to be used for parking lot on Parcel C	Campus-like setting only after master site plan has been developed – could be Council on Aging, Community Center, Town Offices...Library would have been recommended had the 195 Main Street site not been designated.

\* Ms. Lewis has reviewed deeds and town meeting votes for the Paine Estate, now known as Greenways. She also reviewed Sudbury Valley Trustees records on the same. She noted that in 1994 the town voted a plan on which Parcel C was set aside under the jurisdiction of the Board of Selectmen for future municipal use and it was part of the overall estate acquired in 1995 with "general municipal services" designated for the 26.4-acre Parcel C. She also noted that in 1996 the Annual Town Report stated that there were Conservation Commission funds to create a parking lot on Parcel C. That was not completed.

Ms. Schuler will make these additions and forward GIS data table with recommendation to WRAP members.

Outline for Town Counsel Concerning Restrictions on Use of Properties. Ms. Riley distributed a draft of questions she is preparing to send to Town Counsel, Kopelman and Paige. Added to the draft will be a question about best practices for acquiring land in order to provide flexibility when considering future uses. The questions will be conveyed in the form of a memo that Ms. Riley will provide for review at the next meeting. Once approved by WRAP the document will be sent to the Town Administrator, Nan Balmer, requesting that she forward it to Counsel.

Final Report & Potential Committee Recommendations. There was a brief discussion on format of the final report. Ms. Schuler discussed how she has set up the introduction to the section on municipal properties. She will forward this to members for reference. Details of formatting will be determined later. Ms. Schuler noted that the Fire Chief, Dave Houghton, asked for additional storage for all departments and possibly consolidated storage space.

There will be a recommendation for a Capital Facilities Committee responsible for maintaining a projects list, and recommending sequencing/prioritization of projects based on the criteria matrices and the capital finances of the town. Such a committee was recommended in the 2004 Master Plan. In March 2005 the Planning Board considered and added to a rough draft of a mission and charge developed during the Master Plan working sessions. The concept was never implemented. Based on that document (attached) and our discussions, a Capital Facilities Committee would be the front end evaluator and carry out the first four steps of the procedures after which the Permanent Municipal Buildings Committee (PMBC) would carry out procedures 5-8. The Capital Facilities Committee would work hand-in-hand with the PMBC and would select the projects, while the PMBC would complete the site selection. The Committee would meld together finance, planning and



facilities and would take over the capital project review function of the FinCom. It could be a 3-7 member committee that is independent of boards that may be requesting a project. Membership could be appointments made by the Planning Board and the Finance Committee with some expertise of architecture and construction among the members but not necessarily to the extent of the expertise of the PMBC. The Capital Facilities Committee members would be responsible for providing information to the Planning Board and FinCom.

Other. Gordon Cliff, a member of the Finance Committee, has been invited to meet with the Council on Aging (COA) about how the COA can get a new facility. Therefore he contacted Ms. Lewis to ask what WRAP's recommendations would be as a to a prospective site. WRAP members agreed to communicate to Mr. Cliff that among the sites that the WRAP Committee has evaluated, there are three that are good prospects for a COA: the northwest end of the Town Building, the Municipal Pad at the Town Center (but only as a stand-alone COA), and the Municipal parcel at Greenways.

Next Meetings.

March 2, 2017 – 7:30 PM

Hand-Outs.

- 1) Public Comment: Hand-out "Library Grant Town Meeting Article" (Michael P. Lowery, 2/23/17).
- 2) Draft Anticipated Major Capital Projects (Riley, 2/16/17).
- 3) Town-owned Building Analysis (Ben Keefe, 2/23/17).
- 4) Draft Memo to Town Counsel regarding Restrictions on Uses, (Riley, 2/23/17).
- 5) Capital Facilities Committee draft charge (PB, 3/3/2005)

The meeting adjourned at 10:40 following a 4-0-0 vote.

Respectfully submitted,

Gretchen G. Schuler

Wayland Real Asset Planning Committee  
PLANNING BOARD OFFICE  
WAYLAND TOWN BUILDING,  
41 COCHITUATE ROAD, WAYLAND MA  
APPROVED 3/15/17

March 2, 2017 – 7:30 PM

Present. Anette Lewis (presiding), Nicole Riley and Gretchen Schuler.

Call to Order. The meeting was called to order at 7:30 PM by Anette Lewis who reviewed agenda. There was no public comment.

Minutes. The minutes of February 23, 2017 were approved as amended by a vote of 3-0-0.

Review and Discuss List of Anticipated Major Capital Projects. There has been no further action on developing this list. Will be discussed at next WRAP meeting.

Outline For Town Counsel Concerning Restrictions, Best Practices, etc. Ms. Riley is preparing a memo to be sent to Town Counsel regarding restrictions on properties and best practices for acquiring town-owned property in the future. It is the intention to ask questions in a broad enough way so that responses can be applied generically except for certain specific questions. The town will need specific answers about the issues raised in reviewing deeds and town actions for Loker Conservation and Recreation Area, the Town Building, the former Dump on south side of Route 20, and the Paine Estate. Attachments to the memo will have back up information about each property for which there is a need for specific answers to complicated issues. An example is the Loker Conservation and Recreation Area which we purchased with a deed, then took by eminent domain on different terms and then one parcel is deeded in trust with the town as the Trustee under Chapter 40, Sec.8C. These are complicated enough to need counsel's opinion as to what the town's responsibilities are in these instances.

Ms. Riley will continue to work on the memo for WRAP members to review at its next meeting.

WRAP Final Report and Recommendations. Ms. Schuler reported on "Section II. Municipal Property – Land and Buildings" for which she has prepared a draft introduction. Included in the section will be the Site consideration sheets, the chart showing GIS stats for 44 properties and the list of town owned buildings and the status of each. Ms. Schuler will email the draft to each member and attach it to the minutes. She also had written an introduction for Sections III and IV which she had forwarded to Mr. Abdella. He will determine how or whether that material will be used with the selection matrices that he has prepared. There was a brief discussion about demographics – which demographics to use for the report and how to convey the concept that demographics tend to vary so that the source must be indicated in any and all reports relating to capital facilities. Ms. Lewis found demographics in the Comprehensive Annual Financial Report which she sent to WRAP members pointed out specific pages with demographics. Ms. Schuler found a copy of some statistics used by the 1996 Growth Policy Committee. These included Wayland stats on number of dwelling units and number of acres available for development. She will copy for WRAP members. Ms. Schuler will edit Section II by mentioning the range of recommendations, explaining the numbers of town-owned parcels, and the reasons for selecting the 44 of 320 parcels.

Ms. Lewis distributed a first draft of a Capital Facilities Committee charge that will be a recommendation of the WRAP Committee. There was a discussion about the membership to such a committee and it was determined not to close membership to people who serve on boards that do not control town-owned land. The charge for such a committee was written using a former charge considered by the Planning Board in 2005. Some of the points that were in the earlier charge have become part of the work of the Permanent Municipal Building

Committee (PMBC) such as responsibility for oversight of work in connection with capital projects. Other of the 2005 Capital Facilities charge's responsibilities could be assigned to the PMBC and Public Buildings Director, including: establishing conventions for building design; requirements for on-going maintenance; establishing cost-effective budgeting for repair and replacement of existing buildings. A Capital Facilities Committee (CFC) could be established via bylaw with rules and regulations or by the Board of Selectmen in the same way in which the PMBC was established. Ms. Lewis also prepared a Program Evaluation chart to understand how a CFC, PMBC and Finance Committee would work through a project. The order of procedures was discussed including when project proponents should come to a CFC to discuss its individual board Capital Improvement Plan (CIP), when projects should be added to the town CIP (FinCom), when the CFC would interface with the Planning Board and when the criteria matrices would be used to measure projects and sites. Ms. Lewis will edit the CFC charge and Program Evaluation Review Technique (PERT) chart accordingly.

Mary Antes and Susan Weinstein stopped in for a few minutes asking if WRAP members could attend their Housing Partnership meeting on April 6, 2017. It is possible; however, we may need that evening for our final draft report which should be available for distribution by mid-April. Ms. Antes and Ms. Weinstein also asked about potential lots for affordable housing. WRAP members showed them the lots on Garden Path which they have reviewed in the past; however, they are not likely to be buildable due to a stream running through the center of two lots, although no wetlands are shown on the town map at that location. There are some other lots that may be appropriate for housing if consolidated. This would be the topic of discussion for the Housing Partnership and WRAP.

Discussion of Land GIS Chart. Members reviewed the recommendations already on the chart. Most of the discussion focused on the Town Building. The discussion focused on the potential of moving COA and Recreation to the northwestern end of the building including the gym – essentially the area to the left of the parking lot entry at the rear of the building while the rest of the building would accommodate the town offices. Presently the school department and the Children's Way occupy almost all of the second floor. A master plan space study would be necessary.

Potential Dates for Next Meetings.

March 14 or 15, 2017 – 7:30 PM  
March 20 or 22, 2017 – 7:30 PM  
March 30, 2017 – 7:30 PM  
April 6, 2017 – 7:30 PM

Hand-Outs.

- 1) Draft Introduction to Section II, III, IV of Final Report (Gretchen Schuler, 3/02/17).
- 2) Capital Facilities Committee draft charge and PERT Chart (Lewis, 2/28/17)
- 3) 1996 Growth Policy Committee Statistical Information (Schuler)

The meeting adjourned at 9:50 following a 3-0-0 vote.

Respectfully submitted,

Gretchen G. Schuler

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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
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BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
LOUIS M. JURIST  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

March 17, 2017

Mr. Geoffrey Beckwith  
Massachusetts Municipal Association  
One Winthrop Square  
Boston MA 02110

Dear Mr. Beckwith,

I am writing to ask that the Massachusetts Municipal Association consider offering its support in the case of Boelter, et al, vs. Wayland Board of Selectmen. A summary of the case is attached as well as an Amicus Brief from Attorney General Maura Healy.

This case (No. 2016-P-1600) is an appeal from an order of the Middlesex Superior Court, entered by Associate Justice Dennis Curran on June 29, 2016. If upheld by the Appeals Court, the case would reverse the interpretation of the Attorney General regarding the application of the Open Meeting Law to the distribution of administrative materials to public bodies and the impact volunteer committee members' ability to prepare for meeting by emailing documents before the meeting.

Thank you for your consideration. Please feel free to contact me to discuss this matter further.

Sincerely,

  
Nan Balmer  
Town Administrator



**SUMMARY OF BOELTER, ET AL v. WAYLAND BOARD OF SELECTMEN**  
**OPEN MEETING LAW VIOLATION CASE DECISION APPEAL**

This case involves the issue of whether the Town of Wayland Board of Selectmen violated the Open Meeting Law ("OML") when its members sent their individual assessments of the Town Administrator's job performance to the Chair by e-mail for later discussion at a properly noticed open meeting. The individual members did not send copies of their messages and assessments to each other nor did they express their views in the e-mail messages. The Board carefully followed the Attorney's General's advisory relative to aggregating individual evaluations which states:

**"May the individual evaluations of an employee be aggregated into a comprehensive evaluation?"**

Yes. Members of a public body may individually create evaluations, and then submit them to an individual to aggregate into a master evaluation document to be discussed at an open meeting. Ideally, members of the public body should submit their evaluations for compilation to someone who is not a member of the public body, for example, an administrative assistant. If this is not a practical option, then the chair or other designated public body member may compile the evaluations. However, once the individual evaluations are submitted for aggregation there should be no deliberation among members of the public body regarding the content of the evaluations outside of an open meeting, whether in person or over email."

An Open Meeting Law Complaint was filed with the Office of the Attorney General. In response, the Attorney General determined that the Selectmen did not violate the OML. In a separate civil suit filed by five registered voters of the Town challenging the same evaluation procedure, a Middlesex Superior Court judge ruled that the Selectmen violated the OML by sending private e-mails about the Town Administrator's job performance outside of a duly noticed open meeting. In his decision, the judge referred to the Attorney General's advisory as "curious". The Selectmen have appealed the judge's decision to the Massachusetts Appeals Court.

Although it is not binding precedent, the Superior Court judge's decision has serious implications as to how volunteer boards members across the state communicate and will likely be cited in support of complaints alleging OML violations under similar circumstances. If forwarding documents by e-mail to a local board's Chair only for later discussion at an open meeting is deemed to be a deliberation among a quorum of the board's members in violation of the OML, it will adversely affect how volunteer board members prepare for meetings and conduct the board's business.

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**DiNapoli, MaryAnn**

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**From:** Balmer, Nan  
**Sent:** Wednesday, March 22, 2017 8:05 AM  
**To:** DiNapoli, MaryAnn  
**Cc:** mjlanza@comcast.net  
**Subject:** FW: Request for an Amicus Brief

Correspondence

**From:** Geoffrey Beckwith [<mailto:gbeckwith@mma.org>]  
**Sent:** Tuesday, March 21, 2017 10:56 PM  
**To:** Balmer, Nan  
**Cc:** John Robertson  
**Subject:** Request for an Amicus Brief

Dear Nan,

Thank you very much for your letter requesting that the MMA consider submitting an amicus brief in support of the Town's position in *Boelter et al vs. Wayland Board of Selectmen*.

Personally, I strongly agree with your position, and am very glad to see that the Attorney General has submitted an amicus in this case. As you may know, the MMA does not employ legal counsel, and does not have a budget to support amicus briefs. Thus, it is our policy to consider making submissions only after an issue reaches the SJC level. It is at that stage that I confer with the MMA's Executive Committee, and if the Association decides to approve a submission, we rely on the municipality's legal counsel to draft the brief on behalf of the MMA on a pro bono basis, as we do not have the resources to finance the brief.

Please keep us posted of the status of this issue. We certainly hope that the Appeals Court corrects the lower court's mistaken ruling.

Thank you very much.

Sincerely,

Geoff Beckwith

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