

PACKET

NOV 06

2017



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

BOARD OF SELECTMEN
Monday, November 6, 2017
6:45 p.m.
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.

- 6:45 pm 1.) Open meeting and enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), 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 with the Wayland Food Service Association
- 7:00 pm 2.) Call to Order by Chair
- Review Agenda for the Public; Announcements
- 7:02 pm 3.) Public comment
- 7:15 pm 4.) Special Town Meeting Warrant Hearing
- 8:00 pm 5.) Swear in Lieutenant Sean Gibbons
- 8:20 pm 6.) Council on Aging/Community Center: Discuss next steps
- 8:35 pm 7.) Discuss and Vote on Special Town Meeting Articles
- 8:45pm 8.) Vote to sign Wayland Meadows documents
- 8:50 pm 9.) Vote to sign Town Administrator's contract
- 8:55 pm 10.) 52-60 Rice Road: Vote to sign Open Space Deed and Donation Letter
- 9:00 pm 11.) Minutes: Vote to approve minutes of October 23, 2017
- 9:05 pm 12.) Consent Calendar: Review and vote to approve
- 9:10 pm 13.) Correspondence: Review
- 9:15 pm 14.) Report of the Town Administrator
1. Correspondence
 2. Housing Update
 3. Rivers Edge Amendment
 4. Capital Projects
 5. FY19 Budget Message
 6. Private Roads
 7. 20 Millbrook Storage Container
- 9:30 pm 15.) Selectmen's reports and concerns
- 9:35 pm 16.) Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:40 pm 17.) Adjourn

DRAFT FALL SPECIAL TOWN MEETING MOTIONS

DATE OF DRAFT: 11/3/17

PAY PREVIOUS FISCAL YEARS UNPAID BILLS

Proposed by: Board of Selectmen

Estimated Cost: \$13,008.77

MOVED: that the Town approve the payment of bills of prior fiscal years as listed on page 6 of the Warrant for the November 2017 Special Town Meeting from the Fiscal Year 2018 appropriation for the Town Office Budget to be used to pay the bills so listed as items number 1, 2, and 3; from the Fiscal Year 2018 appropriation for the DPW Budget to be used to pay the bills so listed as items number 4 and 5; from the Fiscal Year 2018 appropriation for the School Budget to be used to pay the bills so listed as items number 6, 7, 8, and 9; and from the Fiscal Year 2018 appropriation for the IT Budget to be used to pay the bill so listed as item number 10.

ARTICLE 2 (Warrant Page 7)

Quantum of Vote: Majority

CURRENT YEAR TRANSFERS

Proposed by: Board of Selectmen

Estimated Cost: \$35,655

Motion 1 of 2

MOVED: that the following sums be appropriated as listed on page 7 of the Warrant for the 2017 Special Town Meeting to be expended by the following officers, boards and committees in Fiscal Year 2018 for the following purposes:

<u>Purpose</u>	<u>Amount</u>	<u>Officer, Board or Committee</u>
1. Dog Officer Expense	\$655	Police Chief
2. Wastewater Budget	\$35,000	Wastewater Management District Commission

For a total of current year transfers of \$35,655

And further, that said appropriations be provided by transferring \$655 from the General Fund Unreserved Fund Balance, and by transferring \$35,000 from the Wastewater Retained Earnings.

ARTICLE 2 (Warrant Page 7)

Quantum of Vote: Majority

CURRENT YEAR TRANSFERS

Proposed by: Board of Selectmen

Motion 2 of 2

MOVED: that the Town amend the amount previously appropriated under Article 6 of the April 2017 Town Meeting by reducing the amount appropriated for the Septage budget under line item 77 from \$45,405 to \$0 for a new department total for Septage for FY18 of \$0.

ARTICLE 3 (Warrant Page 8)

Quantum of Vote: Majority

PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN

Proposed by: Personnel Board

Estimated Cost: \$45,500

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 revisions thereto for non-union Town employees excluding seasonal positions as reflected in Appendix B on Pages 42 and 43 of said Warrant, and further, that the sum of \$45,500 be transferred from the FY18 budgeted Unclassified: Reserve for Salary Settlement account to the appropriate Town department line items for the purpose of funding said wage increase, and that the Finance Director be authorized to distribute the proper amounts to the appropriate department line items for such purposes.

ARTICLE 4 (Warrant Page 9)

Quantum of Vote: 2/3

COMPENSATION FOR TOWN CLERK

Proposed by: Board of Selectmen

Estimated Cost: \$3,996

MOVED: that the Town fix the salary and compensation of the elected Town Clerk at \$74,500 effective July 1, 2017, and that \$3,996 be transferred from the FY18 budgeted Unclassified: Reserve for Salary Settlement account to the Town Clerk salary line for the purpose of funding said salary increase.

INITIAL YEAR FUNDING OF TOWN SUCCESSOR COLLECTIVE BARGAINING AGREEMENTS

Proposed by: Personnel Board

Estimated Cost: \$116,723

MOVED: that \$116,723 be transferred from the FY18 budgeted Unclassified: Reserve for Salary Settlement account for the purpose of funding the incremental cost increases of the first year of collective bargaining agreements for the period of July 1, 2017 through June 30, 2020 reached between the Town of Wayland and a.) AFSCME 690 Wayland – 1; b.) AFSCME 690 Wayland – 2; c.) the Wayland Library Staff Association, MFT, AFT, AFL-CIO; and d.) the Wayland Department of Public Works, Teamsters Local 170, as follows, and that the Finance Director be authorized to distribute such amounts as are proper and required to and among the appropriate department personnel and line items for such purposes.

a.	<u>AFSCME 690 Wayland – 1 (Department Heads/Professional)</u>	
	Base Wages and Overtime	\$41,708
b.	<u>AFSCME 690 Wayland – 2 (Clerical and Dispatch)</u>	
	Base Wages and Overtime	\$23,046
	Shift Differential – Plus 0.5%	\$ 1,171
c.	<u>Library Staff Association, MFT, AFT, AFL-CIO</u>	
	Base Wages and Overtime	\$12,543
d.	<u>Department of Public Works, Teamsters Local 170</u>	
	Base Wages and Overtime	\$35,755
	Sick Leave at Retirement	\$ 2,500

ARTICLE 6 (Warrant Page 11)

Quantum of Vote: Majority

TRANSFER OF FUNDS FOR SCHOOL DEPARTMENT CONTRACTS

Proposed by: School Committee

Estimated Cost: \$218,090

MOVED: that \$218,090 be transferred from the FY18 budgeted Unclassified:

Reserve for Salary Settlement account to the School Department budget for FY18

for the purpose of supplementing funds previously appropriated for the School

Department for FY18.

CHANGE FILING DEADLINE FOR CIRCUIT BREAKER MATCH PROGRAM

Proposed by: Board of Selectmen

MOVED: that the Town amend the Code of the Town of Wayland, Chapter 19 – Finances, Section 19-8, paragraph G, as set forth in Article 7 on Page 12 of the Warrant for the November 2017 Special Town Meeting by deleting the crossed-out text and inserting the underlined text as follows:

G. Local Circuit Breaker Program. Applications for senior tax relief under the Town Circuit Breaker program must be filed with the office of the Board of Assessors no later than ~~December 31~~ April 1 of the year ~~in which the original tax filing was due~~ to which the tax relates, or within three months after the bill or notice of assessment was sent, whichever is later.

ARTICLE 8 (Warrant Page 14)

Quantum of Vote: Majority

ACCEPT GIFTS OF LAND AT TOWN CENTER

Proposed by: Board of Selectmen

MOVED: That the Town authorize the Board of Selectmen, with approval by Town Counsel as to form, to accept as a gift on behalf of the Town for municipal purposes, the fee or any lesser interest in all or any part of the parcels of land and the buildings and other structures identified as Lot 9-1A and Lot 3-1, shown on a plan prepared by the then-Town Surveyor entitled “Plan of land Wayland, Massachusetts Showing Proposed Municipal Parcels” dated July 21, 2015 and recorded with the Middlesex South Registry of Deeds as Plan 616 of 2015, and Parcel 14, shown on a plan prepared by Hancock Associates entitled “Plan of Land in Wayland, MA” dated January 20, 2012, recorded with the Middlesex South Registry of Deeds as Plan 305 (1 of 2) of 2012 on file with the Conservation Commission, and further to authorize the Board of Selectmen to execute any and all documents as may be necessary or convenient in relation thereto.

ARTICLE 9 (Warrant Page 16)

Quantum of Vote: Majority

**HIGH SCHOOL STADIUM COMPLEX RENOVATION DESIGN FEES
(PART 1 OF THE HIGH SCHOOL PREFERRED IMPROVEMENT PLAN)**

Proposed by: School Committee and Recreation Commission

Estimated Cost: \$202,000

MOVED: That the Town appropriate \$202,000 to be expended under the direction of the School Committee for design services for Part 1 of the Wayland High School Facility Strategic Master Plan (High School Athletic Preferred Improvement Plan-Stadium Complex Renovation), and provide for said appropriation by transferring \$50,000 from the Recreation Revolving Fund Turf Account and \$152,000 from free cash.

ARTICLE 10 (Warrant Page 20)

Quantum of Vote: Majority

**HIGH SCHOOL TENNIS COURTS / SOFTBALL FIELD
RECONSTRUCTION DESIGN FEES (PART 2 OF THE HIGH SCHOOL
PREFERRED IMPROVEMENT PLAN)**

Proposed by: School Committee and Community Preservation Committee

Estimated Cost: \$126,000

MOVED: That the Town appropriate \$126,000 to be expended by the School Committee to prepare the design for Part 2 of the High School Athletic Preferred Improvement Plan (tennis courts/grass softball swap and reconstruction, outdoor basketball and volleyball courts, and related parking), and provide for said appropriation by transferring \$126,000 from the Community Preservation Fund's Uncommitted fund for recreational purposes.

ARTICLE 11 (Warrant Page 23)

**Quantum of Vote: 2/3 for
appropriations from the
Recreation Stabilization Fund**

**SYNTHETIC TURF FIELD AT LOKER CONSERVATION &
RECREATION AREA DESIGN FEES**

Proposed by: Recreation Commission

Estimated Cost: \$154,000

MOVED: That the Town appropriate \$154,000 to be expended under the direction of the Wayland Recreation Commission for design services for the development of a synthetic turf field at the Loker Recreation site per the Wayland Recreation Commission Field Development Master Plan, and provide for said appropriation by transferring \$154,000 from the Recreation Stabilization Fund.

**NON-MEDICAL/RECREATIONAL MARIJUANA MORATORIUM –
TEMPORARY MORATORIUM ZONING BYLAW AMENDMENT**

Proposed by: Youth Advisory Committee

MOVED: That the Town vote to amend the Code of the Town of Wayland, Chapter 198 – Zoning, as listed in Article 12 on Page 28 of the Warrant for the November 2017 Special Town Meeting 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, independent testing laboratory, 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 December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

ARTICLE 13 (Warrant Page 31)

Quantum of Vote: Majority

**APPROPRIATE FUNDS TO RESTORE/PRESERVE STONE PILLARS AT
CASTLE GATE ROAD AND WEST PLAIN STREET**

**Proposed by: Community Preservation
Committee**

Estimated Cost: \$12,000

MOVED: That the Town appropriate \$12,000 to be expended to restore and preserve the Town-owned stone pillars at Castle Gate Road and West Plain Street, and provide for said appropriation by transferring \$12,000 from the Community Preservation Fund's Historic Preservation Fund.

ARTICLE 14 (Warrant Page 32)

**Quantum of Vote:
2/3 for Borrowing**

**APPROPRIATE FUNDS TO INSTALL WESTON AQUEDUCT
PEDESTRIAN CROSSINGS**

Proposed by: Conservation Commission

Estimated Cost: \$98,500

MOVED: that the Town appropriate \$98,500 to be expended by the Conservation Commission for the costs of construction to install pedestrian crossings at the locations where the Weston Aqueduct trail crosses roadways at: 1. Old Connecticut Path; 2. Pine Brook Road; and 3. Stonebridge Road, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$98,500 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, or any other enabling authority, 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.

ARTICLE 15 (Warrant Page 33)

Quantum of Vote: Majority

107 OLD SUDBURY ROAD DEMOLITION

Proposed by: Board of Public Works

Estimated Cost: \$100,000

MOVED: That the Town appropriate \$100,000 to be expended by the Department of Public Works to pay for the demolition of the structure and appurtenances at 107 Old Sudbury Road for the purpose of water resource protection and potential upgrade of the Town's Baldwin Pond water treatment plant, and provide for said appropriation by transferring \$100,000 from the Water Enterprise Fund.

DATE: NOVEMBER 6, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: REQUESTS FROM COUNCIL ON AGING

REQUESTED ACTION

DETERMINE ANY NEXT STEPS ON COUNCIL ON AGING COMMUNITY CENTER PROJECT

BACKGROUND:

The Board received a request from Bill Sterling on behalf of the Council on Aging as follows:

1. Board of Selectmen was asked to re-convene COA – CC Committee to complete COA – CC cost estimation. (Requires 6-8 weeks to produce warrant article by mid-January article due date)
2. Board of Selectmen is asked to recommend support to the Finance Committee for funding for \$375,000 (or as adjusted for updated number) for FY 19 and maintain the \$5,000,000 for construction in 2020 in the 5 year capital plan.
3. Board of Selectmen is asked to authorize a contract with Kang Associates to confirm COA and Recreation space needs to prepare for warrant article and include in bid documents.

Bill Sterling will attend your meeting.

STAFF RECOMMENDATION:

1. The Board of Selectmen considers when and whether to:
 - Re-convene the COA / CC Advisory Committee,
 - Consider whether the membership for a re-convened COA – CC Advisory Committee can go forward if the former members are willing to serve. (There will be at least one at-large vacancy)
 - Adopt an updated COA / CC Advisory Committee charge (The existing charge was fulfilled by the COA / CC):
 - Mr. Sterling has provided the attached updated COA – CC Charge
2. The Facilities Director and Procurement Officer will prepare a contract (pending procurement requirement review) with to: 1) assist COA / CC in recommending any changes to the 2016 space study and 2) prepare a Conceptual Design based on an updated space study.
3. The re-convened COA / CC will make a recommendation to the Board of Selectmen for an Annual Town Meeting article to request design funds. This may require a recommendation to request a debt or capital exclusion.

UPDATE:
COUNCIL ON AGING/COMMUNITY CENTER
ADVISORY COMMITTEE
DRAFT 11-2-17

Mission: Commitment to provide improved quality, functional and dedicated space for our CoA offices and activity rooms, and through coordinated scheduling by the CoA, to serve as additional meeting/function space for Recreation Department programs and community events for the public in general.

The Council on Aging/Community Center (CoA/CC) Advisory Committee was formed to meet these goals.

The Board of Selectmen (BoS) first established the CoA/CC in November 2014. The charge has been updated and revised following the completion of each stage of the project using feedback from Town Meeting.

The first Phase of the charge to the committee was to provide a recommendation to the BoS about acquiring the municipal parcel, the need for a CoA/CC and to bring/prepare the Articles for 2015 ATM. The second Phase, evaluation of the need for a second structure, was completed.

ATM 2015 Article 25 Acquire Municipal Parcel [required 2/3 quantum of vote to pass]	Failed; vote 148-80
ATM 2015 Article 26 Fund Due Diligence and Feasibility Design	Passed; vote 268-140

The second charge in May 2015 requested that the committee continue its work. The Committee's work included: conducting a review of site conditions including environmental site assessments, identifying permitting needs, confirming program requirements, and creating conceptual and schematic designs for a facility on the proposed municipal pad at Town Center.

Based on its work, the Committee recommended an Article to the BoS for STM November 2015 vote to acquire the municipal parcel.

STM Nov 2015 Article 3 Acquire Municipal Parcel	Passed; vote 395-163
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The Committee continued its work to complete the request of ATM 2015 Article 26 to continue program development and to prepare for an ATM 2016 funding request for design, construction and bidding documents.

ATM 2016 Article 21 Appropriate Funds Thru Bidding [required 2/3 quantum of vote to pass]	Failed; vote 165-115
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Upon completing the additional due diligence environmental work required by 2015 ATM, the Board of Selectmen shall complete its work to obtain control of the municipal parcel (approximately 4 acres). This is anticipated to occur by mid-November 2017.

Concurrently, items remain to be completed from the May 2015 charge and the CoA/CC Committee should continue its advisory work to the Board of Selectmen including but not limited to the following:

- Project phasing: consider only the first phase of the project, consisting of renovations and Code compliance upgrades to the existing building with only minor additions such as enclosed vestibules (approximately 10,250 SF)
- Kang Associates to update the last report: compile updated program, outline specifications, engineering system narratives and identify approximate cost of construction
- Conservation: continue to work with the Conservation Commission to understand the environmental requirements/limitations on the proposed 4 acre municipal parcel; initiating re-flagging the river and wetlands boundaries
- Website management: make the CoA/CC documents on the town web site more easily accessible through better organization and labeling
- Make recommendation to BoS on timing and content of 2018 Annual Town Meeting Article
- Prepare project for transition to PMBC; recommendation on hiring an OPM

Expenditure of Town Meeting approved funds to be approved by the BoS after recommendation, review and approval by the Committee.

All environmental contracts and work will be managed through the Public Buildings Director.

The Committee is to be comprised of seven (7) voting members appointed by and serving at the pleasure of the Board of Selectmen, one each from the Council on Aging and the Recreation Commission (member or designee), and five residents of the Town. Some of the appointments will be based on professional, volunteer or vocational expertise with preference given to citizens possessing experience in any one of the following areas: conservation requirements, environmental regulations, community centers, building/construction, project management, construction law, building design and construction. Appointments should reflect various town demographics. The Town Administrator, Council on Aging Director, Recreation Director, and Public Buildings Director will serve as ex-officio non-voting members of the Committee.

After fulfillment of this charge, the Committee will provide a final report to the BoS, which summarizes the Committee's work and outcomes, after which the Committee will be disbanded, or its charge will be revised.

DATE: NOVEMBER 6, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: EXECUTION OF FINAL DOCUMENTS IN CONNECTION WITH THE DONATION OF LAND TO THE CONSERVATION COMMISSION

REQUESTED ACTION: VOTE TO AUTHORIZE THE BOARD OF SELECTMEN TO SIGN THE AGREEMENT AND QUITCLAIM DEED AND TO AUTHORIZE THE CHAIR OF THE BOARD OF SELECTMEN TO SIGN THE DONATION LETTER, IRS FORM 8283 AND THE SETTLEMENT STATEMENT TO ACCEPT "LOT 8" FROM WAYLAND MEADOWS

BACKGROUND:

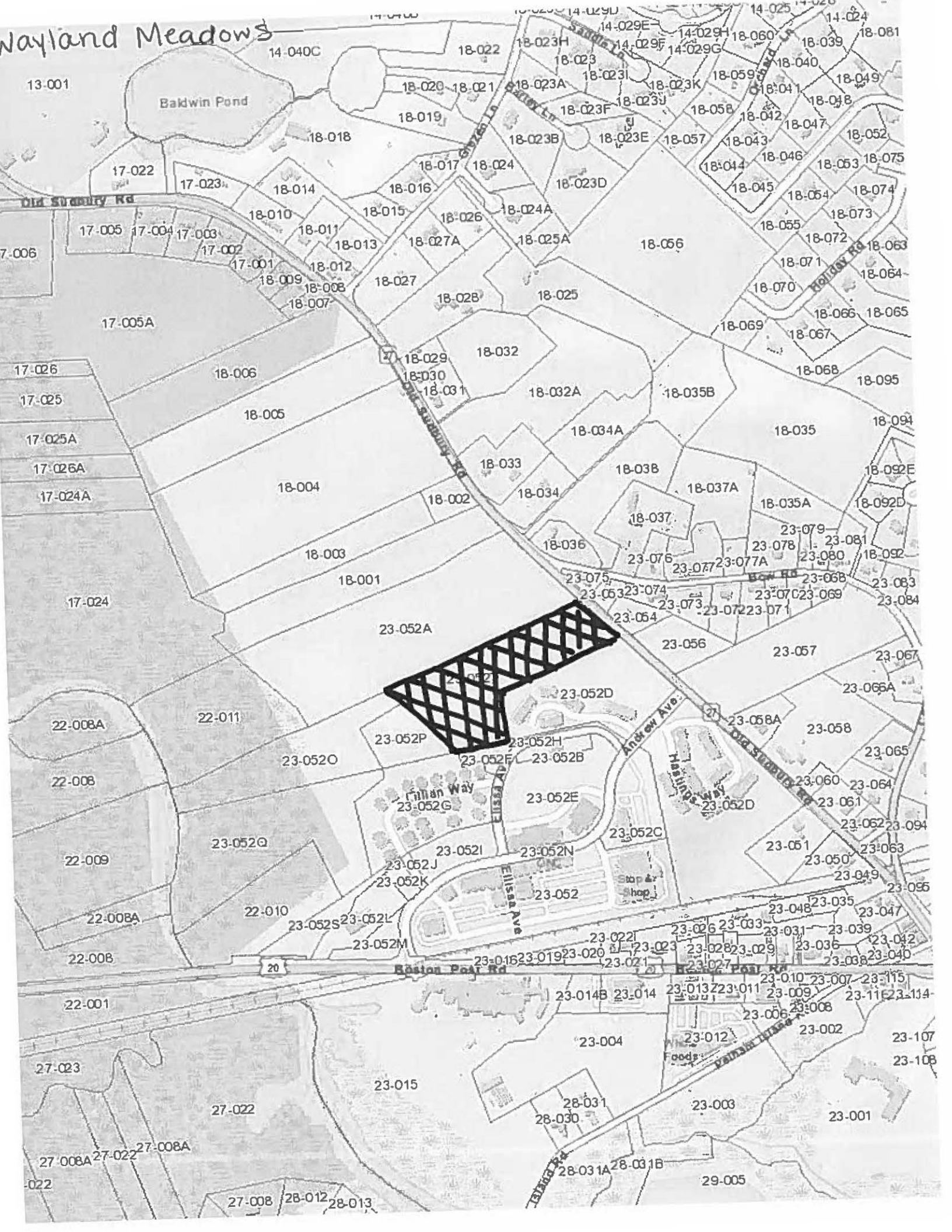
On April 24, 2017, the Board of Selectmen and Wastewater management District Commission signed a Payment In Lieu of Benefit (PILOB) Agreement to transfer 820 gallons per day of sewer capacity for 5 Concord Road. The PILOB Agreement is contingent upon the transfer of sewer capacity and and the donation of Wayland Meadows' Lot 8 as open space to the Conservation Commission.

All terms of the gift agreement are now acceptable to all parties and settlement is scheduled for Friday November 17th.

Signatures are requested on the following attached documents prepared by Town Counsel:

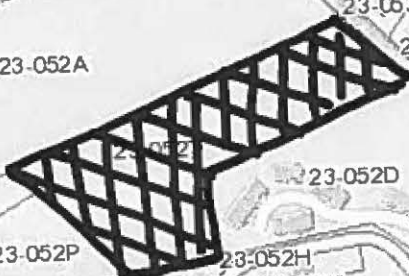
1. **Agreement:** The Agreement must be executed by the Board of Selectmen, the Conservation Commission and the Wastewater Management District Commission.
2. **Quitclaim Deed:** The Deed must be signed and notarized by the Conservation Commission and the Board of Selectmen.
3. **Donation Letter:** This document should be signed by the Chair of the Board.
4. **IRS Form 8283:** This IRS form is signed by Chair of the Board.
5. **Settlement Statement:** This document is also signed by the Chair of the Board.

Nayland Meadows



Baldwin Pond

Old Summary Rd



Millan Way

Elissa Ave

Andrew Ave

Hastings Way

Boston Post Rd

Foods

Stop & Shop

27-008A 27-022 27-008A

27-008 28-012 28-013

28-031 28-030 28-031A 28-031B

29-005

AGREEMENT
between
WAYLAND MEADOWS, LLC
and
TOWN OF WAYLAND

This Agreement is dated as of November __, 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”), both having an address of 41 Cochituate Road, Wayland, Massachusetts 01778 (collectively, the “Town”), with respect to (1) surplus unused sewer capacity relative to the connection of the Project to the Plant (as such terms are hereinafter defined); and (2) certain vacant land, shown as Lot 8 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, also referred to as Town of Wayland Assessor’s Parcel 023-052T (“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”)

on the land then shown on Assessors Map 23, as Parcels 52D, 52E, 52G, 52H, 52, 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 54521, Page 444 and filed with the South Middlesex Land Court Registry District as Document 1529383 with Certificate of Title 246145, 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

WHEREAS, the Owner owns Lot 8 and wishes also to donate said lot to the Town.

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

1. Transfer of Sewer Capacity. Effective as of November 17, 2017, the Owner hereby agrees to relinquish and transfer to the WWMDC, and the WWMDC hereby agrees to accept from the Owner, 380 gallons per day of unused surplus design flow sewer capacity allocated to the Project (the “Surplus Capacity”).

2. Donation of Lot 8. The Owner hereby agrees to convey, for no consideration, Lot 8 to the Town, acting by and through its Conservation Commission, and the Town hereby agrees to accept such conveyance of Lot 8, subject to the following terms and conditions:

(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 Lot 8 for conservation purposes.

It is understood and agreed by the parties that Lot 8 shall not be in conformity with the foregoing 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 to 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.

(b) 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;

(c) 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; provided, however, that the Town shall be solely responsible, at its sole cost and expense for any damage to Lot 8 or the Owner's adjacent property caused by the Town or its agents and for any losses incurred by the Owner as a result of the Town's activities hereunder;

(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.

(e) THE TOWN HEREBY ACKNOWLEDGES AND AGREES THAT LOT 8 IS BEING CONVEYED TO THE TOWN "AS IS", "WHERE IS" AND "WITH ALL FAULTS," WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER AS TO ITS CONDITION, INCLUDING, WITHOUT LIMITATION, ITS ENVIRONMENTAL CONDITION. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, IN NO EVENT SHALL THE OWNER HAVE ANY OBLIGATION HEREUNDER TO UNDERTAKE ANY CURATIVE ACTION WITH RESPECT TO ANY CONDITION OF LOT 8, INCLUDING, WITHOUT LIMITATION, ITS ENVIRONMENTAL CONDITION. THE PROVISIONS OF THIS SECTION 2(e) SHALL SURVIVE THE CLOSING.

3. **Closing.** The conveyance of Lot 8 to the Town (the "Closing") shall take place on a date designated by the Town by five (5) business days' prior written notice to the Owner, which date shall, in any event, be no later than November 30, 2017. At the Closing, the Owner shall deliver a duly-executed deed to Lot 8 to the Town, and the Town shall deliver to the Owner Internal Revenue Form 8283, attached hereto as Exhibit

A, and a letter confirming the charitable nature of the Owner's conveyance of Lot 8 to the Town in accordance herewith, substantially in the form attached hereto as Exhibit B.

Time shall be of the essence hereof.

4. Remedies. The parties agree that, there being no adequate remedy at law for breach of this Agreement, it may be specifically enforced (subject to the limitations set forth in Section 2(e) above). Notwithstanding the foregoing, the Town shall not be responsible for any incidental or consequential damages incurred by Owner in connection with this transaction.

5. 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 successors and assigns.

6. 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.

7. 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.

8. **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.

9. **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.

(Balance of Page Intentionally Left Blank; Signatures on Next Page)

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

By: _____
Donald A. Levine, President

Wayland Wastewater Management District
Commission

Wayland Conservation Commission

Wayland Board of Selectmen

Lea Anderson, Chair

Cherry C. Karlson, Vice Chair

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

EXHIBIT A
INTERNAL REVENUE FORM 8283

(SEE ATTACHED)

EXHIBIT B

TOWN OF WAYLAND CHARITABLE DONATION LETTER

November 17, 2017

Wayland Meadows LP, As Sole Member of
Wayland Meadows LLC
145 Rosemary Street, Suite E
Needham, MA 02494

Re: Wayland – Charitable Donation (Wayland Meadows LP)

Dear Sir/Madam:

On behalf of the Town of Wayland, I wish to thank you for your donation of 7.67 acres of land, located at 0 Old Sudbury Road, Wayland, Massachusetts, received this day, November 17, 2017, from Wayland Meadows LP, as sole member of Wayland Meadows, LLC.

In exchange for this contribution, no goods or services have been provided.

I advise you to consult your accountant or tax professional with regard to this transaction.

Sincerely yours,
Town of Wayland

Lea Anderson, Chair of the
Wayland Board of Selectmen

QUITCLAIM DEED

WAYLAND MEADOWS LLC, a Delaware limited liability company, having an address of 145 Rosemary Street, Suite E, Needham, MA 02494 ("Grantor") for consideration paid of One Dollar (\$1.00), does hereby grant to the TOWN OF WAYLAND, a Massachusetts municipal corporation, acting by and through its Conservation Commission, pursuant to G.L. c. 40, §8C, having an address of 41 Cochituate Road, Wayland, MA 01778 ("Grantee")

with QUITCLAIM COVENANTS

that certain real property, consisting of 7.6645 acres, more or less, situated in Wayland, Massachusetts, being more particularly described as follows:

Being shown as Lot 8 on that certain plan of Wayland Town Center, entitled "Plan of Land in Wayland, MA, being a redivision of Land of Twenty Wayland, LLC," and being registered with the Middlesex County Registry, Division of the Land Court, as Land Court Plan # 17983-I. Also being shown as Lot 8 on that certain Plan of Land in Plan Book 2010, Plan #252.

Lot 8 is a portion of Lot 2 as shown on Land Court Plan # 17983-G filed with the Office of the Land Court Engineers on November 2, 2000. See also Deregistration of Lot 2, recorded in Book 54612, Page 314.

BEING A PORTION OF the premises as was conveyed to Wayland Meadows LLC from Wayland Meadows Development, Inc. by deed dated December 4, 2009 being recorded with the Middlesex County Registry of Deeds at Book 54521, Page 444 and by virtue of Certificate of Title No. 246145, in Registration Book 1382, Page 79.

The Grantor entity is not classified as a corporation for federal tax purposes for the current taxable year.

Executed as of the _____ day of October, 2017.

WAYLAND MEADOWS LLC, a Delaware
limited liability company

By: Wayland Meadows Corporation, a
Massachusetts corporation, its Manager

By: _____
Donald Levine, President

By: _____
Lewis Heafitz, Treasurer

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF SUFFOLK)

Before me, on this ____ day of _____, 2017, the undersigned notary public, personally appeared Donald Levine, President of Wayland Meadows Corporation, in its capacity as manager of Wayland Meadows LLC, who proved to me through satisfactory evidence which is personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, in such capacity.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF SUFFOLK)

Before me, on this ____ day of _____, 2017, the undersigned notary public, personally appeared Lewis Heafitz, Treasurer of Wayland Meadows Corporation, in its capacity as manager of Wayland Meadows LLC, who proved to me through satisfactory evidence which is personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, in such capacity.

Notary Public
My commission expires:

ACCEPTANCE BY CONSERVATION COMMISSION

The Town of Wayland, acting by and through its Conservation Commission pursuant to the authority granted by G.L. c.40, §8C, hereby accepts the care, custody, management and control of property described in a deed from Wayland Meadows LLC on this 16th day of November, 2017.

TOWN OF WAYLAND,
By its Conservation Commission

Sherre Greenbaum, Chair

Barbara Howell, Vice Chair

Joanne B. Barnett

Sean P. Fair

Thomas Klem

Thomas Davidson

John Sullivan

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 16th day of November, 2017, before me, the undersigned Notary Public, personally appeared _____, member of the Wayland Conservation Commission, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Conservation Commission of the Town of Wayland.

Notary Public
My Commission Expires:

APPROVAL BY BOARD OF SELECTMEN

On this 6th day of November, 2017, the Town of Wayland, acting by and through its Board of Selectmen, hereby approves the acceptance by the Wayland Conservation Commission of a deed from Wayland Meadows LLC, said property to be under the care, custody, management and control of the Wayland Conservation Commission, under the provisions of G.L. c. 40, §8C.

TOWN OF WAYLAND,
By its Board of Selectmen

Lea Anderson, Chair

Cherry C. Karlson, Vice Chair

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 6th day of November, 2017, before me, the undersigned Notary Public, personally appeared _____, member of the Wayland Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Wayland.

Notary Public
My Commission Expires:



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
DOUGLAS A. LEVINE

November 17, 2017

Wayland Meadows LP, As Sole Member of
Wayland Meadows LLC
145 Rosemary Street, Suite E
Needham, MA 02494

Re: Wayland – Charitable Donation (Wayland Meadows LP)

Dear Sir/Madam:

On behalf of the Town of Wayland, I wish to thank you for your donation of 7.67 acres of land, located at 0 Old Sudbury Road, Wayland, Massachusetts, received this day, November 17, 2017, from Wayland Meadows LP, as sole member of Wayland Meadows, LLC.

In exchange for this contribution, no goods or services have been provided.

I advise you to consult your accountant or tax professional with regard to this transaction.

Sincerely yours,
Town of Wayland

Lea Anderson, Chair of the
Wayland Board of Selectmen

Noncash Charitable Contributions

▶ Attach to your tax return if you claimed a total deduction of over \$500 for all contributed property.

▶ Information about Form 8283 and its separate instructions is at www.irs.gov/form8283.

OMB No. 1545-0908

Attachment Sequence No. **155**

Name(s) shown on your income tax return

Identifying number

Wayland Meadows, LLC

27-1386178

Note. Figure the amount of your contribution deduction before completing this form. See your tax return instructions.

Section A. Donated Property of \$5,000 or Less and Publicly Traded Securities—List in this section only items (or groups of similar items) for which you claimed a deduction of \$5,000 or less. Also list publicly traded securities even if the deduction is more than \$5,000 (see instructions).

Part I Information on Donated Property—If you need more space, attach a statement.

1	(a) Name and address of the donee organization	(b) If donated property is a vehicle (see instructions), check the box. Also enter the vehicle identification number (unless Form 1098-C is attached).	(c) Description of donated property (For a vehicle, enter the year, make, model, and mileage. For securities, enter the company name and the number of shares.)
A		<input type="checkbox"/>	
B		<input type="checkbox"/>	
C		<input type="checkbox"/>	
D		<input type="checkbox"/>	
E		<input type="checkbox"/>	

Note. If the amount you claimed as a deduction for an item is \$500 or less, you do not have to complete columns (e), (f), and (g).

A	(d) Date of the contribution	(e) Date acquired by donor (mo., yr.)	(f) How acquired by donor	(g) Donor's cost or adjusted basis	(h) Fair market value (see instructions)	(i) Method used to determine the fair market value
B						
C						
D						
E						

Part II Partial Interests and Restricted Use Property—Complete lines 2a through 2e if you gave less than an entire interest in a property listed in Part I. Complete lines 3a through 3c if conditions were placed on a contribution listed in Part I; also attach the required statement (see instructions).

- 2a** Enter the letter from Part I that identifies the property for which you gave less than an entire interest ▶ _____
 If Part II applies to more than one property, attach a separate statement.
- b** Total amount claimed as a deduction for the property listed in Part I: (1) For this tax year ▶ _____
 (2) For any prior tax years ▶ _____
- c** Name and address of each organization to which any such contribution was made in a prior year (complete only if different from the donee organization above):
 Name of charitable organization (donee) _____
 Address (number, street, and room or suite no.) _____
 City or town, state, and ZIP code _____
- d** For tangible property, enter the place where the property is located or kept ▶ _____
- e** Name of any person, other than the donee organization, having actual possession of the property ▶ _____

	Yes	No
3a Is there a restriction, either temporary or permanent, on the donee's right to use or dispose of the donated property?	<input type="checkbox"/>	<input type="checkbox"/>
b Did you give to anyone (other than the donee organization or another organization participating with the donee organization in cooperative fundraising) the right to the income from the donated property or to the possession of the property, including the right to vote donated securities, to acquire the property by purchase or otherwise, or to designate the person having such income, possession, or right to acquire?	<input type="checkbox"/>	<input type="checkbox"/>
c Is there a restriction limiting the donated property for a particular use?	<input type="checkbox"/>	<input type="checkbox"/>

Name(s) shown on your income tax return Wayland Meadows, LLC	Identifying number 27-1386178
--	---

Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)—Complete this section for one item (or one group of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). Provide a separate form for each property donated unless it is part of a group of similar items. An appraisal is generally required for property listed in Section B. See instructions.

Part I Information on Donated Property—To be completed by the taxpayer and/or the appraiser.

- 4** Check the box that describes the type of property donated:
- | | | | |
|---|---|---|---|
| a <input type="checkbox"/> Art* (contribution of \$20,000 or more) | d <input type="checkbox"/> Art* (contribution of less than \$20,000) | g <input type="checkbox"/> Collectibles** | j <input type="checkbox"/> Other |
| b <input type="checkbox"/> Qualified Conservation Contribution | e <input checked="" type="checkbox"/> Other Real Estate | h <input type="checkbox"/> Intellectual Property | |
| c <input type="checkbox"/> Equipment | f <input type="checkbox"/> Securities | i <input type="checkbox"/> Vehicles | |

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	7.67 acres of land, 0 Old Sudbury Rd, Wayland, MA	vacant, undeveloped land (see appraisal report d. 10/17)	1,300,000 00
B			
C			
D			

A	(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	See instructions	
					(h) Amount claimed as a deduction	(i) Date of contribution
A	10/1997	Deed/purchase	25,000	0.00		
B						
C						
D						

Part II Taxpayer (Donor) Statement—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ▶

Signature of taxpayer (donor) ▶ _____ Date ▶ _____

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6695A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign Here Signature ▶ _____ Title ▶ _____ Date ▶ _____

Business address (including room or suite no.) PO Box 175 City or town, state, and ZIP code Southborough, MA 01772	Identifying number
---	--------------------

Part IV Donee Acknowledgment—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ▶ _____

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file Form 8282, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ▶ Yes No

Name of charitable organization (donee) Town of Wayland Address (number, street, and room or suite no.) 41 Cochituate Road Authorized signature	Employer identification number City or town, state, and ZIP code Wayland, MA 01778 Title _____ Date _____
---	---

SETTLEMENT STATEMENT

Parties: Wayland Meadows LLC ("Seller")

TOWN OF WAYLAND, a Massachusetts municipal corporation, acting by and through its Conservation Commission ("Buyer")

Closing Date: November 17, 2017

<u>Purchase Amount:</u>	GIFT
<u>Closing Costs:</u>	
Bonaccorso & Assoc. (policy, title exam, recording fees, etc.)	1,947.00
Precision Corporate Services (good standing certificates)	213.00
Wayland Real Estate Taxes (7/1–11/16/17 @ 31.995/day x 138)	<u>4,415.31</u>
Total Costs to Close	\$6,575.31
Less costs to be paid by Town of Wayland	<u>(500.00)</u>
<u>Total Due from Seller</u>	<u>\$6,075.31</u>

SIGNATURES ON FOLLOWING PAGE

Settlement Statement Signature Page.

SELLER:

WAYLAND MEADOWS LLC, a Delaware limited liability company

By: Wayland Meadows Corporation, a Massachusetts corporation, its Manager

By: _____
Donald Levine, President

BUYER:

TOWN OF WAYLAND

By: _____
Lea Anderson, Chair of the
Wayland Board of Selectmen



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
DOUGLAS A. LEVINE

November 7, 2017

Mr. and Mrs. Thomas D. Greenaway
26 Jeffrey Road
Wayland, MA 01778

Re: Open Space at 52-60 Rice Road (Wayland, Massachusetts)

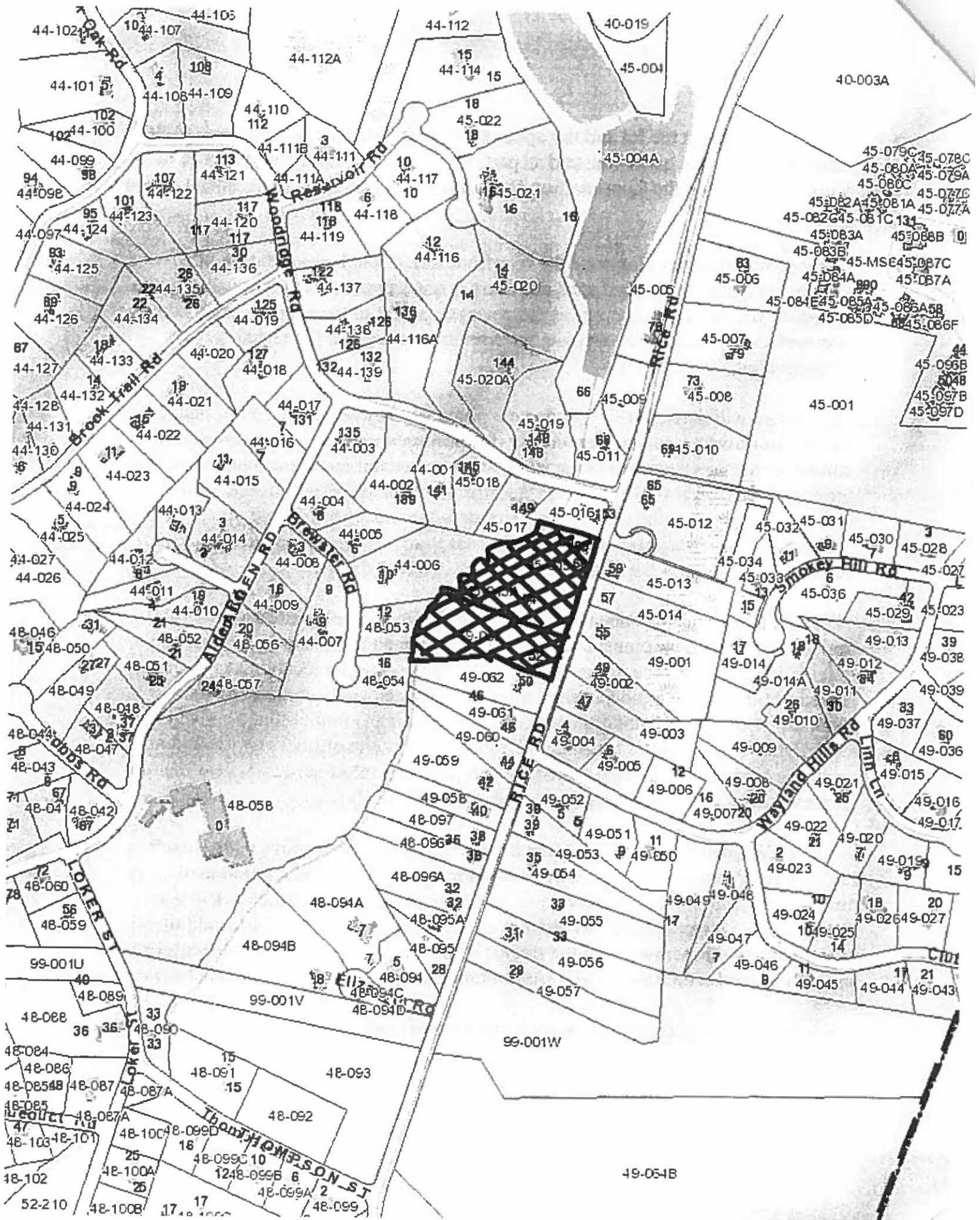
Dear Mr. and Mrs. Greenaway:

The Wayland Board of Selectmen acknowledges your conveyance to the Town of Wayland, acting by and through its Conservation Commission, of a parcel of "Open Space," containing 2.32 acres, more or less, shown on a plan entitled "Proposed Land Plan of #52-60 Rice Road in Wayland, MA," dated July 20, 2017, recorded with the Middlesex South District Registry of Deeds as Plan 728 of 2017. Aside from the nominal consideration noted in the deed for the Open Space parcel, the Town did not receive any goods or services for said parcel.

Very truly yours,

Lea Anderson, Chair
Wayland Board of Selectmen

52-62 Rice Road Cons. Cluster



QUITCLAIM DEED

We, **THOMAS D. GREENAWAY (a/k/a Thomas Greenaway)** and **SARAH M. GREENAWAY (a/k/a Sarah Greenaway)**, a married couple, of 26 Jeffrey Road, Wayland, Massachusetts 01778, for consideration paid of One Dollar (\$1.00), do hereby grant to the **TOWN OF WAYLAND**, a Massachusetts municipal corporation, acting by and through its Conservation Commission, pursuant to G.L. c. 40, §8C, having an address of 41 Cochituate Road, Wayland, Massachusetts 01778 ("Grantee")

with QUITCLAIM COVENANTS

A certain parcel of land situated in Wayland, Middlesex County, Massachusetts, and being shown as "Open Space" on a plan entitled, "Proposed Land Plan of #52-60 Rice Road, Wayland, MA," Owners: Tom and Sarah Greenaway, dated July 20, 2017, prepared by Sullivan, Connors and Associates, recorded with the Middlesex South District Registry of Deeds as Plan No. 728 of 2017. Said parcel contains 100,988+/- square feet (2.32 acres) of land, according to said plan to which reference is hereby made for a more particular description.

Said parcel is conveyed together with the right of the Grantee and the public to use the "15' Wide Open Space Access Easement" located upon Lot 4, for pedestrian access shown on said plan for passage to and from Rice Road to the parcel described above, in common with all others entitled thereto, and subject to the rights of the owners of Lots 3, 4 and 5 on said plan to use the Common Driveway Easement also shown on said plan. The owners of Lots 3, 4 and 5 shall maintain, repair and replace the access easement in accordance with the terms and provisions of the Common Driveway Easement Maintenance Agreement, recorded with the Middlesex South District Registry of Deeds in Book _____, Page _____, and with the rules and regulations, directions and guidelines of the Wayland Conservation Commission from Rice Road to the terminus of the Common Driveway Easement, at which point responsibility

PROPERTY ADDRESS: Open Space, Rice Road, Wayland, MA

for the maintenance, repair and replacement of the access easement shall be the responsibility of the Wayland Conservation Commission.

For Grantors' title see deed dated May 12, 2016 and recorded with the Middlesex South District Registry of Deeds in Book 67289, Page 25; deed dated June 18, 2014 and recorded with the Middlesex South District Registry of Deeds in Book 63774, Page 456 and deed dated August 25, 2006 and recorded with the Middlesex South District Registry of Deeds in Book 48050, Page 534.

The Grantors hereby release any and all rights of homestead in said premises and certify under the pains and penalties of perjury that there are no other persons entitled to protection of the Homestead Act.

****signatures on following page****

WITNESS our hands and seals this _____ day of October, 2017.

Thomas D. Greenaway

Sarah M. Greenaway

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ___ day of October, 2017, before me, the undersigned notary public personally appeared the above named Thomas D. Greenaway and Sarah M. Greenaway who proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

ACCEPTANCE BY CONSERVATION COMMISSION

The Town of Wayland, acting by and through its Conservation Commission pursuant to the authority granted by G.L. c. 40, §8C, hereby accepts the care, custody, management and control of property described in a deed from Thomas D. Greenaway and Sarah M. Greenaway on this 16th day of November, 2017.

TOWN OF WAYLAND,
By its Conservation Commission

Sherre Greenbaum, Chair

Tom Klem

Joanne B. Barnett

Sean P. Fair

Barbara Howell

Thomas Davidson

John Sullivan

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 16th day of November, 2017, before me, the undersigned Notary Public, personally appeared _____, member of the Wayland Conservation Commission, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Conservation Commission of the Town of Wayland.

Notary Public
My Commission Expires:

APPROVAL BY BOARD OF SELECTMEN

On this 7th day of November, 2017, the Town of Wayland, acting by and through its Board of Selectmen, hereby approves the acceptance by the Wayland Conservation Commission of a deed from Thomas Greenaway and Sarah Greenaway, said property to be under the care, custody, management and control of the Wayland Conservation Commission, under the provisions of G.L. c. 40, §8C.

TOWN OF WAYLAND,
By its Board of Selectmen

Lea Anderson, Chair

Cherry C. Karlson, Vice Chair

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 7th day of November, 2017, before me, the undersigned Notary Public, personally appeared _____, member of the Wayland Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Wayland.

Notary Public
My Commission Expires:



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
DOUGLAS A. LEVINE

DRAFT

Board of Selectmen

Meeting Minutes

October 23, 2017

7:15pm

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

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Douglas A. Levine, Luis M. Jurist
(arrived 7:35)

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair, Announcements Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:15 p.m. in the Large Hearing Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

L. Anderson announced that the Town received a notice from MassWorks about the Infrastructure Grant Program and should plan on a visit and presentation Oct. 31 at 2pm. The Town applied for water main work on Rout 20. More details will be shared when they become available.

A2. Public Comment None.

A3. Rivers Edge: Vote to extend period of Land Disposition Agreement. Town Engineer Paul Brinkman came before the Board to explain why the extension was needed, citing the discovery of asbestos containing materials in the soil stockpile on the site. He explained the Town's next steps and process going forward.

C. Karlson moved, seconded by M. Antes to Vote to Authorize the Town Administrator to Sign a First Amendment to Land Disposition Agreement in Substantially the Same Form as Presented. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

N. Balmer thanked the Board of Public Works and the DPW Director for lending the assistance of the Town Engineer to the River's Edge project.

A6. Minutes: Review and Vote to Approve Minutes of September 27 and October 2 M. Antes moved, seconded by D. Levine, to approve the minutes of September 27, 2017. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0-0.

M. Antes moved, seconded by D. Levine, to approve the minutes of October 2, 2017 as amended. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: Adopted 4-0-0.

A7. Consent Calendar: Review and Vote to Approve (See Separate Sheet) M. Antes moved, seconded by C. Karlson to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0-0

L. Jurist joined the meeting.

A4. Private Roads: Presentation, discussion, and public comment on maintenance and plowing policies; Potential vote to adopt a policy on private roads and vote to designate for snow removal private roads open to public use

Town Counsel Amy Kwesell joined the Board for this discussion. BoPW Chair W. Baston and M. Lowery gave a presentation about Wayland's history of plowing private roads and the considerations taken into account while creating its draft policy. Safety of drivers and residents is of primary concern. D. Levine asked the BoPW to go into detail about the public safety issues for the DPW plow drivers. He also asked if there were any private roads that could become public and the process to accomplish that. DPW Director T. Holder said it's difficult and unlikely for private roads to become public ways since there are specific standards and meeting those would be very costly for abutters. He said there have been accidents by plowing these roads. The reason the BoPW has drafted a policy for the Selectmen is to have consistency in the Town's plowing practices. N. Balmer explained the prior insurance incident related to plowing a private way. Town Counsel A. Kwesell said the State's position is that towns cannot spend public funds on private property. KPLaw is dealing with this same issue in other communities.

Cathy Balben, 7 and 9 Quincy Rd, read a statement by an attorney about private ways and asked what has changed since 1982. She also requested a copy of town counsel's statement on plowing private ways.

Randy Kilmon, 11 Corman's Lane, stated it was disingenuous to say there is a safety concern and said it all comes down to money.

Gil Wolin, West Plain St., said the Board's primary responsibility is of the safety of the residents and this is what their tax dollars pay for. He urged the Board to vote to pave all private ways.

Kara Harvey, 8 Wampum Path, feels the backing up policy is unreasonable language and noted there is a public facility located on Wampum Path. She would like to better understand the difference between an easement and a right of way.

Malcolm Astley, 147 Boston Post Rd., went over the highlights of his handout describing his problems with the policy.

Dan Burke, 143 Boston Post Rd., stated he's disappointed about the insurance excuse and said plows today have equipment that make them capable of plow smaller roads.

Michael VanRooyen, 18 Audubon Rd., stated that Audubon Road is a paved two lane road that leads to a public access area (conservation land) and should be plowed by the Town.

David Noble, 4 Winthrop Place, has safety concerns for his family if their way is not plowed and also asked if any additional safety devices can go on the plow trucks.

Hope Podell, 7 Jennison Rd., stated they move their cars in the driveway to make way for the plows and this new policy would cause financial stress on her family.

Ted Vassallo, 3 Pine Rd., asked why the Town is looking to reduce the services to some taxpayers without reducing the tax rate commensurately.

Doug Leard, 48 Pemberton Rd., and chair of the Emergency Planning Committee, discussed the safety issue of not plowing residential areas and his experience with emergency preparedness. He also expressed concern about increased costs for homeowners.

Brad Wilkerson, Hereford Rd., said there's an inconsistency with the definitions of some of the roads, specifically in how easement and private road are applied. He also asked about the steps to become a public road.

Brian Bell, 205 West Plain St., stated he lost plowing services from the Town two years ago and found it hard to find a good plow service. He also questioned the DPW's ability to change equipment to make it safer to plow these ways.

Ken Chase, 33 High Rock Rd., lost plowing services in 2015 and was notified in the end of November and the cost has been a burden. He would also like to understand the definition of a turnaround and suggested changing plowing equipment.

T. Holder defined the types of turnarounds. M. Lowery thanked everyone who came out tonight and noted that this is a draft policy. He said the BoS and BoPW will discuss this and think about it. D. Levine asked about ownership of private ways with more than one abutter. Town Counsel A. Kwesell reiterated that public funds cannot be used for private property. She said the Inspector General's office gets involved and there could be an investigation. The list of roads is supposed to be looked over annually according to the statute. The Board decided it would review the policy in light of tonight's public comment, be sensitive to equity and make a decision that is right and fair for all residents. The Board said the policy wouldn't be implemented until the spring and residents will have a chance to appeal. C. Karlson asked T. Holder to let the Board know if there is something it can do to make plowing safer – including a financial commitment.

A5. Special Town Meeting Articles: Discuss and vote positions and revisions, including but not limited to:

- **Article 1: Pay Previous Fiscal Years Unpaid Bills** There have been additional unpaid bills added to the Article. C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen vote to insert and support Article 1, Pay Previous Fiscal Years Unpaid Bills, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article 11: Synthetic Turf Field at Loker Conservation and Recreation Area Design Fees** D. Levine and C. Karlson discussed their concerns regarding this article from a workflow and money perspective. L. Jurist moved, seconded by C. Karlson, that the Board of Selectmen vote to support Article 11, Synthetic Turf Field at Loker Conservation and Recreation Area Design Fees. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article 14: Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings** N. Balmer updated the Board that this article is eligible for CPC funds which is new information from the last meeting and discussion. The Board decided to wait for more information and put on this on an agenda before Special Town Meeting.

A8. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson stated she was sad to see Michael Patterson stepping down from the Wayland Community Fund. C. Karlson asked about the Town's process of reviewing Affordable Housing Units and why only one was in the packet. L. Anderson said the Vigil for Domestic Violence was a nice community event.

A9. Report of the Town Administrator:

- **Payroll** The implementation of "outsourced" payroll has been delayed at the recommendation of a municipal financial consultant. She said there are a lot of unanswered questions about payroll and many staff functions won't change with outsourced payroll reducing any potential savings. She said E. Doucette is doing the research and N. Balmer hopes to make a decision in the coming weeks.
- **Cable Advisory Committee** N. Balmer stated that Wayland will begin Comcast negotiations soon and the Board may want to re-constitute a Cable Advisory Committee. D. Porter will act as a liaison

between the Board and the Cable Advisory Committee. The Board may also want to look at the Verizon license that expires in 2023 at the same time.

- **Council on Aging Letters** N. Balmer described the three letters from the COA received at the last meeting and outlined the requests. L. Anderson said she is inclined to get the planning appropriation for a new COA facility done at Annual Town Meeting if possible. N. Balmer said she will set up a meeting with B. Sterling to discuss this.
- **FY19 Budget Process** N. Balmer provided answers to the Board's questions from the Oct. 10 BOS meeting regarding the FY19 operating budgets. N. Balmer said she has asked the Finance Director to talk to the Board about the multi-year financial plan and FY19 budget guidelines. She said she makes final comments on all budgets by January 15. N. Balmer stated that the Board has the responsibility of deciding whether to place a debt exclusion on the ballot. C. Karlson said she was looking for an overall budget message and approach from N. Balmer to support the detailed operating budget requests. N. Balmer said she will create a brief memo to the Board.

A10. Selectmen's Reports and Concerns M. Antes briefly discussed the MAPC meeting, a MetroWest meeting and the Saturday MMA Selectmen's meeting she attended. She specifically discussed the community engagement component of the MMA Selectmen's meeting. She also announced meetings that are coming up in the future.

A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A12. Adjourn There being no further business before the Board, D. Levine moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:56p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 23, 2017

1. Letter from N. Abend, re: Historical perspective on the plowing of private roads
2. Letter from K. Harvey, Director of Constance Rose House, re: Proposed removal of Wampum Path from maintenance of snow and ice (with enclosures)
3. "Questions and Responses Regarding DPW Report on Roads of 10.18.17 Re 'How We got Here'" from Malcolm Astley
4. Two photographs of plot plans on Jennison Road, submitted by D. Gilbreath and H. Podell
5. Draft Fiscal Year 2019 Operating Budget

Items Included as Part of Agenda Packet for Discussion During the October 23, 2017 Board of Selectmen's Meeting

1. Amended Rivers Edge Land Disposition Agreement
2. Memorandum from N. Balmer, re: Private Roads
3. Draft PowerPoint Presentation, Board of Public Works & DPW, "Private Roads Policy: Snow & Ice Removal," October 23, 2017
4. Draft "Residential Private Road Snow & Ice Policy"
5. List of Private Roads in Wayland
6. Chart of comparative policies on plowing and maintaining private roads in peer communities
7. Memorandum from N. Balmer, re: Special Town Meeting Articles
8. Draft of Special Town Meeting Article 1: Pay Previous Years Unpaid Bills
9. Draft of Special Town Meeting Article 11: Synthetic Turf Field at Loker Conservation & Recreation Area Design Fees
10. Email from Town Counsel, K. Klein, re: CPA funding for pedestrian crossings at Weston Aqueduct

11. Draft of Special Town Meeting Article 14: Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings
12. Draft Minutes – Board of Selectmen, September 27, 2017
13. Draft Minutes – Board of Selectmen, October 2, 2017
14. Town Administrator's Report for Week Ending October 20, 2017
15. Summary of Principal Terms of Proposed Comcast Renewal License

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING NOVEMBER 3, 2017**

1. CORRESPONDENCE

No comments

- 2. HOUSING UPDATE:** A meeting of the Chairs of the Housing Partnership, Affordable Housing Trust, and Board of Selectmen was held to review housing support services that could be provided to the town by the Wayland Housing Authority and the Regional Housing Services Office. It was agreed to move forward with a potential collaboration between WHA and RHSO to provide comprehensive affordable housing monitoring and general housing staff support under the CPA grant awarded to the Selectmen for this purpose. As part of the plan, the Selectmen may be asked to enter into a contract with WHA for monitoring and join the RHSO Inter-Municipal Agreement for general technical support.
- 3. REORGANIZATION:** John Senchyshyn is leading re-organization efforts that we expect to result in shared wastewater staff support and a single contract operator, supervised by the DPW Director and serving the Wastewater Management District Commission and School Department. In other changes, the DPW Director is now assigned the Town Surveyor position (currently vacant) and has just begun providing supervision to the Facilities Director for town capital project planning and implementation. The Personnel Board supported the request for a Capital Projects Manager under the DPW Director, working with the Facilities Director to manage general town, DPW and recreation projects. To better track and understand IT projects, Beth Doucette has been assigned the role of liaison to the IT Department.
- 4. RIVERS EDGE AMENDMENT #2:** Wood Partners agreed to a second amendment to the LDA to extend the time by which the town must provide notification of its intent to use grant funds to offset River's Edge project costs. The Town Planner will meet with the DPW Director and the Town Engineer to phase the water line project to be consistent with any terms of the the grant, such as beginning the project in the spring of 2018.
- 5. CAPITAL PROJECT PLANNING:** The Finance Director and I are meeting with large departments to discuss the phasing and funding of capital projects. We plan to present a capital plan to the Board of Selectmen and Finance Committee on November 20th. At

the same meeting, we will ask the Board to review alternatives for debt exclusions for large projects.

6. FY 19 BUDGETS:

- FY 19 Budget: Summary on Selectmen's departments from Beth Doucette is attached.
- Budget Memo to Finance Committee: Please see attached final budget memo to the Finance Committee.
- Request for Clarification to Finance Committee on Routine Items in Capital Budget: I asked the Finance Committee to take a position on whether it supports the recommendation of the Financial Advisor to include recurring expenses for maintenance and maintenance in the town and school operating budgets. These recurring expenses are for items such as mowers, police radios, small DPW equipment and maintenance projects such as floor tile.

7. PRIVATE ROADS: The DPW Director suggests the following next steps:

- **By 11/20:** Town Planner will provide a list of private ways for which subdivision requirements were waived and the original owners agreed the roads would not be plowed or maintained by the Town.
- **November 27 or November 28:** The DPW offers a 4 hour tour of private roads for Selectmen on Monday or Tuesday morning
- **12/4 or 12/11:** The Board again discusses adoption of the Private Road List and Policy.

8. 20 MILLBROOK: The storage container has been removed by the owner. Please see attached e-mail from resident.

9. OFF AGENDA: Please see memorandum from Library Planning Committee on re-use of 5 Concord Road

DATE: NOVEMBER 6, 2017
TO: NAN BALMER
FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR
RE: BUDGET SUMMARY – DEPARTMENTS UNDER JURISDICTION OF BOARD OF
SELECTMEN

BUDGET SUMMARY:

The following relates to the Detail Operating Budget provided on October 23, 2017 for departments under jurisdiction of Board of Selectmen. Please note that Debt, Retirement and Unclassified are not included in these totals.

Total FY 2018 Appropriated	\$11,015,481
Total FY 2019 Recommended	<u>\$11,113,484</u>
Total Increase	\$ 98,003
Estimated FY18 (2%) & FY19 (2 ¼%) salary increase <i>(subject to STM 2017 vote)</i>	\$ <u>125,845</u>
Total increase including estimated salary increase	\$ 223,848

Note: Total additional salary increase (included above) for 3 new Town FTE's (2 Fire, 1 police), is \$ 196,268, not including benefits.

The Finance Director's initial forecast planned for 5 new FTE's, 4 Fire and 1 Police for a total of \$336,544.

DATE: November 6, 2017

TO: Finance Committee

FROM: Nan Balmer, Town Administrator

RE: FY 19 Operating Budgets for Departments under the Jurisdiction of the Board of Selectmen

Selectmen Vote to Submit FY 19 Operating Budgets:

The Board of Selectmen voted on October 30, 2017 to submit to the Finance Committee preliminary FY19 operating budgets for departments and expenses under its jurisdiction. The operating budgets are provided to the Finance Committee in hard copy and will be supplemented at a later time by the Town Administrator's recommended operating budgets for non – school departments not under the Board of Selectmen.

Timetable for Capital and Operating Budget Submissions under Wayland Town Code:

1. All departments must submit proposed operating and capital budgets to the clerk of the Finance Committee by December 15th.
2. The Town Administrator must provide recommendations on all capital and operating budgets by January 15th.

Roles and Responsibilities for Budget Preparation:

Please note that while the Finance Committee creates an Omnibus Budget for recommendation to Town Meeting, the Board of Selectmen, Town Administrator and other elected bodies of the Town together comprise the chief executive and managerial authorities and set departmental budget priorities for the Town. Therefore, please refer the Finance Committee's requests for expenditure reductions to the Town Administrator / Board of Selectmen and other elected bodies. As managerial boards, these entities are well positioned to set priorities.

FY 19 OPERATING BUDGETS FOR DEPARTMENTS UNDER THE BOARD OF SELECTMEN:

Last year, the Board of Selectmen reduced its operating budget request for FY 18 and, when requested, made budget cuts where possible for two reasons: 1) To provide leadership and discipline to reduce the Town's reliance on the use of free cash to fill operating budget deficits and, 2) To thoroughly document and justify all non-school expenditures. High priority budget requests deleted from FY 18 are now included for FY 19. Please see highlights below.

FY 19 SELECTMEN'S BUDGET PRIORITIES - HIGHLIGHTS:

1. **Improved Public Safety:** The Selectmen have for several years considered and supported increased personnel in the Police Department (1 new Patrolman) and Fire Department (2 Fire Fighter / Paramedics). These positions are included for FY 19. The Fire Chief reduced his request from four to two new officers to reduce the budget impact in FY 19 and to allow for a period of transition and evaluation.

2. **Legal Services:** The Selectmen request additional funding for legal services for:
 - a. **Labor Counsel:** Additional legal hours are required due to the retirement of John Senchyshyn and the loss of his institutional knowledge and expertise and,
 - b. **River's Edge Special Counsel:** Additional legal hours are required to bring the River's Edge project to completion. Upon approval of a site plan for the River's Edge project, the Town will become eligible for partial relief ("40 B Safe Harbor") from the requirements of MGL "40 B". 40 B now enables developers to construct new housing in Wayland with limited regulatory oversight from the Town. The River's Edge Project will bring the Town close to the state's 10% affordable housing benchmark to allow the town through the Zoning Board to regulate new housing development.
3. **Town Organizational Development:** The Selectmen will continue to work to improve the Town's overall management structure, and especially will emphasize the consideration of the financial management changes and financial policies recommended to the Selectmen by the Collins Center for Public Management under two MA Community Compact Best Practice Grants.
4. **Professional Development and Training:** A high priority Selectmen's goal to be carried out by a new HR Director will be to begin a program of town-wide employee performance evaluation and goal setting, combined with an organized program of training and career development for all staff. Additional funding is requested and will result in a payoff in improved service to residents and improved employee motivation.

Finally, for FY 19, the departmental budgets are again presented in a consistent, thorough and transparent way to justify all expenses, and provide a basis for management, accountability and cost control. This process was started for FY 18 and has been further developed for FY 19.

A public presentation on the Selectmen's FY 19 budget priorities and the budget development process will be provided upon request. Additional information will be provided to the Finance Committee as the FY19 budget process continues.

Thank you.

Balmer, Nan

Subject: FW: Zoning violation, 20 Millbrook Road

From: Robert Flanagan [<mailto:rob@mpi-software.com>]

Sent: Monday, October 30, 2017 10:13 AM

To: Balmer, Nan

Cc: Larsen, Geoffrey; 'Kenneth Epstein'; 'Richard P. Turner'; 'Christa Flanagan'

Subject: RE: Zoning violation, 20 Millbrook Road

Good morning,

Today the dumpster and storage container at 20 Millbrook were removed. Thank you Ms. Balmer and Mr. Larsen for your efforts to effect this. It has been a degradation to our neighborhood for the past 3+ years (four full summers), and I sincerely believe it would not have been removed for a few more years without your efforts. We all wished the neighborly correspondence we initiated with the property owners almost 2 years ago would have affected this change.

I understand that the Land Court initial hearing is this week, and hope the Town can recoup the attorney's fees expended as part of that action.

I know many people in and around the local neighborhood who will be happy about this positive change, I thank you on our behalf, and theirs.

Regards,

Rob Flanagan
22 Millbrook

TO: Board of Selectmen (BOS)
FROM: Working Group of Library Planning Committee (LPC)
DATE: Nov. 2, 2017
SUBJECT: Reuse of current Library building at 5 Concord Road

At the April 2018 Town Meeting, residents will decide whether to fund construction of a new library at 195 Main Street, adjacent to the middle school. A \$10M state grant would contribute approximately 40% of the costs in question. If residents vote to build a new library, exciting opportunities exist for the current library building at 5 Concord Road.

At the request of the BOS, a working group of the Library Planning Committee has developed a list of possible future uses for 5 Concord Road. The working group gathered ideas from various sources including prior studies of the building, the WRAP report, a meeting with Ben Keefe regarding town department needs, several public forums on the state of library services in Wayland, and nearly two years of research and visits to other libraries by the LPC as a whole.

An October 19, 2017 meeting of the LPC was advertised as an invitation to the public to offer ideas for repurposing 5 Concord Road. It was the consensus of attendees—LPC members, town officials, and residents alike—that the current library should remain a town building where people can find opportunities for enrichment and engagement. While converting the building to town offices would not close it to the public, it would not invite people to enjoy the building as a community. The idea of selling the building to a developer was uniformly and loudly rejected.

Suggested uses for 5 Concord Road fall into three categories: open public use, town use, and private use.

Open to the Public	Town Use	Private Use
Cultural center featuring the visual arts, music performances, studio use, and exhibits on the history of Wayland and the Sudbury River	Department offices, perhaps Land Use	Condos/apartments
Teen center/cafe		Event rental
Art and technology/innovation center		Restaurant or retail
Adult education, maker space, reading room		

The idea of what constitutes a library has greatly broadened over time, and is best reflected in the American Library Association's current definition of the term: "A library is

a collection of resources in a variety of formats that is (1) organized by information professionals or other experts who (2) provide convenient physical, digital, bibliographic, or intellectual access and (3) offer targeted services and programs (4) with the mission of educating, informing, or entertaining a variety of audiences (5) and the goal of stimulating individual learning and advancing society as a whole."

<http://libguides.ala.org/library-definition>

Inspired by this definition as well as the Wayland Public Library's own mission¹, the LPC working group recommends that the reuse of 5 Concord Road draw from the category "Open to the Public." Within this category, driven by residents' input and by our own research, the working group suggests to the BOS that the town explore a variety of possibilities under the general umbrella of an arts, history, and/or cultural center. Activities in such a center could include art classes, talks, workshops, space for exhibits on local history, a reading room, a library book drop, and a maker space. None of these activities would preclude the coexistence of others. This type of use would also honor the intent of Dr. Warren Roby to provide Wayland residents with a modern library facility and services.

The working group further suggests that the town undertake an extensive and deliberate process to achieve consensus on the future of 5 Concord Road, as the building is dear to the heart of the town. We recommend that the BOS establish a committee for this purpose that includes (but is not limited to) representatives at large, board/committee representatives such as Selectmen, Historical Commission members, and others deemed appropriate.

Respectfully submitted by The Working Group of the Library Planning Committee:
Lynne Cavanaugh, Christine Cipriani, Tom Fay, Neil Gordon, Ann Knight, Vicki LaFarge, Lynne Lipcon, and Tim Marsters.

¹ Wayland Free Public Library Mission Statement:

The mission of the Wayland Free Public Library is to be a free and accessible marketplace of ideas, information, and culture that fosters learning, community, and information literacy. The Library provides open and guided access to a wide variety of media and programs to inform, inspire, and empower all its patrons in their pursuit of lifelong learning, personal enrichment, and cultural understanding. In so doing, the Library seeks to promote the free exchange of ideas necessary to the effective conduct of a democracy in an ever-changing world.

Adopted September 19, 2006, by the Board of Trustees, Wayland Free Public Library



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
DOUGLAS A. LEVINE

BOARD OF SELECTMEN

Monday, November 6, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of approving the invoice for KP Law, dated October 24, 2017, Invoice No. 113698, for legal services rendered through September 30, 2017: \$749.70
3. Vote the question of approving the invoice for KP Law, dated October 25, 2017, Invoice No. 113716, for legal services rendered through September 30, 2017: \$29,212.42
4. Vote to sign authorization for Town Clerk to place on the March 27, 2018 Annual Town Election ballot the position of Board of Assessors for a three (3) year term and the position of Housing Authority Member for a five (5) year term
5. Vote to ratify the Town Administrator's execution of River's Edge Land Disposition Agreement, Amendment #2
6. Vote the question of approving the placement of two temporary sandwich board signs from October 30 through November 6, 2017, at Route 20 at the Weston Town Line and the Cochituate Fire Station at the Corner of East Plain Street advertising a Stacey Peasley concert at Temple Shir Tikva on November 10, sponsored by the Wayland Children and Parents Association
7. Vote the question of approving the placement of four temporary sandwich board signs from November 7 through November 10, 2017, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street, advertising a Stacey Peasley concert at Temple Shir Tikva on November 10, sponsored by the Wayland Children and Parents Association

KP LAW, P.C.
101 ARCH STREET
BOSTON, MA 02110
(617) 556-0007

INVOICE NO: 113698

WAYLAND TAX
MS. NAN BALMER
WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE THROUGH September 30, 2017
October 24, 2017

TOTAL FEES:	\$120.25
TOTAL COSTS:	<u>\$629.45</u>
BALANCE DUE:	<u>\$749.70</u>

RECEIVED
OCT 30 2017

KP LAW, P.C.

101 ARCH STREET
BOSTON, MA 02110
(617) 556-0007

INVOICE NO: 113716

WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE THROUGH September 30, 2017

October 25, 2017

TOTAL FEES:	\$24,642.00
TOTAL COSTS:	<u>\$4,570.42</u>
BALANCE DUE:	<u>\$29,212.42</u>

RECEIVED
OCT 30 2017



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

www.wayland.ma.us

TO: Board of Selectmen

From: Beth R. Klein, Town Clerk

DATE: October 23, 2017

RE: RESIGNATION OF ELECTED OFFICIAL-Board of Assessors

Per MGL c. 41 s. 10 – “No election shall be held for any office pursuant to this section unless the Selectmen file with the Town Clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification.”

In order for the position of Board of Assessors for a three (3) year term to be placed on the ballot for the March 27, 2018 Annual Town Election, the Selectmen must submit written notice to the Town Clerk by January 22, 2018. This is fifteen (15) days prior to February 6, 2018, the deadline for submission of nomination papers to the Board of Registers.

We, the Board of Selectmen for the Town of Wayland, hereby notify the Town Clerk this date to place on the ballot for the March 27, 2018 Annual Town Election the position of Board of Assessors for a three (3) year term.

Lea T. Anderson, Chair

Cherry C. Karlson

Mary M. Antes

Date: _____

Douglas A. Levine

Lewis M. Jurist



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

www.wayland.ma.us

TO: Board of Selectmen

From: Beth R. Klein, Town Clerk

DATE: October 23, 2017

RE: RESIGNATION OF ELECTED OFFICIAL-Housing Authority

Per MGL c. 41 s. 10 – “No election shall be held for any office pursuant to this section unless the Selectmen file with the Town Clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification.”

In order for the position of Housing Authority Member for a five (5) year term to be placed on the ballot for the March 27, 2018 Annual Town Election, the Selectmen must submit written notice to the Town Clerk by January 22, 2018. This is fifteen (15) days prior to February 6, 2018, the deadline for submission of nomination papers to the Board of Registers.

We, the Board of Selectmen for the Town of Wayland, hereby notify the Town Clerk this date to place on the ballot for the March 27, 2018 Annual Town Election the position of Housing Authority Member for a five (5) year term.

Lea T. Anderson, Chair *Lea T. Anderson*

Cherry C. Karlson _____

Mary M. Antes _____

Date: _____

Douglas A. Levine _____

Lewis M. Jurist _____

**SECOND AMENDMENT TO
LAND DISPOSITION AGREEMENT**

This Second Amendment to Land Disposition Agreement (this "Amendment") is made and entered into by and between **TOWN OF WAYLAND**, acting by and through its Board of Selectmen (hereinafter "Seller"), a Massachusetts municipal corporation, and **WP EAST ACQUISITIONS, L.L.C.**, a Delaware limited liability company (hereinafter "Buyer").

Recitals:

A. Seller and Buyer previously entered into that certain Land Disposition Agreement with an effective date of July 28, 2017, as amended by that certain First Amendment to Land Disposition Agreement dated as of October 24, 2017 (hereinafter referred to as the "Contract") for the purchase and sale of those certain parcels of land located 484-490 Boston Post Road, Wayland, Massachusetts (the "Property"), as more fully described in the Contract.

B. Pursuant to Section 3.3 of the Contract, Seller must elect whether to design and construct the Water Main Extension Work (as such term is defined in the Contract) by no later than October 31, 2017.

C. The Seller is still awaiting final award information from the Commonwealth of Massachusetts for the funding of the Water Main Extension Work and the parties wish to extend the date for such election to December 29, 2017.

Terms and Conditions:

In consideration of the mutual covenants, agreements, and undertakings set forth in the Contract and in this Amendment, the sufficiency of which is hereby acknowledged, and intending to be legally bound, Seller and Buyer agree as follows:

1. **Capitalized Terms; Recitals.** All capitalized terms used herein but undefined shall have the meaning as defined in the Contract. The foregoing Recitals are hereby incorporated as agreements of the parties hereto.

2. **Extension of Date for Election of Water Main Extension Work.** The parties hereby agree that the current date in Section 3.3 of the LDA for Seller's election to design and construct the Water Main Extension Work of October 31, 2017 shall be extended until December 29, 2017.

3. **Ratification.** Except as expressly amended by this Amendment, the Contract remains in full force and effect and is hereby expressly ratified and confirmed in its entirety by the parties hereto.


4. Multiple Counterparts. An executed facsimile or "PDF" of this Amendment is an acceptable form of acceptance of this Amendment and the parties may execute this Amendment in counterparts. This Amendment shall from this date forward be considered a part of the Contract.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed under seal by persons duly empowered to bind the parties to perform their respective obligations under this Amendment to be effective on the last date set forth below.

BUYER:

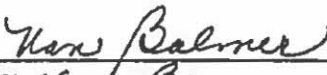
WP EAST ACQUISITIONS, L.L.C.,
a Delaware limited liability company

By: 
Name: James Lambert
Title: Vice President

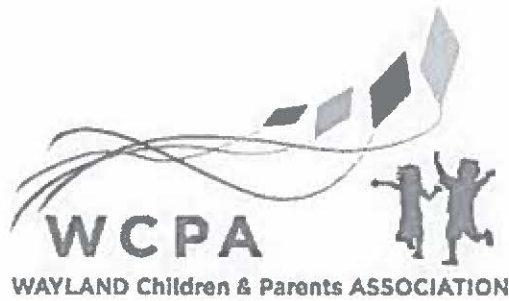
Date: 10/31/17

SELLER:

TOWN OF WAYLAND

By: 
Name: NAN BALMER
Title: TOWN ADMINISTRATOR

Date: 10-31-17



September 19, 2017

Via Email (dporter@wayland.ma.us)

Mr. David Porter
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

RECEIVED
OCT 30 2017

Re: Signboard Request

Dear Mr David Porter:

The Wayland Children and Parents Association is hosting a Stacey Peasley concert at Temple Shir Tikva on Friday, Novemeber 10th.

We are requesting permission to post our sandwich boards to promote this event starting October 22th, 2017 at the following locations:

- "Five Corners" of Rt. 126 and Route 27
- Cochituate Fire Station
- Corner of Route 20 and Route 27
- Coach Grill

Thank you for your consideration and we look forward to hearing from the Selectmen regarding our request.

Sincerely,
Tiffany Barchard
WCPA Community Marketing

10/30 - 11/10^{5/6}: Cochituate Fire Station and Coach Grill
11/8⁷ - 11/10: All four signs



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
DOUGLAS A. LEVINE

PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM OCTOBER 28, 2017, THROUGH AND INCLUDING NOVEMBER 3, 2017, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR NOVEMBER 6, 2017

Items distributed to the Board of Selectmen – October 28-November 3, 2017

1. None

Items distributed for information and use by the Board of Selectmen at the Meeting of October 30, 2017

1. Letter from Norman A. Abend, re: historical perspective on the plowing of private roads.
2. Letter from Kara Harvey, re: draft private road policy proposed by the DPW
3. Letter from Richard Turner, re: Invitation to Veterans' Day ceremonies
4. Letter from Sara J. Clark, Department Secretary of Massachusetts Department of Telecommunications and Cable, re: License Expiration Notice (Comcast)
5. Memo from Tetra Tech to the Wayland Recreation Commission, October 30, 2017, re: Athletic Field at Oxbow Meadows, Licensed Site Professional Peer Review
6. MassDEP Bureau of Waste Site Cleanup Map, Phase 1 Site Assessment Map
7. Maryland Department of the Environment, MD Emerging Contaminants at Nike Site Initiative: What You Need to Know

Items included as part of Agenda Packet for discussion during the November 6, 2017 Board of Selectmen's Meeting

1. Draft Fall Special Town Meeting Motions
2. Memorandum from N. Balmer, re: Requests from the Council on Aging
3. Update: Council on Aging/Community Center Advisory Committee
4. Memorandum from N. Balmer, re: Execution of Final Documents in Connection with the Donation of Land to the Conservation Commission
5. Agreement between Wayland Meadows LLC and the Town of Wayland
6. Quitclaim Deed (Wayland Meadows)
7. Donation Letter (Wayland Meadows)
8. IRS Form 8283
9. Settlement Statement (Wayland Meadows)
10. Letter from L. Anderson to T. Greenaway, re: Open Space at 52-60 Rice Road
11. Quitclaim Deed for 52-60 Rice Road
12. Draft Minutes of October 23, 2017 meeting
13. Town Administrator's Report for Week Ending November 3, 2017
14. Memorandum from E. Doucette, re: Budget Summary
15. Memorandum from N. Balmer, re: FY19 Operating Budgets
16. Email from R. Flanagan, re: Container at 20 Millbrook Road
17. Memorandum from Working Group of Library Planning Committee, re: Reuse of current Library building at 5 Concord Road



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
DOUGLAS A. LEVINE

BOARD OF SELECTMEN
Monday, November 6, 2017
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Letter from Katharine Klein, KP Law, to Beth Klein, re: 11 Hammond Road Title Policy
2. Letter from H. Podell and M. Gilbreath, re: plowing Jennison Road
3. Email from Al Taleb, re: Complaints regarding Wayland Automotive, 322 Commonwealth Road
4. Email from G. Cliff, re: Implementation of Collins Center recommendations
5. Monthly Report from the Wayland Police Department
6. Letter from Alison Field-Juma, Executive Director of OARS for the Assabet Sudbury and Concord Rivers, to the Wayland ZBA, re: Cascade Wayland Comprehensive Permit Application, 113-119 Boston Post Road

Minutes

7. Historic District Commission – May 18, 2017
8. Historical Commission – July 18, 2017 and September 12, 2017
9. Finance Committee – September 5, 2017; September 14, 2017; and September 26, 2017
10. Public Ceremonies – September 13, 2017

State and Regional

11. Letter from Alan Roy, Vice Chair of the Massachusetts Fire Service Commission, re: Commendation of Assistant Fire Chief Neil W. McPherson for completing Fire Chief Credentialing process
12. Letter from Jay Ash, Secretary of the Executive Office of Housing and Economic Development, re: Grant recommendation for Wayland Water Works Infrastructure Project
13. Petition of NSTAR Electric Company with Massachusetts Department of Public Utilities for approval of ten long-term contracts for procurement of renewable energy
14. Letter from Geoff Beckwith, Executive Director of Massachusetts Municipal Association, re MMA's Legislative Action Alerts

October 27, 2017

Katharine Lord Klein
kklein@k-plaw.com

RECEIVED
OCT 30 2017

Ms. Beth R. Klein
Town Clerk
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778

Re: 11 Hammond Road Title Policy

Dear Ms. Klein:

Enclosed please find original Owner's Title Policy (Chicago Title Insurance Company 72306-212485099) in the amount of \$390,000.00 for the property acquired by the Town of Wayland Municipal Affordable Housing Trust Fund located at 11 Hammond Road.

I recommend this be retained with the land records for the Town.

Very truly yours,



Katharine Lord Klein

KLK/jsh
Enc.

cc: Board of Selectmen
Wayland Affordable Housing Trust

595458/WAYL/0255



OWNER'S POLICY OF TITLE INSURANCE

Issued by

CHICAGO TITLE INSURANCE COMPANY

Any notice of claim and any other notice or statement in writing required to be given the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida Corporation, (the "Company") insures as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection
 if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or



CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY

SCHEDULE A

File Number	Date of Policy	Amount of Insurance
17J-52843	September 19, 2017 at 1:36 p.m.	\$390,000.00

Policy Number: 72306-212485099

1. Name of Insured:

Mary M. Antes, Stephen A. Greenbaum, Michael Staiti, Brian T. O'Herlihy, Robert Duffy and Susan Weinstein, as Trustees of the Town of Wayland Municipal Affordable Housing Trust Fund, see Trustee's Certificate dated September 15, 2017 and filed with the Middlesex South Registry District of the Land Court as Document No. 1770784, by virtue of deed dated September 16, 2017 and filed as Document No. 1770783.

2. The estate or interest in the land described in this Schedule and which is covered by this policy is:

FEE SIMPLE

3. The estate or interest referred to herein is vested in the Insured.

4. The land herein described is encumbered by the following mortgage and assignments thereof, if any:

NONE

5. The land referred to in this policy is located at 11 Hammond Road, Wayland, Massachusetts, all more particularly described in Exhibit A attached hereto.

Note: As hereinafter used, "filed" shall mean "filed with Middlesex South Registry District of the Land Court."

This policy is valid only if Schedule B is attached.

SCHEDULE B

Policy Number: 72306-212485099

This policy does not insure against loss or damage by reason of the following:

1. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
2. Real property taxes and assessments which are not yet due and payable.

Note: This Policy insures real estate taxes are paid through September 30, 2017
3. The exact acreage or square footage being other than as stated in the description sheet annexed or the plan(s) therein referred to.
4. Title to and rights of the public and others entitled thereto in and to those portions of the insured premises lying within the bounds of the adjacent streets and ways.
5. There is added after any Special Exception appearing in this Schedule B relative to covenants, conditions and restrictions, the following '...but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable, state or federal laws, except to the extent that said covenant or restriction is permitted by applicable Law.'
6. Lease naming Cornelius J. Maguire, Lessor and Nellie Hammond, Lessee dated April 23, 1927 and recorded in Book 5089, Page 283.

Note: The following Endorsement is attached hereto and made a part of this Policy:

ALTA 34 -06 – Identified Risk Coverage



Jeffrey L. Ontell

Authorized Signature

G:\rw\173-52843 – owners pol 2017

EXHIBIT A

A certain parcel of land in Wayland, Massachusetts, bounded and described as follows:

Northwesterly by land now or formerly of Israel A. Lupien, eighty-three and 13/100 feet;

Northeasterly by land now or formerly of Mary Alice Neal, two hundred thirty-six and 88/100 feet;

Southeasterly by land now or formerly of Nellie F. Holmes et al, sixty-three and 27/100 feet; and

Southerly by lot 4, by the end of a way and by lot B as shown on plan hereinafter mentioned, two hundred sixty-three and 17/100 feet.

Said parcel is shown as lot A on said plan.

All of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 404, Page 97, with Certificate 60465.

There is appurtenant to the above described land a right of way over the Way to West Plain Street as shown on said plan.

ALTA ENDORSEMENT - FORM 34-06 - Identified Risk Coverage

Issued by **Chicago Title Insurance Company**



Chicago Title
Insurance Company

File No.: 17J-52843

Attached to and made a part of Policy No.: 72306-212485099

1. As used in this endorsement "Identified Risk" means: the Lease described in Exception 6 of Schedule B.
2. The Company insures against loss or damage sustained by the Insured by reason of:
 - a. A final order or decree enforcing the Identified Risk in favor of an adverse party; or
 - b. The release of a prospective purchaser or lessee of the Title or lender on the Title from the obligation to purchase, lease, or lend as a result of the Identified Risk, but only if
 - i. there is a contractual condition requiring the delivery of marketable title, and
 - ii. neither the Company nor any other title insurance company is willing to insure over the Identified Risk with the same conditions as in this endorsement.
3. The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of the Title by reason of the Identified Risk insured against by Paragraph 2 of this endorsement, but only to the extent provided in the Conditions.
4. This endorsement does not obligate the Company to establish the Title free of the Identified Risk or to remove the Identified Risk, but if the Company does establish the Title free of the Identified Risk or removes it, Section 9(a) of the Conditions applies.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Chicago Title Insurance Company

Dated: September 19, 2017

Countersigned:

Jeffrey L. Ontell
Authorized Officer or Agent



By:

Raymond H. Quirk, President

Attest:

Michael L. Gravelle, Secretary

(ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed

or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Countersigned:

By: *[Signature]*
Authorized Officer or Agent
Jeffrey L. Ontell
Marsh, Moriarty, Ontell & Golder, P.C.
18 Tremont St Ste 900
Boston, MA 02108
Tel: 617-778-5100
Fax: 617-720-2565



CHICAGO TITLE INSURANCE COMPANY

By:

[Signature]

President

Attest:

[Signature]

Secretary



EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
 3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
 5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.

(b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.

(c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.

(d) "Insured": The Insured named in Schedule A.

(i) The term "Insured" also includes

(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;

(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;

(C) successors to an Insured by its conversion to another kind of Entity;

(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title

(1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the

named Insured,

(2) if the grantee wholly owns the named Insured,

(3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or

(4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but this does not modify or limit the extent that a right of access to and from the Land is

insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as Insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of

those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as Insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title, or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations

with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of

Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefore in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at CHICAGO TITLE INSURANCE COMPANY, Attn: Claims Department, P.O. Box 45023, Jacksonville, FL 32232-5023.



* Did not request PRIVATE - remove

BEGINNING

DAVID - please see

street approx 40+ft across.

Hope G. Podell
HGP D.O.B 5/4/50
gildell@comcast.net
(508) 942-8595

J. Michael Gilbreath
JMG D.O.B. 1/26/52
gildell@mac.com
(508) 942-8095

that the Selectmen (all) receive update maps attached ... 4 driveways NOT TWO ... +

TREES on right as coming up street - grew IF TOWN MAINTAINED they be gone.

7 Jennison Road Wayland

the BACHES KNOW there IS more than enuf space to turn around - They either park close to house path + garage OR into huge space on the right (Facing side of garage (Before storms + as needed) FOR EDNS.

RECEIVED

OCT 30 2017

We have resided at 7 Jennison Road for nearly 21 years and are writing concerning the notice we received on October 17th regarding Jennison Road which noted that it is designated as a Private Road (We have attached two property maps to identify the road in question.)

This road is slightly less than 232 feet in length on the south boundary. Jennison Road serves as the only vehicular access point to the public road system (Rt. 27/Main Street) for three residences, #7 and #12 Jennison, and the property at 249 Main St. (occupied by renters) is served only by a driveway that lets out on to Jennison Road.

Until recently no one had officially informed us that this road was designated as a private way. Indeed, throughout the entire time we have lived in our home the highway department regularly and reliably has plowed Jennison road, clearly reinforcing the notion that the town had responsibility for it.

Only when Comcast called the Town offices 3 years ago, to ask the town to trim trees along the bottom third of Jennison Road abutting 241 Main St. (our neighbor to the west) and clear a path to access and remove, dead wires and remove temporary lines, did we learn that the road was designated as private. At that time the town said NO, it is a Private Rd, we don't do work on Private roads. This was the first time we were officially notified of the road's status.

We are writing to object in the most strenuous terms to the proposal to cease maintenance and plowing on Jennison Road. In the case of our street, this actually refers ONLY to plowing. The town has NEVER provided any maintenance services on our road other than plowing.

As noted above, the town never informed us that our road was private. Plowing took place regularly, indeed when plows didn't appear and we called to inquire, we were always assured that the plows would "be there soon". And they always were.

A decision to change this behavior at this point in time, after nearly 21 years, would clearly be a move to deprive us of an acknowledged right. But the problem is more serious than this. The construction of this road (nearly

Needed driveway map. 4 driveways

*ALSO. NEITHER #12 or #7 WANT or desire a Private Rd taxes @ \$10K + \$15K ? maybe so

Deeds written at least 60 PLUS - ~~the~~ years ago - one owner built 3 homes 241, 249 + #7 + #12 = rd. DC

30-degree incline) is such that it is only the heavy equipment of the highway department that is capable of plowing the road, and this is only compounded in icy conditions. And, as others who reside on roads like ours have noted failing to have the road plowed would create a serious hazard for emergency vehicles (fire or ambulance). In fact, in the case of fire service, the nearest hydrants are on the west side of Main St. (Rt. 27), or through the woods on Joyce St. belonging to other property owners. In the absence of a plowed street, fire service to our home would require running hoses ACROSS Main St. (Rt. 27!) or WELL OVER 150 feet through the woods. As senior citizens (I am 65 and my wife 67), imposing this risk on us would manifestly create a health hazard for us and our neighbors. And it would prevent the fire department from fulfilling its mission, to protect our homes.

In addition, Jennison Road provides the only access to #7 & #12 by foot. This is relevant because when our street is not plowed effectively or treated appropriately with Ice Melt in ice storms, we are forced to find on street parking, potentially blocking plow access to public ways, and walk up the unplowed street to access our home on foot. Placing us at risk walking on treacherous streets (Joyce road and Keith St.) or a slippery, high traffic street like Main. Again, creating a direct physical hazard for us to simply access our property on foot.

In short, we believe that any decision to restrict or terminate the limited maintenance that the town provides on Jennison Road, which amounts only to plowing, will create a direct physical threat to our well-being and the safety and security of our home, and that of our neighbors. Further it would appear to us that given actual volume of work involved in plowing our 232-foot street, this is a pennywise and pound foolish decision. Finally, as property owners in Wayland, we pay the same tax rate as everyone else, a rate believed by many to already be too high, and in return for which we can rightly expect the same level of services as other property owners. Terminating plowing services on Jennison Road would violate that reasonable expectation.

h Residence #7 Jennison Rd

MAIN ST

#249
DRIVEWAY
200.00

478-58

20,781

470-28

Daniel & Jane
Bache

28,875

JENNISON RD.

#241
Driveway
egress
116.00

116.00

#7

#12
Driveway
+ huge TURNAROUND

470-30

15,080

470-29

15,080

Podell/Gilbreath
Residence

470-33

26,821

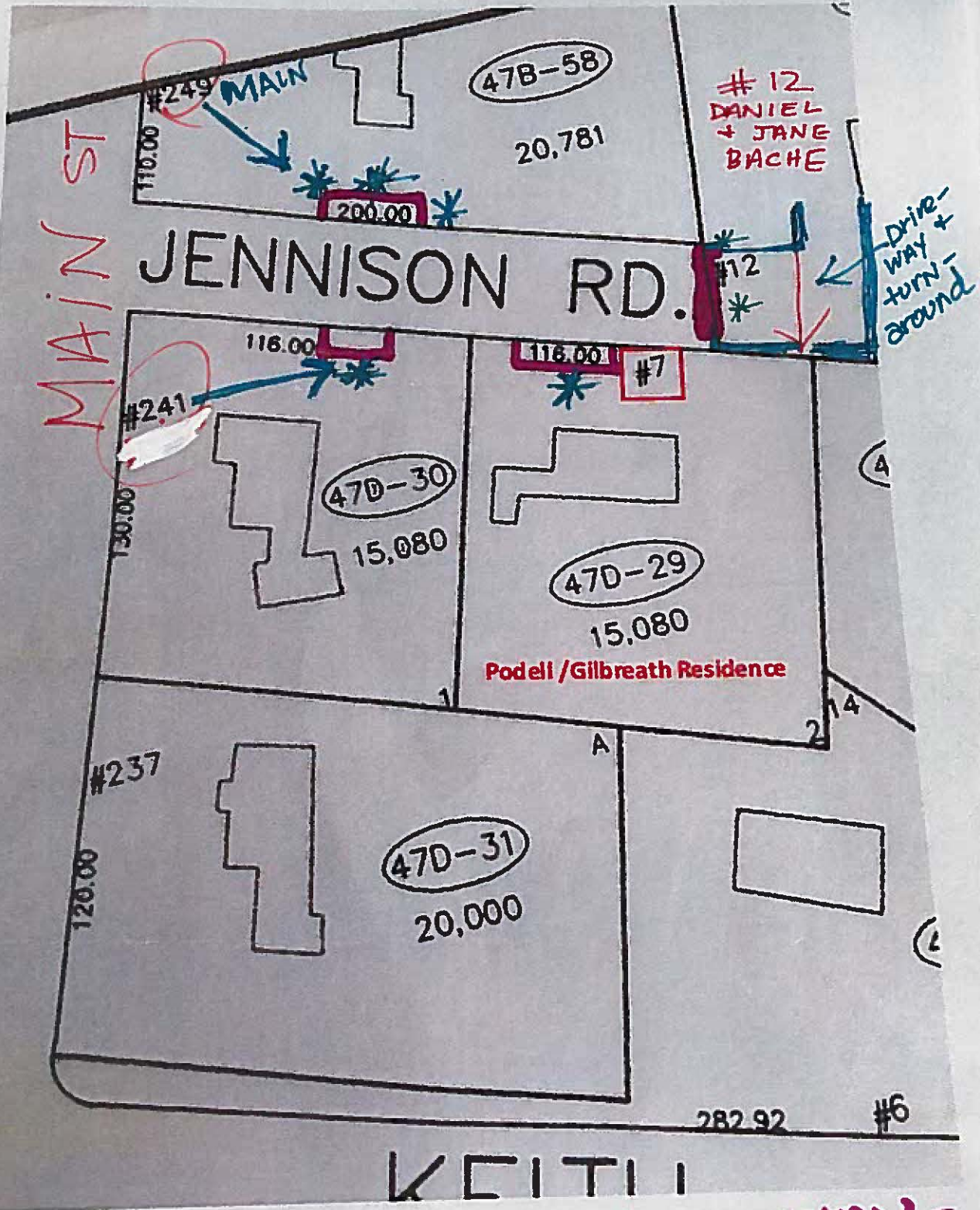
264.61

#41

470-31

214

18.71



*Key: DEEDED DRIVEWAYS
 → 4 - NOT 2 DRIVEWAYS

Gildell@comcast.net

reference to #7 and #12 Jennison Rd. AND #241 & #249 Main Street.

- Jennison Rd. has 4 driveways, not 2 as indicated on the "private" way/Rd. list
- Assessors office has deeds for all property/ lands / - will have specificity that the designation of Private Rd was created by individual who bought / owned between 50,000 to 80,000 sq. Ft. - verification needs to be obtained.
- unlike many, we did not (#7 or #12 Jennison **choose** or request to make Jennison Rd. a private road. We appear to be getting the short end of the stick... potentially losing plowing on our street... and there have been NO other services provided. Town refused to help Comcast remove dead and temporary wires along s. South of street.
- Public streets, of any sort receives many different sorts of services that have been in essence denied to us: trimming trees overhanging road - improve visitability; mow 3 feet back on town property, fix streets, insure all trees and easements are cleared for fire and ambulances.
- Jennison Road should be at least 35 or 40 feet wide... but bottom 1/3 of street IS NOT, due to town not maintaining. Thus fire trucks must NEGOTIATE to get up our street. We didn't ask for a private Rd.

Fire hydrants one 150 ft. Thru wooded property and other across and N on Main st/27? is that sufficient?

the repeated attention to the safety of the employees and NO NO mention of the safety of the tax paying residents of the town of Wayland - peculiar? Have watched the plow for 20 plus years,,, NO PROBLEMS at all, no NEAR accidents EVER

walking in ice, snow, down a 30 % incline would be a death wish... especially since it isn't as wide as we understand it to be.... bad weather/storms... would we plow with what sort of machine a one time run through or the price would be exorbitant out of the question, unfair to us who wish it was always a public road.

Senior citizens... degenerative back disease walking on the ice. Don't have the kind of money we have begun to investigate it would cost to plow, sand, outlandish, unfair

On Oct 26, 2017, at 2:48 PM, Al Taleb [REDACTED] wrote:

Greetings:

I thought I should inform the Town of a few pressing issues:

First off, **it is obvious that someone in the town has given my private email/info to the Wayland Automotive**, which is against several state and federal privacy laws; giving a complaine's private information to the party being complained about is extremely out of line. I have a family and kids, and I don't feel comfortable giving my personal info to a bunch of workers of a gas station in the neighborhood. They emailed me this week to get together with them in a coffee shop, which is very revealing.

Second, since my first email to the Town, the situation has not been tended to at all. Now my question is how would you want to approach and fix this situation as 'car delivery' is an integral part of that business, logistically it would be impossible for them to have only day delivery for a business at this scale (over 100 vehicles). The only logical and direct way to fix this issue is by canceling the business' license for the 'used car' OR force them for inventory limit of a couple of vehicles as it supposed to be (this approach has never worked out in the past!).

Third, what is so important about this used car business with respect to the Town/Wayland residents that it has been kept running without checks and balances for years? They have severely negatively impacted the area: They have created so much traffic on route 30, and they have set up a makeshift office out of a container building off of route 30,...etc (I can list tens of clearly illegal activities that they do on a daily basis). They have made that part of town very crowded, noisy and disturbing! Why should taxpayers bear this situation because 2-3 people want to make good money with this kind of business? The Town is completely aware of this situation but takes no action to fix this situation. On top of the lack of action, the Town chooses to renew the license each year without any sort of transparency or reason to do so.

Fourth - Gas Station business - environmental concern,
Since this is a very old gas station in the town, I wonder if Town has ever checked the health of their underground storage tanks? Any oil leaks could be a big catastrophe particularly for this part of town with a high density of residents/businesses.

Finally,

Let me know when the next town meeting is. I spoke with a few residents so far, and I might be able to take them to the meeting if you think that would fix this sooner.

Best,
Al

On Tue, Oct 10, 2017 at 12:08 PM, Balmer, Nan <nbalmer@wayland.ma.us> wrote:

Dear Mr. Taleb,

As you know, municipalities have some limited jurisdiction in balancing the needs of commercial and neighboring properties. Within a few weeks, the Board of Selectmen will review the Used Car Dealer's license for [322 Commonwealth Road](#). Your concerns will be considered and taken into account within the limitations of what the Selectmen may legally do under the license at that time.

Thank you for this communication. I will make sure it comes to the attention of the entire Board.

Nan

Nan Balmer, Town Administrator

Town of Wayland

[41 Cochituate Road](#)

[Wayland, MA 01778](#)

[\(508\) 358-3620 office](#)

[REDACTED]

[REDACTED]

From: Al Taleb

Sent: Tuesday, October 10, 2017 11:55 AM

To: Larsen, Geoffrey

Cc: Balmer, Nan; Anderson, Lea; Karlson, Cherry

Subject: Wayland Automative & Disturbing Activities ...

To Whom it may concern,

[REDACTED]

Business of complaint : Wayland Automotive

[322 Commonwealth Rd. Wayland, MA](#)

I recently spoke to an associate in the building department, and she gave me this email address to express my complaint in writing.

Other neighbors and I, as a Wayland residents living in Cochituate area, see the delivery of vehicles every day early in the morning (between 4:45am - 5:30 am). These activities are not including the 1-2 times gas deliveries in the week for the gas station. These activities make a lot of terrible noise at that time of day when most residents asleep.

We spoke with the Wayland Police department a few times in the past, and they advised us to be in contact with the Town to fix this horrible situation for the neighborhood.

Apparently, the situation with this business seems to completely transcend all common sense rules and regulations these days. I am aware that the initial setup entailed a small business liscence along with the gas station for sale of a couple cars! But over time, this has turned into a largest automotive business in Wayland and the whole area. And it keeps growing with adding new sub-businesses that require to handle over a hundred of cars / trucks, and noisy oversight.

I would like to ask you to review the situation in the neighborhood and instruct that the business be in line with what I asked for above, particularly in terms of excessive noise. All associated businesses here should be limited from 8AM to 7PM (as this business advertises on their website and on their sign)

Appreciate it,

Al

Porter, David

From: Balmer, Nan
Sent: Sunday, October 29, 2017 9:34 PM
To: David Porter
Subject: Fwd: Collins report - financial recommendations

Correspondence

Gordon Cliff

Highfields Road

I urge the Board of Selectmen and Finance Committee to do a careful review before implementing recommendations from the Collins Reports. This review should include:

1. Holding a Public Hearing to seek input from residents who are interested in the topic.
2. Distinguishing between recommendations that can be implemented within the current bylaws and those that, no matter how sensible and obvious, require changes to our bylaws before they can be implemented.

The Collins Management Report rightly points out that Wayland has an unusual financial structure on a number of dimensions. For example, our Finance Committee, in being responsible for preparing the operating budget, has a more proactive role in the process than in most other towns. Similarly, we are unusual in that the Finance Committee is appointed by the Board of Selectmen rather than being appointed by the Moderator. Personally, I think these to some degree offset, and we are actually in an unusual but pretty reasonable place.

While I initially had reservations, I think the Town Administrator playing a more proactive role in the budget process, as Nan did last year, was a substantial improvement. I hope that we are continuing that this year, but I've gotten a sense that may not be the case.

Financial decisions are never easy and the potential for public "misunderstanding/mistrust" is enormous. Making significant changes to our financial processes and/or policies will only make things better if they are done carefully, openly, with opportunities for residents to be involved, and with due respect for bylaws as currently written.

My experience is that instituting new policies and changing processes is harder than you think, and often provides less net benefit than expected. We should keep in mind that we are “AAA” rated by Moody’s, which is evidence that we just need to focus on making good decisions vs. distracting town officials and residents at large with lots of extra effort spent on new policies and changes to processes.

Thank you for considering this input.

On Sat, Oct 28, 2017 at 11:41 AM, Anderson, Lea <landerson@wayland.ma.us> wrote:

Good morning, Gordon,

The Collins information can be found in the [BoS packet of Oct. 10.](#) It is the first part of the packet, so should be easy to find. I do not see it on the BoS webpage, so we will have to make sure it gets added.

Thanks,

Lea

From: Gordon Cliff <gordoncliff59@gmail.com>
Sent: Saturday, October 28, 2017 7:27 AM
To: Balmer, Nan
Cc: Dave Watkins; Anderson, Lea
Subject: Re: Collins report - financial recommendations

Nan,

that will be great. I will hunt for it again but I didn't find it on the first pass. I find finding stuff on the website hard. A half way decent search function would be a big help.

Regards and thanks,
Gordon

On Fri, Oct 27, 2017 at 9:08 PM, Balmer, Nan <nbalmer@wayland.ma.us> wrote:
Gordon
It's on the website somewhere. I'm on vacation and can find it for you Monday

Nan

Nan Balmer
[\(508\) 237-1330](tel:(508)237-1330)

On Oct 27, 2017, at 8:56 PM, Gordon Cliff <gordoncliff59@gmail.com> wrote:

Nan/Dave,

thanks.

How can I get a copy? Must be public info at this point.

Regards and thanks,
Gordon

On Fri, Oct 27, 2017 at 8:19 PM, Balmer, Nan <nbalmer@wayland.ma.us> wrote:
Gordon

The Board of Selectmen are considering the report and have not determined what if any recommendations will be accepted
Nan

Nan Balmer
[\(508\) 237-1330](tel:(508)237-1330)

On Oct 27, 2017, at 4:41 PM, Dave Watkins <dwatkins@pavonix.com> wrote:

Gordon,

The FinCom has not deliberated on the report.

They were presented to FinCom on 10/10/17.

Dave

From: Gordon Cliff [<mailto:gordoncliff59@gmail.com>]
Sent: Friday, October 27, 2017 7:37 PM
To: Balmer, Nan <nbalmer@wayland.ma.us>
Cc: Anderson, Lea <landerson@wayland.ma.us>; Dave Watkins <dwatkins@pavonix.com>
Subject: Collins report - financial recommendations

Nan,

Hope all is well. I bet you miss me. :)

Happened to go through the BoS pack and saw in your note that BoS is moving to implement Collins Report recommendations made to BoS and Finance Committee.

1. Can you tell me where I can get a copy of the Collins report?

2. Aren't the recommendations being made also to residents? (your note seemed to possibly suggest the recommendations were made just to BoS and FinCom).

3. Is it safe to assume the recommendations BoS is implementing are "operational" and unlikely to be of interest/concern to the average resident? Have we made any attempt to present the recommendations/solicit input from residents to confirm? If not, should we?

Dave,

Can you let me know at which meeting the Collins report recommendations were discussed by FinCom?

Regards and thanks,

Gordon



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Report - October 2017

On Tuesday October 11, 2017, I (Chief Swanick) was sworn in as Chief for the Town of Wayland. I am the tenth person to hold the position.

After a competitive selection process Administrative Sergeant Sean Gibbons was selected to be the second in command of the Wayland Police Department. On October 16th Gibbons was made an acting Lieutenant. His promotion will become permanent upon his swearing in on November 6th.

The Wayland Police Department has partnered with Police Exam Solutions (PES) of Arlington, MA to create and administer our first non-civil service entry level police exam. According to PES, the exam assesses the candidates' emotional maturity for the police job, as well as, their basic cognitive abilities. The exam is scheduled for Saturday December 2, 2017 at the Wayland High School.

October 4th was the national Coffee with a Cop Day. Wayland officers met with residents at Panera Bread in the Town Center. Coffee with a cop brings police officers and the community members they serve together over coffee to discuss issues and learn more about each other.

October is also designated as Domestic Violence Awareness Month. Several Wayland officers participated in a walk from the Methodist Church to the Unitarian Church. At the end of the walk there was a candle light vigil and the names of 19 relationship murder victims were remembered. The purpose of the walk was to raise awareness about domestic violence. The walk was sponsored by the Methodist Church, the Unitarian Church and the Sudbury-Wayland-Lincoln Domestic Violence Roundtable.

School Safety – Youth Officer Bowles has conducted A.L.I.C.E. safety drills in all of the the Wayland schools. A.L.I.C.E. is an acronym for Alert, Lockdown, Inform, Counter, and Evacuate. During these drills the faculty and students participate in mock drills. Depending on the scenario, the teacher will direct the students to either lock

down/shelter in place, or evacuate to a safer location. At the end of each exercise we evaluate the response and recommend suggestions that will increase safety.

Wayland Police Officers assisted the Wayland Middle School students on their annual bike ride to Walden Pond. Bicycle officers rode with the students and assured safe passage through the busy intersections along the route.

On October 23rd at approximately 3:20 p.m. a Wayland woman was walking around her vehicle when she was struck by a motor vehicle that pinned her against her own parked vehicle. The accident took place on Adams Lane near the Claypit Hill School. She was transported to the hospital and treated for a serious injury to her leg. The driver of the striking vehicle was a 79 year old male operator. He received a citation, and an immediate threat/license suspension was filed by the Wayland Police. Following the accident, the Wayland Police met with school officials and the DPW to evaluate ways to make the area safer. As a result, the "No Parking" area on Adams lane was expanded to relieve congestion in the area.

Citizen's Police Academy – The Wayland Citizen's Police Academy will be concluding this month. During the eight week course Wayland officers teach residents what it's like to be a police officer in Wayland. Students are taught about constitutional, criminal, and motor vehicle law. They tour the police station, learn about the dispatch/911 center and many of the other functions and programs the Wayland police are involved in. Sgt. Berger has done a great job running another successful Citizen's Police Academy.

During the month of October Wayland Officers conducted their semi-annual firearms training and qualifications. The training was conducted in Sudbury at the Sudbury Police firing range area. The Sudbury Police have allowed us to use their range due to the recent closure of the Wayland Police firing range at the River's Edge site. It is very important that we work to secure an area in Wayland that the police can use for firearms training and qualifications.



Patrick Swanick

Chief of Police

Wayland Police Department Detective Division Report for October 2017

INVESTIGATIONS

Identity Theft – Old Connecticut Path
Sexual Assault
Narcotic Investigation
Larceny over – Wisteria Way
Commercial Burglary – Old Sudbury Road
Commercial Burglary follow up 2008 – Commonwealth Road

MEETINGS/TRAININGS

Firearms Qualifications
Search Warrant Training
Youth Advisory Meeting
Homicide Training
Coplink Training
InService Training
Crisis Prevention and Intervention – Opioid Epidemic

MISCELLANEOUS

ALICE Training
Claypit Hill Traffic
Framingham District Court – MV/Criminal Hearings

COMMUNITY SERVICES

Citizen Police Academy
Council on Aging – Prescription Take Back
Pumpkin carving contest
DEA Drug Take back day
Coffee with a cop
TLC Nursery School
Walden Pond Bike Trip

***Wayland Police Department
Monthly Training Report***

Officers of the Wayland Police Department attended the following training programs during the month of October 2017:

Active Shooter Instructor School

Federal Law Enforcement Training Center
Taunton, Ma

October 3-6, 2017

Colin Fitzpatrick
Jarrod Kullich
Justen Kazan

Marijuana Legal Update

MPI (Massachusetts Police Institute)
Marlboro, Ma

October 11, 2017

Ken Davis
Seanna Lombardo

Glock Armorers School

Glock Industries
Waltham, Ma

October 24, 2017

Chris Custodie
Chris Hanlon

Firearms Instructor School

MPTC
Randolph, MA

October 31, 2017

Chris Custodie

In-service Training

MPTC
Boylston, MA

October 30- Nov 2, 2017

Seanna Lombardo

This month Officers completed the mandatory firearms qualifications. Training was held at the Sudbury Police Departments outdoor range.

Hi Sergeant Berger,

I went for my ride along yesterday with Officer Custodie, it was a great experience. I signed the waiver and put on the bullet proof vest. Officer Custodie showed the police cruiser's interior and how everything works, the camera's the speed radar and the back seats of the cruiser.

We got into the cruiser and drove around south Wayland, we made 3 traffic violation stops, the drivers were lucky they got away with a warning from Officer Custodie :-)

We patrolled around South Wayland, I went to places that I had never seen before in Wayland. The patrolling made me appreciate the amount of effort the police officers make in order to keep our neighborhood safe.

Officer Custodie was very courteous and explained everything in detail, big thumbs up to Officer Custodie for his service and professionalism, he gets a 5 star from me.

Thank you for making this awesome experience possible

Hi Jamie,

I wanted to share with you what a wonderful time I had on my ride along, Officer Fitzpatrick was friendly, fun, and I had a memorable ride! I wish everyone in the public would get the opportunity to know what amazing people serve in our Police Department. Thank you so much for giving us the chance to meet all of you!

Christine

Thank you, again! I've been talking with my two boys (11 and 7) all morning about the information Shane shared. The problems with social media, the importance of keeping your belongings in your lockers, drugs. Great breakfast conversation! I would love to have a copy of Shane's slideshow as a reference, if he would be willing to share it. No worries either way. Just hoping/trying to raise my boys to be good citizens of their community!

Have a great day, Jamie and I will look forward to seeing you next Thursday.

Chief Swanick:

I want to thank you for your support and the outstanding work of the officers charged with supervising the sixth grade ride to Walden Pond. My ride was on Friday and the officers were patient, clear, and incredibly professional.

This is a unique event that does wonderful things for our children and we cannot do it without your team ensuring their safety.

Thank you again.

Arthur Unobskey

Dear Wayland Police Officers,

Thank you for helping
us get to Walden Pond
safely. This trip wouldn't
be possible without you.

From, Philip

Dear Wayland police officers,
Thank you for keeping us all safe
while we were biking to Walden.
We all really appreciate it!!

Thank you,

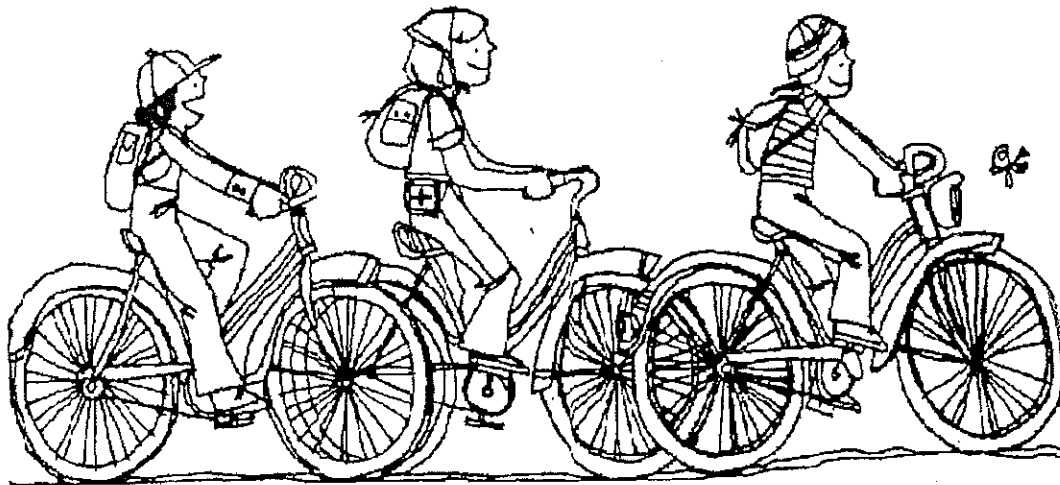
Maddie Duneen

Dear Wayland police officers,

Thank you for Biking and making sure
we were safe. The effort you put into
this trip means a lot to all the students

Thank you,

Emma





FOR THE ASSABET SUDBURY & CONCORD RIVERS

23 Bradford Street · Concord, MA 01742

978 · 369 · 3956

office@oars3rivers.org

www.oars3rivers.org

October 27, 2017

Zoning Board of Appeals
41 Cochituate Road
Wayland MA 01778

Re: Cascade Wayland Comprehensive Permit Application, 113-119 Boston Post Road

Dear Chairman Sachs and members of the Board,

Thank you for the opportunity to comment on the above referenced project. OARS is the watershed protection organization for the Sudbury, Assabet and Concord Rivers (www.oars3rivers.org). We have conducted research on wild eastern brook trout populations in the Sudbury River watershed, in Sudbury, Marlborough, and Hudson in collaboration with USGS Conte Fish Research Lab, Sudbury Valley Trustees, Greater Boston Trout Unlimited and the town of Sudbury (www.oars3rivers.org/our-work/monitoring/trout-streams). OARS maintains a temperature monitoring program on several Coldwater Fishery Resource streams in those communities (data from this project are available at <http://db.ecosheds.org/>). Today, geographically-isolated populations continue to exist in about 10% of the subwatersheds in eastern Massachusetts (see easternbrooktrout.org). The survival of these remaining populations is threatened by the pressures of development—particularly loss of vegetation, increase in impervious cover, direct stormwater runoff, and loss of recharge of rainfall to maintain stream baseflow.

Wayland is fortunate to be home to a relatively healthy population of wild eastern brook trout (*Salvelinus fontinalis*) population in Pine Brook (SARIS ID: 8247950), which traverses the property in question. This brook is designated by MassWildlife as a Coldwater Fishery Resource (CFR) which affords it certain protections under state law, namely the Rivers Protection Act (MMGL Ch. 258) and the Wetlands Protection Act, requiring adherence to the standards in the Stormwater Management Handbook, and the Water Management Act. A Coldwater Fish Resource (CFR) is a waterbody (stream, river, or tributary thereto) where reproducing Coldwater Fish use such waters to meet one or more of their life history requirements. CFRs are particularly sensitive habitats. Changes in land and water use can reduce the ability of these waters to support trout and other kinds of coldwater fish. (Mass. Div. of Fisheries and Wildlife, www.mass.gov/service-details/what-is-a-cfr). Land development that increases the temperature of stormwater runoff or groundwater base flow, the temperature of the stream itself by reducing overhanging vegetation, diminishes streamflow or interrupts the natural seasonal fluctuations in streamflow, or adds pollutants to CFRS is particularly destructive.

This project is unusual in being immediately next to a Coldwater Fishery Resource, having 40B status, being within the riverfront area, and being a redevelopment that significantly expands the built area of the site. Redevelopment within Previously Developed Riverfront Areas may be allowed

“provided the proposed work improves existing conditions.” (310 CMR 10.58 (5)) Contrary to any claims by the Applicant, *the proposed project does not improve existing conditions*; it appears to make them far worse. The applicant has not supported the claim by providing a calculation of changes in impervious cover, calculations of stormwater volumes that need to be managed, data on groundwater and floodplain levels, or sufficient details of the wastewater treatment system.

The applicant has requested a waiver from the Wayland Stormwater and Land Disturbance Regulations (Chapter 193) and from the Wetlands and Water Resources Protection Regulations (Chapter 194). **We strongly recommend that these waivers not be granted.** As noted in the MACC *Environmental Handbook*, your Board sits “as if it were the conservation commission acting under local wetlands authority.” (Pg. 22.15.5) Due to the severity of the impact of the proposed development on the environmental resources, and the lack of necessary information in the Comprehensive Permit Application with which to assess these impacts, we also ask that the ZBA **require the applicant to submit a Notice of Intent** under the Wetlands Protection and Rivers Protection Acts before proceeding with the Comprehensive Permit.

The Rivers Protection Act creates a 200-foot riverfront area that extends on both sides of rivers and streams with the purpose of: “Maintaining water quality by moderating stream temperatures, reducing erosion, and filtering sediments and pollutants, such as excess nutrients, toxins, and pathogens, before they reach rivers, and fisheries and shellfish beds that are important for recreational and commercial harvesting; and Providing food sources to support the aquatic food chain” (DEP website). This has many implications. Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less (310 CMR 10.58 (5)). The *Massachusetts Stormwater Handbook* requires at least a 50-foot setback of infiltration systems from the critical resource--Pine Brook (Vol. 1, Ch. 1, p. 8, Table RR). These and other key considerations are laid out in the analysis and comments made by the Conservation Commission in their Memo of August 16, 2017, with which we concur.

Comparing Plan #C201 with C301 it is evident that there is major fill that would be added to create the septic field, much of which would be within the 100-year flood zone (WPA Bordering land subject to flooding, 175’ elevation) and the 200-foot Riverfront Areas. On-site or off-site mitigation must be provided at the 2:1 ratio defined under the law. Where is the proposed compensatory flood storage area intended to go? By filling the floodplain on the Northeast side of the brook, this will extend the floodplain on the Southwest side of the brook and/or increase the velocity and scouring of the floodwater. This proposed filling is so far out of the bounds of what would be allowed that it should simply be rejected.

Coldwater Fisheries are defined as “Critical Areas” under the Massachusetts Stormwater Handbook (“Critical areas include Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00, recharge areas for public water supplies . . . bathing beaches as defined in 105 CMR 445.000, cold-water fisheries as defined in 310 CMR 10.04 and 314 CMR 9.02, and shellfish growing areas as defined in 310 CMR 10.04 and 314 CMR 9.02.” (Massachusetts. Stormwater Handbook, Pg. 3)

As defined under the Mass. Surface Water Quality Standards and the Wetlands Protection Act, “Cold-water fisheries are waters in which the mean of the maximum daily temperature over a seven-

day period generally does not exceed 68°F (20°C) and, when other ecological factors are favorable (such as habitat), are capable of supporting a year-round population of cold-water stenothermal aquatic life. Waters designated as cold-water fisheries by the Department in 314 CMR 4.00, and waters designated as cold-water fishery resources by the Division of Fisheries and Wildlife, are cold-water fisheries. Waters where there is evidence based on a fish survey that a cold-water fish population and habitat exist are also cold-water fisheries.” (*Massachusetts Stormwater Handbook*, Pg. 15)

The area that this project would negatively impact extends downstream of the project site itself. Pine Brook downstream of the project area and the Sudbury River are designated as areas 1792 and 2000 of BioMap2 Core Habitat and BioMap2 Critical Natural Landscape by the state’s Natural Heritage & Endangered Species Program (NHESP, BioMap2 Report and Map for Wayland, 2012, attached). NHESP states: “Protection and stewardship of *BioMap2* Core Habitat and Critical Natural Landscape is essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts...” The NHESP does not release site-specific rare species data except by special request as this information, if released in an unrestricted manner, can directly jeopardize specific rare species occurrences.

In conclusion, under the multiple state environmental protection rules discussed above, **this project should not proceed further through the Comprehensive Permit process.** Any redesign that would adequately address these concerns would need to be so substantial that it would constitute a new project. That does not mean that some development that is designed within these constraints could not be successful and serve the important affordable housing needs of Wayland. We look forward to reviewing a substantially different project that protects the critical ecological resources of the area in the future.

Please don’t hesitate to contact us if you have any questions.

Yours sincerely,



Alison Field-Juma
Executive Director

Attachments: BioMap2 Town Report and Map for Wayland

cc: Natural Heritage and Endangered Species Program
Mass. Division of Fisheries and Wildlife
Wayland Conservation Commission
Wayland Board of Health
Wayland Department of Public Works
Greater Boston Trout Unlimited
YMCA Camp Chickami
ProtectWayland



BioMap2

CONSERVING THE BIODIVERSITY OF
MASSACHUSETTS IN A CHANGING WORLD

Wayland

Produced in 2012

This report and associated map provide information about important sites for biodiversity conservation in your area.

This information is intended for conservation planning, and is not intended for use in state regulations.



**Natural Heritage
& Endangered Species
Program**
Massachusetts Division of Fisheries & Wildlife

**The Nature
Conservancy** 
Protecting nature. Preserving life.™



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Introduction

The Massachusetts Department of Fish & Game, through the Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP), and The Nature Conservancy's Massachusetts Program developed *BioMap2* to protect the state's biodiversity in the context of climate change.

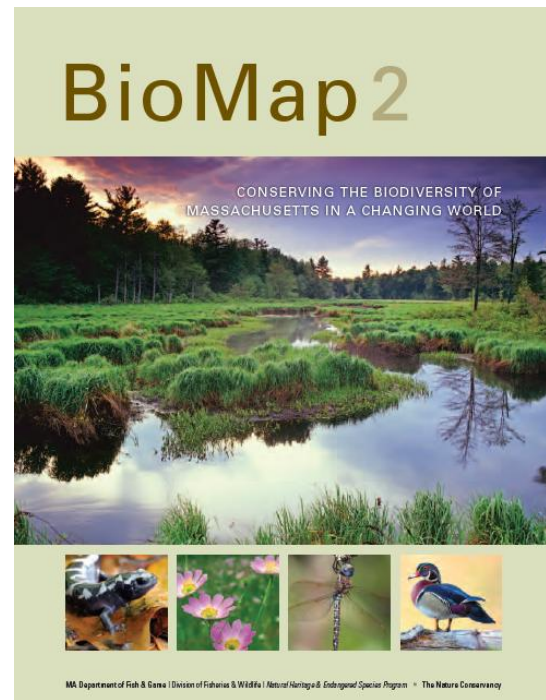
BioMap2 combines NHESP's 30 years of rigorously documented rare species and natural community data with spatial data identifying wildlife species and habitats that were the focus of the Division of Fisheries and Wildlife's 2005 State Wildlife Action Plan (SWAP). *BioMap2* also integrates The Nature Conservancy's assessment of large, well-connected, and intact ecosystems and landscapes across the Commonwealth, incorporating concepts of ecosystem resilience to address anticipated climate change impacts.

Protection and stewardship of *BioMap2* Core Habitat and Critical Natural Landscape is essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts.

What Does Status Mean?

The Division of Fisheries and Wildlife determines a status category for each rare species listed under the Massachusetts Endangered Species Act, M.G.L. c.131A, and its implementing regulations 321 CMR 10.00. Rare species are categorized as Endangered, Threatened or of Special Concern according to the following:

- Endangered species are in danger of extinction throughout all or a significant portion of their range or are in danger of extirpation from Massachusetts.



Get your copy of the *BioMap2* report! Download from www.mass.gov/nhesp or contact Natural Heritage at 508-389-6360 or natural.heritage@state.ma.us.

- Threatened species are likely to become Endangered in Massachusetts in the foreseeable future throughout all or a significant portion of their range.
- Special Concern species have suffered a decline that could threaten the species if allowed to continue unchecked or occur in such small numbers or with such restricted distribution or specialized habitat requirements that they could easily become Threatened in Massachusetts.

In addition NHESP maintains an unofficial watch list of plants that are tracked due to potential conservation interest or concern, but are not regulated under the Massachusetts Endangered Species Act or other laws or regulations. Likewise, described natural communities are not regulated by any law or regulations, but they can help to identify



**Natural Heritage
& Endangered
Species Program**

Massachusetts Division of Fisheries and Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
phone: 508-389-6360 fax: 508-389-7890



ecologically important areas that are worthy of protection. The status of natural communities reflects the documented number and acreages of each community type in the state:

- Critically Imperiled communities typically have 5 or fewer documented sites or have very few remaining acres in the state.
- Imperiled communities typically have 6-20 sites or few remaining acres in the state.
- Vulnerable communities typically have 21-100 sites or limited acreage across the state.
- Secure communities typically have over 100 sites or abundant acreage across the state; however, excellent examples are identified as Core Habitats to ensure continued protection.

In 2005 the Massachusetts Division of Fisheries and Wildlife completed a comprehensive State Wildlife Action Plan (SWAP) documenting the status of Massachusetts wildlife and providing recommendations to help guide wildlife conservation decision-making. SWAP includes all the wildlife species listed under the Massachusetts Endangered Species Act (MESA), as well as more than 80 species that need conservation attention but do not meet the requirements for inclusion under MESA. The SWAP document is organized around habitat types in need of conservation within the Commonwealth. While the original BioMap focused primarily on rare species protected under MESA, *BioMap2* also addresses other Species of Conservation Concern, their habitats, and the ecosystems that support them to create a spatial representation of most of the elements of SWAP.

***BioMap2*: One Plan, Two Components**

BioMap2 identifies two complementary spatial layers, Core Habitat and Critical Natural Landscape.

Core Habitat identifies key areas that are critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth. Protection of Core Habitats will contribute to the conservation of specific elements of biodiversity.

Critical Natural Landscape identifies large natural Landscape Blocks that are minimally impacted by development. If protected, these areas will provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience to natural and anthropogenic disturbances in a rapidly changing world. Areas delineated as Critical Natural Landscape also include buffering upland around wetland, coastal, and aquatic Core Habitats to help ensure their long-term integrity.

The long-term persistence of Massachusetts biological resources requires a determined commitment to land and water conservation. Protection and stewardship of both Critical Natural Landscapes and Core Habitats are needed to realize the biodiversity conservation vision of *BioMap2*.

Components of Core Habitat

Core Habitat identifies specific areas necessary to promote the long-term persistence of rare species, other Species of Conservation Concern, exemplary natural communities, and intact ecosystems.

Rare Species

There are 432 native plant and animal species listed as Endangered, Threatened or Special Concern under the Massachusetts Endangered Species Act (MESA) based on their rarity, population trends, and threats to survival. For





Table 1. Species of Conservation Concern described in the State Wildlife Action Plan and/or included on the MESA List and for which habitat was mapped in *BioMap2*. Note that plants are not included in SWAP, and that marine species such as whales and sea turtles are not included in *BioMap2*.

Taxonomic Group	MESA-listed Species	Non-listed Species of Conservation Concern
Mammals	4	5
Birds	27	23
Reptiles	10	5
Amphibians	4	3
Fish	10	17
Invertebrates	102	9
Plants	256	0
Total	413	62

BioMap2, NHESP staff identified the highest quality habitat sites for each non-marine species based on size, condition, and landscape context.

Other Species of Conservation Concern

In addition to species on the MESA List described previously, the State Wildlife Action Plan (SWAP) identifies 257 wildlife species and 22 natural habitats most in need of conservation within the Commonwealth. *BioMap2* includes species-specific habitat areas for 45 of these species and habitat for 17 additional species which was mapped with other coarse-filter and fine-filter approaches.

Priority Natural Communities

Natural communities are assemblages of plant and animal species that share a common environment and occur together repeatedly on the landscape. *BioMap2* gives conservation

priority to natural communities with limited distribution and to the best examples of more common types.

Vernal Pools

Vernal pools are small, seasonal wetlands that provide important wildlife habitat, especially for amphibians and invertebrate animals that use them to breed. *BioMap2* identifies the top 5 percent most interconnected clusters of Potential Vernal Pools in the state.

Forest Cores

In *BioMap2*, Core Habitat includes the best examples of large, intact forests that are least impacted by roads and development, providing critical habitat for numerous woodland species. For example, the interior forest habitat defined by Forest Cores supports many bird species sensitive to the impacts of roads and development, such as the Black-throated Green Warbler, and helps maintain ecological processes found only in unfragmented forest patches.

Wetland Cores

BioMap2 used an assessment of Ecological Integrity to identify the least disturbed wetlands in the state within undeveloped landscapes—those with intact buffers and little fragmentation or other stressors associated with development. These wetlands are most likely to support critical wetland functions (i.e., natural hydrologic conditions, diverse plant and animal habitats, etc.) and are most likely to maintain these functions into the future.

Aquatic Cores

To delineate integrated and functional ecosystems for fish species and other aquatic





Species of Conservation Concern, beyond the species and exemplary habitats described above, *BioMap2* identifies intact river corridors within which important physical and ecological processes of the river or stream occur.

Components of Critical Natural Landscape

Critical Natural Landscape identifies intact landscapes in Massachusetts that are better able to support ecological processes and disturbance regimes, and a wide array of species and habitats over long time frames.

Landscape Blocks

BioMap2 identifies the most intact large areas of predominately natural vegetation, consisting of contiguous forests, wetlands, rivers, lakes, and ponds, as well as coastal habitats such as barrier beaches and salt marshes.

Upland Buffers of Wetland and Aquatic Cores

A variety of analyses were used to identify protective upland buffers around wetlands and rivers.

Upland Habitat to Support Coastal Adaptation

BioMap2 identifies undeveloped lands adjacent to and up to one and a half meters above existing salt marshes as Critical Natural Landscapes with high potential to support inland migration of salt marsh and other coastal habitats over the coming century.

The conservation areas identified by *BioMap2* are based on breadth and depth of data, scientific expertise, and understanding of Massachusetts' biodiversity. The numerous sources of information and analyses used to

Legal Protection of Biodiversity

BioMap2 presents a powerful vision of what Massachusetts would look like with full protection of the land most important for supporting the Commonwealth's biodiversity. While *BioMap2* is a planning tool with *no regulatory function*, all state-listed species enjoy legal protection under the [Massachusetts Endangered Species Act \(M.G.L. c.131A\)](#) and its implementing regulations ([321 CMR 10.00](#)). Wetland habitat of state-listed wildlife is also protected under the [Wetlands Protection Act Regulations \(310 CMR 10.00\)](#). The *Natural Heritage Atlas* contains maps of [Priority Habitats and Estimated Habitats](#), which are used, respectively, for regulation under the Massachusetts Endangered Species Act and the Wetlands Protection Act. For more information on rare species regulations, and to view Priority and Estimated Habitat maps, please see the [Regulatory Review](#) page at <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>.

***BioMap2* is a conservation planning tool that does not, in any way, supplant the Estimated and Priority Habitat Maps which have regulatory significance. Unless and until the *BioMap2* vision is fully realized, we must continue to protect our most imperiled species and their habitats.**

create Core Habitat and Critical Natural Landscape are complementary, and outline a comprehensive conservation vision for Massachusetts, from rare species to intact landscapes. In total, these robust analyses define a suite of priority lands and waters that, if permanently protected, will support Massachusetts' natural systems for generations to come.





Understanding Core Habitat Summaries

Following the Town Overview, there is a descriptive summary of each Core Habitat and Critical Natural Landscape that occurs in your city or town. These summaries highlight some of the outstanding characteristics of each Core Habitat and Critical Natural Landscape, and will help you learn more about your city or town's biodiversity. You can find out more information about many of these species and natural communities by looking at specific fact sheets at www.mass.gov/nhosp.

Additional Information

For copies of the full *BioMap2* report, the Technical Report, and an [interactive mapping tool](#), visit the *BioMap2* [website](#) via the Land Protection and Planning tab at www.mass.gov/nhosp. If you have any questions about this report, or if you need help protecting land for biodiversity in your community, the Natural Heritage & Endangered Species Program staff looks forward to working with you.

Contact the Natural Heritage & Endangered Species Program

By phone 508-389-6360
By fax 508-389-7890
By email natural.heritage@state.ma.us
By Mail 100 Hartwell Street, Suite 230
West Boylston, MA 01583

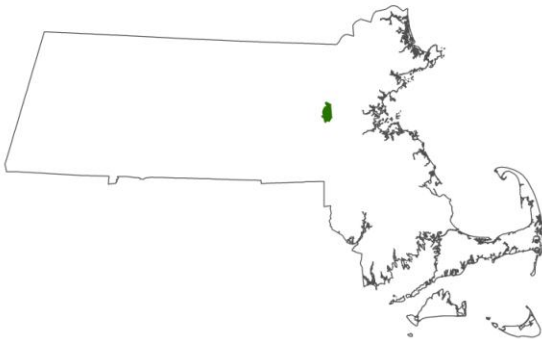
The GIS datalayers of *BioMap2* are available for download from MassGIS at www.mass.gov/mgis.





Town Overview

Wayland lies on the border of the Boston Basin and the Southern New England Coastal Plains and Hills Ecoregions. The Boston Basin Ecoregion is an area defined by a rim of low hills and outlying hilly suburban towns. The basin itself has low rolling topography and numerous urban reservoirs, lakes, and ponds. The flat areas were once tilled, but are now almost exclusively urban and suburban developments. The Southern New England Coastal Plains and Hills Ecoregion is comprised of plains with a few low hills. Forests are mainly central hardwoods with some transition hardwoods and some elm-ash-red maple and red and white pine. Many major rivers drain this area.



Wayland at a Glance

- Total Area: 10,147 acres (15.9 square miles)
- Human Population in 2010: 12,994
- Open space protected in perpetuity: 3,227 acres, or 31.8% percent of total area*
- BioMap2 Core Habitat: 2,136 acres
- BioMap2 Core Habitat Protected: 1,483 acres or 69.5%
- BioMap2 Critical Natural Landscape: 2,056 acres
- BioMap2 Critical Natural Landscape Protected: 1,467 acres or 71.3%.

BioMap2 Components

Core Habitat

- 1 Wetland Core
- 2 Aquatic Cores
- 7 Species of Conservation Concern Cores**
 - 5 birds, 2 amphibians, 1 mussel, 1 plant

Critical Natural Landscape

- 1 Wetland Core Buffer
- 2 Aquatic Core Buffers

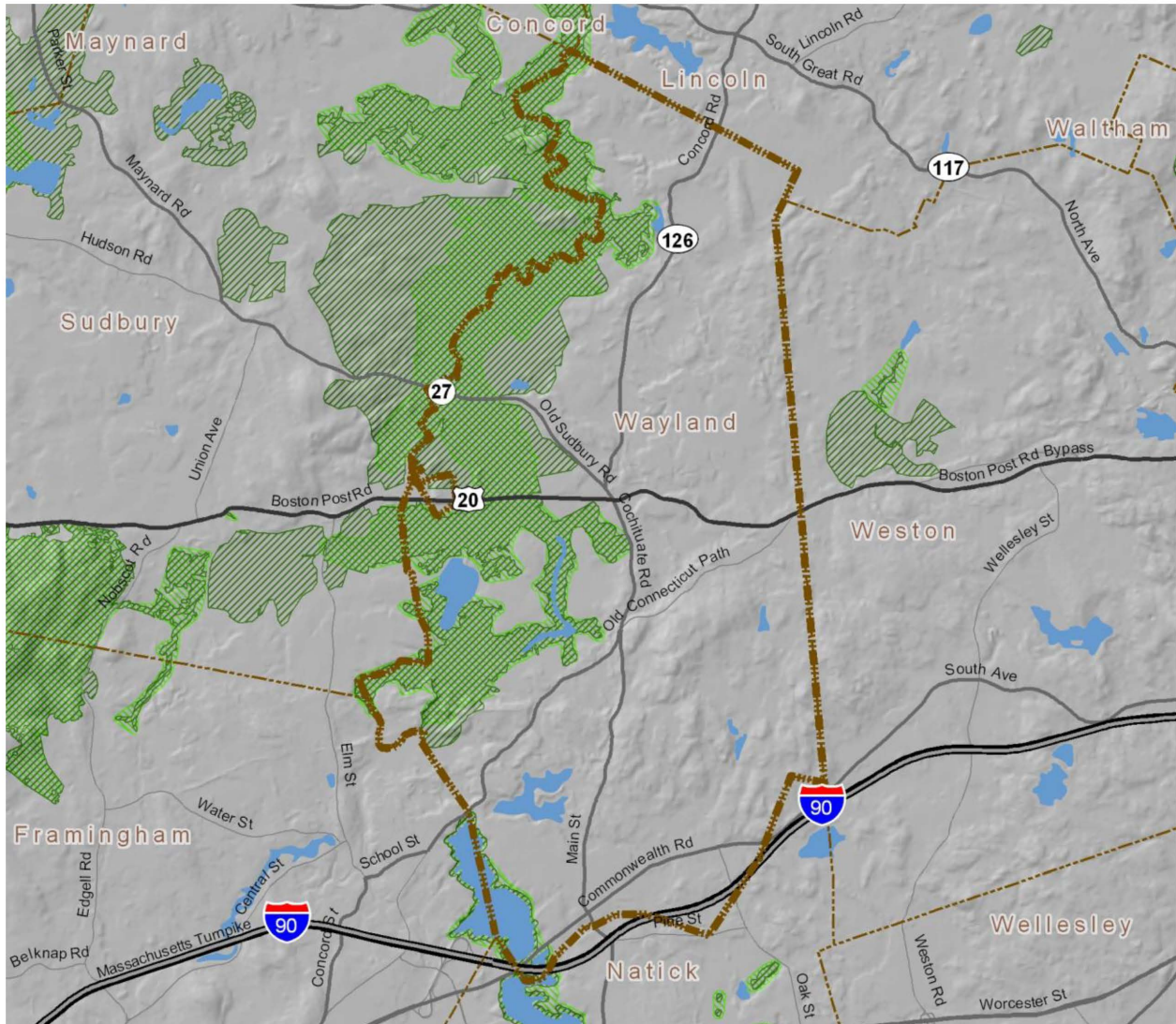
* Calculated using MassGIS data layer "Protected and Recreational Open Space – March, 2012".

** See next pages for complete list of species, natural communities and other biodiversity elements.





BioMap2 Core Habitat and Critical Natural Landscape in Wayland



- BioMap2 Core Habitat
- BioMap2 Critical Natural Landscape

1 Mile





**Species of Conservation Concern, Priority and Exemplary Natural Communities,
and Other Elements of Biodiversity in Wayland**

Mussels

[Eastern Pondmussel](#), (*Ligumia nasuta*), SC

Amphibians

Northern Leopard Frog, (*Rana pipiens*), Non-listed SWAP

[Blue-spotted Salamander](#), (*Ambystoma laterale*), SC

Birds

[American Bittern](#), (*Botaurus lentiginosus*), E

[Least Bittern](#), (*Ixobrychus exilis*), E

[Pied-billed Grebe](#), (*Podilymbus podiceps*), E

[Sora](#), (*Porzana carolina*), Non-listed SWAP

[Common Moorhen](#), (*Gallinula chloropus*), SC

Plants

[River Bulrush](#), (*Bolboschoenus fluviatilis*), recently de-listed

Other BioMap2 Components

[Aquatic Core](#)

[Wetland Core](#)

[Aquatic Core Buffer](#)

[Wetland Core Buffer](#)

E = Endangered

T = Threatened

SC = Special Concern

S1 = Critically Imperiled communities, typically 5 or fewer documented sites or very few remaining acres in the state.

S2 = Imperiled communities, typically 6-20 sites or few remaining acres in the state.

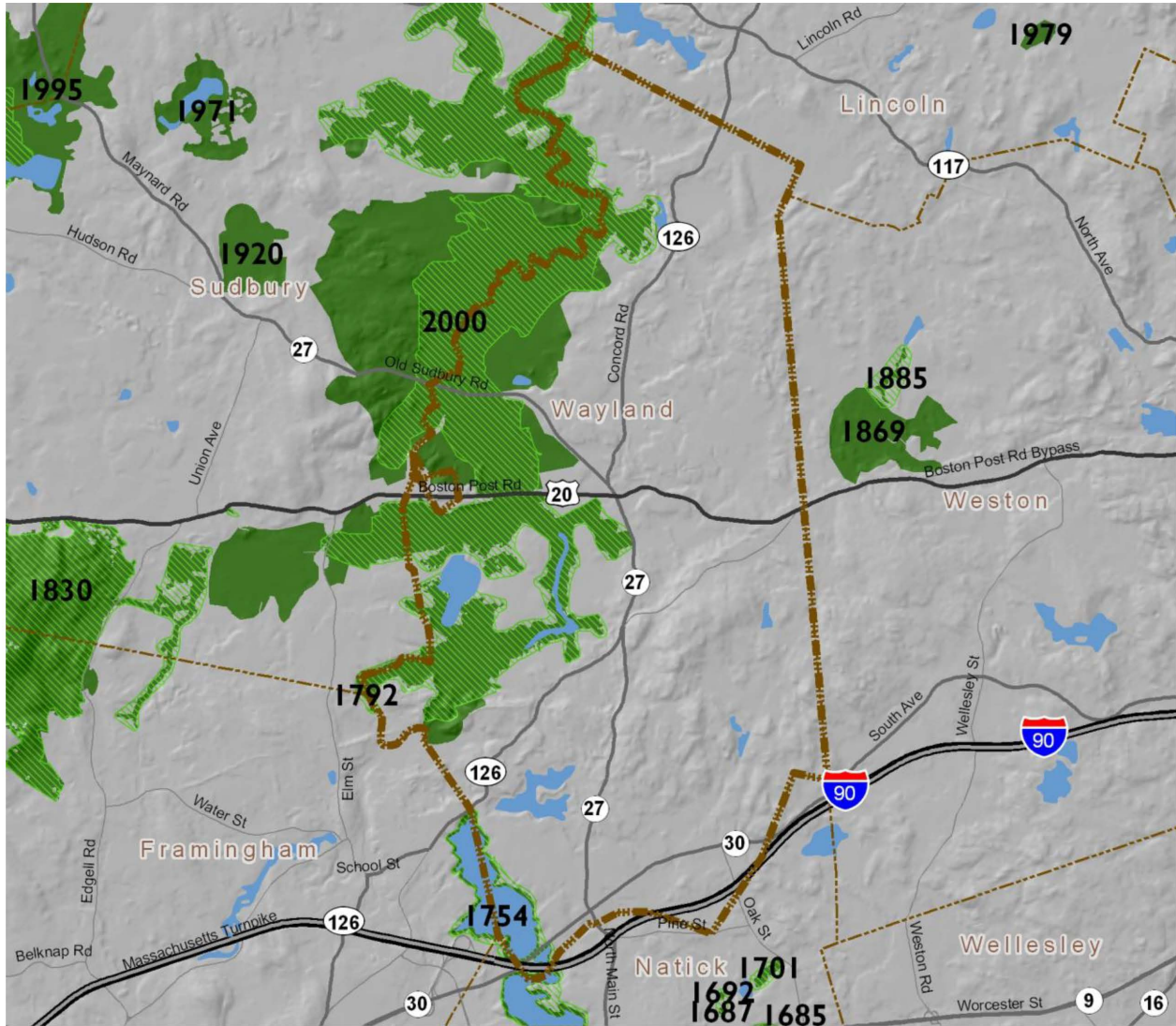
S3 = Vulnerable communities, typically have 21-100 sites or limited acreage across the state.



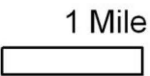


BioMap2 Core Habitat in Wayland

Core IDs correspond with the following element lists and summaries.



- BioMap2 Core Habitat
- BioMap2 Critical Natural Landscape





Elements of BioMap2 Cores

This section lists all elements of BioMap2 Cores that fall *entirely or partially* within Wayland. The elements listed here may not occur within the bounds of Wayland.

Core 1754

Aquatic Core

Species of Conservation Concern

Eastern Pondmussel

Ligumia nasuta

SC

Core 2000

Aquatic Core

Wetland Core

Deep Emergent Marsh

Species of Conservation Concern

Engelmann's Umbrella-sedge

Cyperus engelmannii

T

Long's Bulrush

Scirpus longii

T

Blue-spotted Salamander

Ambystoma laterale

SC

Northern Leopard Frog

Rana pipiens

Non-listed SWAP

Spotted Turtle

Clemmys guttata

Non-listed SWAP

American Bittern

Botaurus lentiginosus

E

Common Moorhen

Gallinula chloropus

SC

Least Bittern

Ixobrychus exilis

E

Pied-billed Grebe

Podilymbus podiceps

E

Sora

Porzana carolina

Non-listed SWAP





Core Habitat Summaries

Core 1754

A 767-acre Core Habitat featuring Aquatic Core and a Species of Conservation Concern.

Aquatic Cores are intact river corridors within which important physical and ecological processes of the river or stream occur. They delineate integrated and functional ecosystems for fish species and other aquatic Species of Conservation Concern.

Eastern Pondmussels, large freshwater mussels, are most abundant in southeastern Massachusetts. They inhabit streams, rivers, and small to large lakes and ponds; they show no preference for substrate, depth, or flow conditions. As sedentary filter feeders they are vulnerable to the alterations of water bodies.

Core 2000

A 4,795-acre Core Habitat featuring Wetland Core, Aquatic Core, Priority Natural Communities, and Species of Conservation Concern.

Wetland Cores are the least disturbed wetlands in the state within undeveloped landscapes—those with intact buffers and little fragmentation or other stressors associated with development. These wetlands are most likely to support critical wetland functions (i.e., natural hydrologic conditions, diverse plant and animal habitats, etc.) and are most likely to maintain these functions into the future.

The 2,475 Wetland Core is the largest of all Wetland Cores in the state and in this ecoregion.

Aquatic Cores are intact river corridors within which important physical and ecological processes of the river or stream occur. They delineate integrated and functional ecosystems for fish species and other aquatic Species of Conservation Concern.

Deep Emergent Marshes are graminoid wetlands occurring on saturated soils that are seasonally flooded. They generally form in broad, flat areas bordering slow rivers or along pond margins, and often grade into shrub swamps. This species rich Deep Emergent Marsh is part of a large wetland system. Purple Loosestrife is abundant and a dam has altered natural water levels.

This umbrella-sedge or flatsedge inhabits exposed moist soil on pond or river shores. It is closely related to rusty flatsedge. Engelmann's Umbrella-sedge can be distinguished from rusty flatsedge by its divergent floral scales.

Long's Bulrush is a globally rare, robust sedge of open peaty wetlands. In Massachusetts, Long's Bulrush is known to occur in acidic fen and wet meadow communities associated with rivers.

Adult and juvenile Blue-spotted Salamanders inhabit upland forests during most of the year, where they reside in small-mammal burrows and other subsurface retreats. Adults migrate during late winter or early spring to breed in vernal pools and fish-free areas of swamps, marshes, or similar wetlands. Larvae metamorphose in late summer or early fall, whereupon they disperse into upland forest.

Adult Northern Leopard Frogs are found in marshes, wet meadows, and peatlands in the narrow transition zone between open water and uplands; they retreat to the water of ponds and small streams





when threatened. The herbivorous tadpoles require open water of sufficient permanence for their development.

Strong populations of Spotted Turtles in good habitat - large, unfragmented, protected open space - continue to be of interest for the conservation of this species. This small, dark-colored turtle with yellow spots on its carapace inhabits a variety of wetlands year-round and nests in nearby uplands during spring. Road and collection are the primary conservation concerns.

American Bitterns are heron-like birds that nest primarily in large cattail, tussock or shrub marshes and are very sensitive to disturbance.

Common Moorhens are fowl-like marshbirds that typically nest in dense cattail beds adjacent to open water.

Least Bitterns are heron-like birds that typically nest in cattail marshes interspersed with open water and are very sensitive to disturbance.

Pied-billed Grebes are secretive marshbirds that typically nest in dense cattail beds adjacent to open water. They are very sensitive to disturbance and changes in water levels.

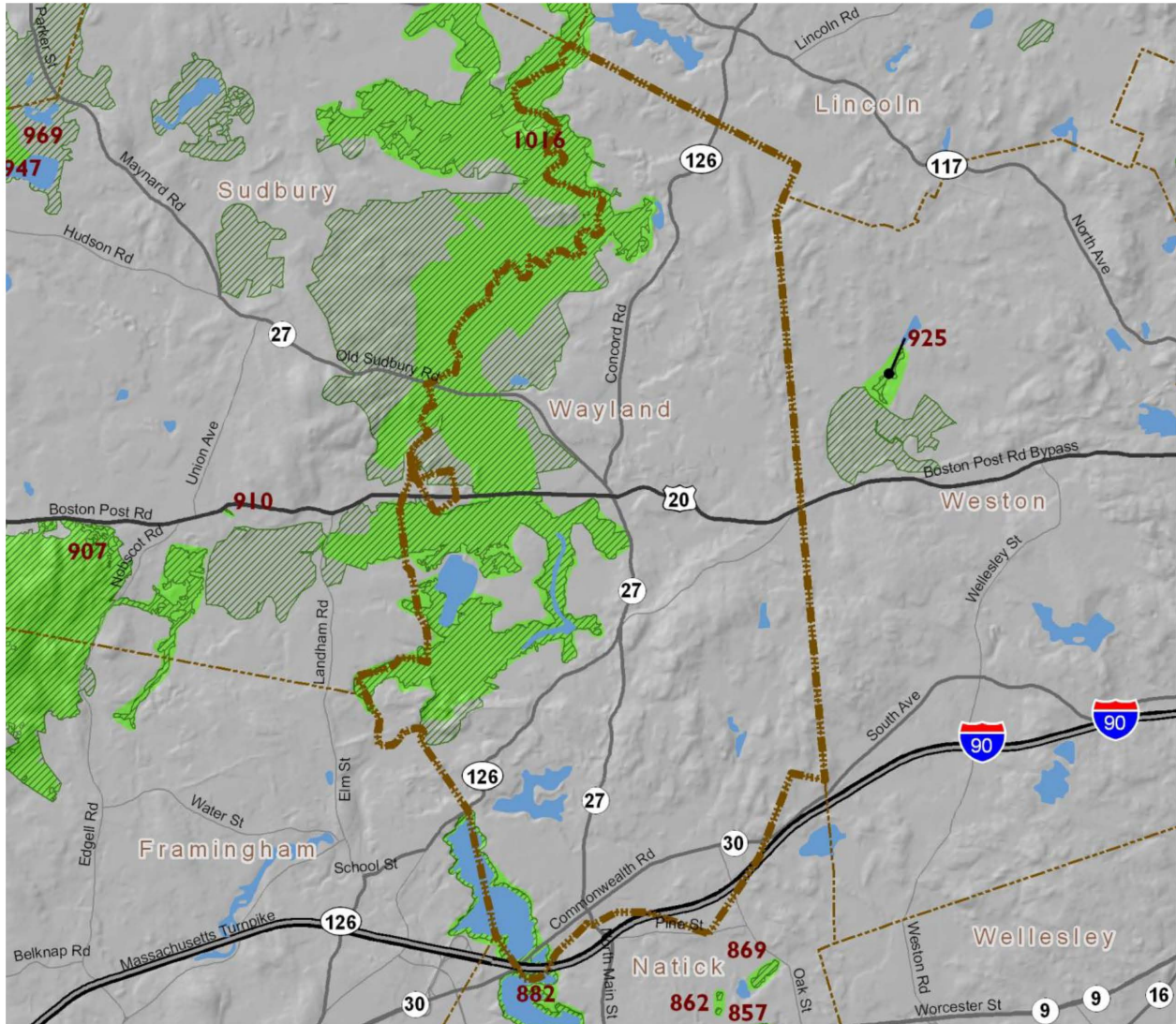
Soras are secretive marshbirds that typically nest in dense cattail marshes with interspersed open water.








BioMap2 Critical Natural Landscape in Wayland

Critical Natural Landscape IDs correspond with the following element lists and summaries.



-  BioMap2 Core Habitat
-  BioMap2 Critical Natural Landscape

1 Mile






Elements of BioMap2 Critical Natural Landscapes

This section lists all elements of BioMap2 Critical Natural Landscapes that fall *entirely or partially* within Wayland. The elements listed here may not occur within the bounds of Wayland.

CNL 882

Aquatic Core Buffer

CNL 1016

Aquatic Core Buffer

Wetland Core Buffer





Critical Natural Landscape Summaries

CNL 882

An 849-acre Critical Natural Landscape featuring Aquatic Core Buffer.

A variety of analyses were used to identify protective upland buffers around wetlands and rivers. One, the variable width buffers methodology, included the most intact areas around each wetland and river, by extending deeper into surrounding unfragmented habitats than into developed areas adjacent to each wetland. Other upland buffers were identified through the rare species habitat analysis. In this way, the conservation of wetland buffers will support the habitats and functionality of each wetland, and also include adjacent uplands that are important for many species that move between habitat types.

CNL 1016

A 4,343-acre Critical Natural Landscape featuring Aquatic Core Buffer and Wetland Core Buffer.

A variety of analyses were used to identify protective upland buffers around wetlands and rivers. One, the variable width buffers methodology, included the most intact areas around each wetland and river, by extending deeper into surrounding unfragmented habitats than into developed areas adjacent to each wetland. Other upland buffers were identified through the rare species habitat analysis. In this way, the conservation of wetland buffers will support the habitats and functionality of each wetland, and also include adjacent uplands that are important for many species that move between habitat types.



Help Save Endangered Wildlife!

Please contribute on your Massachusetts income tax form or directly to the



Natural Heritage & Endangered Species Fund

To learn more about the Natural Heritage & Endangered Species Program and the Commonwealth's rare species, visit our web site at www.mass.gov/nhesp.

DRAFT Minutes
WHDC Meeting
May 18, 2017
Wayland Town Bldg., Selectmen's Room

HDC members present: Gretchen Schuler (presiding), Caitlin Ahern, Margery Baston, Alice Boelter, Marji Ford, Desmond McAuley, Seema Mysore, Kathie Steinberg

Others present: Jay Gallant (architect for 47 Old Sudbury Road), Carrie Lapp (homeowner of 47 Old Sudbury Road)

7:30 Public Hearing. 47 Old Sudbury Road. Addition along back wall of house and restoring and replacing windows. Jay Gallant pointed out that the pergola will be somewhat visible from Bow Road, but not at all from Old Sudbury Road. Gretchen asked for clarification about proposed plans for the windows. Jay explained that replacement windows would be double-glazed with muntins permanently affixed over them. Jay said that windows on the first floor that wrap around the porch are to be restored. Gretchen noted that those may not have been the original since they are from the later Greek Revival period, just as the porch itself is probably not original. There was a question about the replacement of windows on the second floor for which windows with 6 panes over 1 were proposed when 6 over 6 would be more historically appropriate for the Federal Greek Revival period. The cost difference is minimal for the 6 over 6. The window openings would be slightly larger for the 6 over 6. Desmond concurred with Gretchen that the 6 over 6 was appropriate for the age of the house and noted that if windows being replaced on the side of the house are 6 over 6, this would be more consistent. Jay and Carrie saw the benefit of keeping things consistent, and using the 6 over 6 replacement windows.

Alice asked about two instances of double windows being proposed. Desmond suggested that mulling between the windows could afford the same increase in light and view while being more accurate historically. The mull, placed between the two windows could be easily inserted and prevent their looking "pushed together." Carrie ultimately agreed to this recommendation. Alice also asked about the skylights on the addition and was assured these could not be seen from the public way.

There was a motion to approve the application for the pergola and the other work not visible from the public way; for the change in the application to make the replacement windows 6 over 6; and the proposed double windows to be separated by a mull in the kitchen the second story bathroom. Also, the 6 over 9 windows in the attic will be refurbished rather than replaced if at all possible. This motion received a unanimous, favorable vote. (7-0-0)

8:15 pm Public Hearing. Design Review Guidelines for Historic Districts. A draft of the Design Review Guidelines was available for public review at the Wayland Public Library and online prior to the hearing. No members of the public came to the hearing or offered comments in advance. The Commission proceeded to discuss additional observations including the legibility of the sketches, and also the illustration used for “Additions” on p. 5, on which Desmond offered assistance. On page 30, the map showing the two Historic Districts may be changed to a landscape view to improve legibility. There are some necessary corrections to that map. Additional suggestions included slight wording changes. After these small edits, there was a motion to accept the Guidelines; and this received a positive, unanimous vote. (6-0-0)

Wayland Passenger Station - aka Wayland Depot. Report on rail-trail construction. Margery gave a brief update noting that the rail trail through the Depot property has been very attractively designed and considerably improves safety. It is seeing considerable use by kids on bikes, dog walkers and young families. The lowered fence to the west of the Depot, which the HDC advocated, is an improvement over the earlier installation. The only concern now is the stone dust being tracked into the Depot building which is scratching the new floor. This was remedied somewhat by extending the brick walkway from the Depot entrance steps out to the granite at the parking lot edge.

Minutes of March 16, 2017 were accepted (4-0-2)

The meeting adjourned at 8:45 pm.

Respectfully submitted,

Margery Baston

Wayland Historical Commission
July 18, 2017

Council on Aging, Wayland Town Building

Present: Rick Conard, Kay Westcott, Tonya Largy, Elisa Scola, Ann Gordon

Guest: Mike Lowery, Gretchen Schuler, Mike Patterson (Boy Scout), Dan Williams and Kevin Neprud (Trinitarian Congregational Church)

The meeting was called to order at 7:30pm

North and South Cemetery Update

- Ann Gordon checked on the progress at the North Cemetery, and verified that Monument Conservation has completed the first phase of repair on markers, for which they have invoiced us for \$14,200
- The Commission voted unanimously to pay the invoice
- Suggestion from Mike Lowery to let the DPW know when the conservators are working in the cemetery

Demolition Delay

- Chris Skelly from Mass Historical Commission is willing to meet with us during the day to discuss this

Update on 24 School Street

- A 12-unit development is planned
- Mike Lowery said this 40B has latitude around town guidelines, it is not a settled matter
- Dudley Brook runs nearby, and the proponents are requesting a 50-foot buffer from the stream; Conservation has to decide if that is sufficient
- Gretchen Schuler advised that the WHC send another letter to Selectmen outlining concerns about historical issues, and copy ZBA, Conservation and Board of Health

Castle Gate Pillars

- Mike Lowery: The BPW and DPW are concerned that if we restore the pillars and leave them where they are, they will be compromised by the same forces that have damaged them all along. It might be safer for the pillars and the drivers if they are moved slightly back from the road.
- Mike displayed photos in particular showing how close the pillars are to the road, including a closeup of base stones that have moved slightly
- Mike feels the pillars are in harm's way

- Kay has spoken with people in the neighborhood who say they are not concerned about safety in terms of firetrucks getting down the street, etc.
- Neighbors feel the stones are moving because of water and ice, rather than a vehicle hitting them
- Our concern is that if you move them, they become decorative pillars at the opening of a modern road, rather than harkening back to the carriage road where they first stood
- We want to conserve the pillars, and we feel that moving them compromises the historic character of the site
- Mike: we have professionals in the DPW who know how to design intersections etc. and we should ask for their recommendations and then consider them
- WHC would like to hear about other solutions to consider as well, such as shrubbery that might alert drivers to the corner
- Gretchen: BPW could be the requesting entity to the CPC for the funding, though it's more typical that requests come from some body that has historical concerns

Railroad and Rail Trail Cattle Passes

- Rick met with an engineer from VHB, the engineering firm for Eversource for the Rail Trail, John Wathne from Structures North, and a member of the Weston Historical Commission and a member of the Weston Rail Trail Advisory Committee
- Met to inspect three cattle passes, one in Wayland and two in Weston, and Eversource has requested concrete repairs that the towns would pay for
- John Wathne prepared an estimate of \$26K for Station 71 (Wayland), \$21K for Station 142 (Weston), and \$3K for Station 165 (Weston)
- These cattle passes are strong enough to bear the loading of Eversource vehicles
- But they are in need of repairs: concrete is coming apart underneath, it has nothing to stick to
- Wayland has one cattle pass, Weston has four, and Eversource has agreed to preserve them all as long as the towns pay for the concrete repairs
- Wayland's Cattle pass is near the Lucy Glover land, and Rick is researching its history
- \$26,287 is John Wathne's estimate for Wayland's repairs, plus another estimated \$2K for our share of design services
- DCR will create railings to attach to the concrete on top, and will pay for them
- We don't have money currently to pay for this
- We would have to ask for CPC funds for this work, or go through Town Meeting
- Gretchen feels we can find the money without going to Town Meeting
- Beth Doucette, Town Purchasing Agent, is working on finding funding; Gretchen will talk with her and Sarkis Sarkisian, to see what has been spent and what has been appropriated from the \$250K that was appropriated for the Rail Trail
- If the Town Engineer could help with construction monitoring, that could save money

First High School

- Dan Williams and Kevin Neprud from the Trinitarian Church presented information on the windows for the First High School and showed two samples with slightly different styles
- Double-paned windows have aluminum-clad muntions on the outside and wooden on the inside that is fused to the glass, not clipped in; very high quality Sierra Pacific windows
- Can we request wooden windows on the front eight windows?
 - Front is on the sunny side it would deteriorate faster
 - Wood would require storm windows which would detract
 - Wood would require more upkeep and maintenance
- Gretchen reminds that in order to use CPC money we have to meet the criteria and Secretary of Interior Standards, and non-wood is bending the rules
- We are making compromises with the other widows, e.g., using double-paned, and doing the best we can on the front would help to meet the standards. Aluminum clad on the front is not historically accurate.
- TCC will tell their people that wooden windows are required on the front, they will look for wooden windows from the same supplier or someone else
- They are hoping to do the work in the fall

Archaeology

- Next sifting project will be 9:30am – 1:30pm on Sat. Aug. 26
- Tonya reported that 12 people came to the June sifting event and shared the items that were found there
- Dorey House: Umass Amherst student will work on this with supervision from her department
- Do we have money in the budget to pay for mileage for the student and supervisors?
- WHC can request admin money from CPC to cover this
- Wayland Historical Society received emails from a neighbor near Mahoney's suggesting an archaeological survey at the site before the 40B is built
- If we fund the survey we have more clout
- Gretchen thinks we could fund this from the CPC admin fund and not go to Town Meeting.
- A motion was made to request from the CPC up to \$5,000 for an archaeological survey at the Brookside site
- The motion passes unanimously
- A motion was made to request from the CPC up to \$2,000 for transportation and expenses for the Dorey House project
- The motion passes unanimously

Cochituate Gate House

- DCR is looking for some entity to use/preserve the Gate House
- We should forward information to anyone we think might be interested
-

Stones Bridge

- Tonya reported that the State has found an endangered mussel in the stream

Minutes

- Minutes from the previous meeting were reviewed and approved.

The meeting was adjourned at 9:30pm.

Respectfully submitted,

Ann Gordon

Wayland Historical Commission
September 12, 2017

Small Hearing Room, Floor 2, Wayland Town Building

Present: Elisa Scola, Rick Conard, John Dyer, Ann Gordon, Tonya Largy, Kay Westcott

The meeting was called to order at 7:35pm

North and South Cemetery Update

- Ann Gordon checked on progress at the North Cemetery, and verified that Monument Conservation has completed the second phase of repair on markers, for which they have submitted a \$14,427 invoice. This is in addition to the \$14,200 invoice paid in July.
- The Commission voted unanimously to pay the August invoice
- Kay displayed photos of gravestones that had been repaired, and some that still require repair
- Kay expressed concern that there are additional gravestones that need attention that are not on the current list, and recommended that we should have an ongoing fund for continuous repairs
- We have responsibility for South Cemetery and the historic portions of Lakeview as well (anything before 1900)
- Elisa recommended that Ann and Kay make a list of additional gravestones in North Cemetery that need attention

Demolition Delay

- Kay spoke with Chris Skelly from Mass Historical Commission; he is willing to talk with us about the Demolition Delay and provide advice
- Elisa will contact him

First High School

- The CPC funded the window replacements, and we are requiring a restriction on the exterior as well as the windows
- Our usual 50-year restriction was deemed excessive since the windows are under a 25-year warranty, so we had agreed on a 30-year restriction
- The Trinitarian Church has requested a 20-year restriction
- We would like to stand firm on the 30-year restriction

Castle Gate Pillars

- BPW requested funds to dismantle the pillars and reconstruct them

- The cost is the same whether or not they stay in place or are moved
- The funding request is blind to moving or not moving the pillars
- Kay reports that DPW director Tom Holder is indifferent to moving or not moving the pillars
- The WHC remains unanimous that the pillars should not be moved.

Digital Records Online

- Kay reports that the Boston Public Library is willing to put our digital records on Digital Commonwealth, a website with archives and library materials available for free to all viewers
- We are waiting for the head of IT to get a separate hard drive to load the material and send to BPL

Railroad and Rail Trail Cattle Passes

- Rick and Gretchen Schuler attended the Selectmen's July 24 meeting to pursue the question of funding for the cattle pass
- Gretchen has been investigating the balance of CPA funds available for the Rail Trail; she estimates about \$30K hasn't yet been spent
- On Aug. 15, Gretchen, Rick and Tonya, along with Sarkis Sarkisian, went to the Planning Board meeting
- The Board appreciated the importance of preserving the cattle pass and asked a lot of questions
- The chair of the Planning Board asked for a plan
- Sarkis has engaged the town's planning consultant — TEC — to look at the issue
- Sarkis says DCR is willing to save the cattle pass, but is not committing funds
- The first estimate was \$28K for repairs to the cattle pass; Sarkis thinks this can be reduced
- We could put some interpretive signs there, possibly funded by CPC
- Eversource has selected a contractor for the Rail Trail access road; work may start by the end of Sept. or early Oct.
- The Town has applied for a grant from DCR for permitting and design for the section west of Rt. 20
- A telephone pole fell across the Rail Trail and DPW moved it, but the base remains

Archaeology

- Fairly successful sifting event on Sat. Aug. 26
- Found one quartz point, some chipping debris, and other historic artifacts
- The Town drafted a waiver for UMass people who will work at the Dorey House
- In addition, people who are involved in the excavation must be up to date on their tetanus shots
- Elisa's daughter is planning to film the dig

- The UMass Amherst student will work on this with supervision from her department in Sept, October, maybe November
- The house has been condemned, so the work will be outside, possibly along the back of the house
- John shared a map of the lot that shows the location of the septic system and the cesspool. Bob Dorey helped John locate these items. Septic system, 800 gal., was pumped in 2003.
- UMass is lending us some of their equipment, but there are some items they have requested we supply
- Tonya asked the WHC to approve a motion to spend up to \$200 on additional equipment
- The motion passed unanimously.

Brookside – Chapter 40B development at Mahoney’s

- One of our oldest and most important artifacts – an unusual bifurcate-based point -- was found near Pinebrook Road, not far from this site
- The WHC wrote to the Zoning Board to request the opportunity to perform an archaeological survey of the site prior to its development. MassHousing concluded this would be appropriate prior to development, based on WHC recommendations.

Library

- Elisa received an email from the board chair of the library asking if the WHC would have interest in using the current library building if the library moves to its new proposed location
- The library planning committee is meeting on Sept. 18 and will discuss this. We are encouraged to attend.

Minutes

- Minutes from the previous meeting were reviewed, amended and approved.

Next Meeting

- Our next meeting is Tuesday, October 10.

The meeting was adjourned at 9:15pm.

Respectfully submitted,

Ann Gordon



Town of Wayland Massachusetts

Finance Committee

Steven Correia
Jen Gorke
Carol Martin (Vice Chair)
Klaus Shigley
William Steinberg
George Uveges
Dave Watkins (Chair)

FINANCE COMMITTEE Minutes Wednesday, September, 5 2017 Wayland Town Building 6:25pm

Attendance: K. Shigley, C. Martin, G. Uveges, S. Correia, W. Steinberg, and J. Gorke (remote).

Call to Order: The meeting was called to order by Vice Chair C. Martin in the Large Hearing Room at the Town Building at 6:25pm. C. Martin announced the meeting was being taped by WayCam. She stated J. Gorke would be participating remotely due to personal illness and that all votes taken would be roll call votes. She then reviewed the agenda for the meeting.

Public Comment: None

Communicate Policy Regarding Money Articles at STM: C. Martin thanked everyone for a much better article submissions this year. She stated that FinCom feels money articles should only be included in Annual Town Meeting unless there are documented safety and/or extenuating circumstances. She requested those presenting a money article to describe why the money article should not be deferred until Annual Town Meeting.

Conduct Special Town Meeting Article Workshop for the Special Town Meeting on November 14, 2017: C. Martin explained that the objective of the workshop is to review the articles to be presented at the upcoming Special Town meeting. Going down the list one article at a time, the sponsoring board or spokesperson reviewed their article and responded to questions from the Finance Committee and residents. Additional input was provided by staff members as follows:

Pay Previous Bills: Board of Selectmen Chair L. Anderson presented. Finance Director B. Keveny stated an additional \$56 bill from the IT needs to be added.

Current Year Transfers: L. Anderson, BoS presented. Total is \$130,090.

Accept Gifts of Land: Town Center: C. Karlson, BoS discussed background of the land, noting land known as "Town Green" is one of the parcels being gifted under this Article.

Change Circuit Breaker Deadline: C. Karlson, BoS presented stating sponsored by BOS on behalf of Assessor and the Assessing dept. She discussed how changing the circuit breaker deadline will ensure better flow.

Town Clerk Compensation: L. Anderson, BoS stated increase is effective July 2017 and added this article may be done under abbreviated procedure.

Personnel Bylaws and Wage Classification: Asst Town Administrator/HR Director J. Senchyshyn discussed the wage increase. C. Martin inquired if the estimated cost by contract mentioned will be an appendix.

Town Union Collective Bargaining Agreements: J. Senchyshyn indicated this is a new Article, being presented upon advice from Town Counsel to present CBA wage settlements to Town meeting for funding.

School Union Collective Bargaining Agreements: Asst. Superintendent B. Cozier stated this article represents wage settlements for two collective bargaining groups and school non-union employees. L. Segal, Aqueduct Road, said in looking at the website its not clear what contracts have been settled and where the document are. B. Cozier stated teachers contract and memorandum of agreement have been settled and on website and custodian's tentative agreement will hopefully be approved at a future School Committee meeting. J. Senchyshyn added there are two town contracts pending, unlikely they will be settled before Special Town Meeting.

Non Medical/Recreational Marijuana Moratorium: Sarah Greenaway, Youth Advisory Committee discussed what the 6-month moratorium would mean for the town.

107 Old Sudbury Road Demolition: Woody Bastion, BoPW, discussed the background of the property and stated the Fire Dept. has declared that the building is unsafe.

Appropriate Funds: New Library: Aida Gennis, Chair of Board of Library Trustees explained the article is being brought forward to STM while their deadline extension request is being reviewed. She then discussed what the process will be when the grant is awarded as well as a breakdown of the costs.

High School Stadium Renovation -Design Fee: Jeanne Downs, Vice Chair of the School Committee stated the School Committee and Recreation Commission are seeking an exception to the no money articles at Special Town Meeting. She said conditions of athletic facilities and fields are the driving force to being this renovation work.

A. Lewis, Claypit Hill Road, asked how likely is it all of the work can be done in the timeframe. Heath Rollins, Athletic Director said they think the timeframe is possible.

Synthetic Turf Field at Loker: Brud Wright, Asst Chair of Recreation Commission explained the design funds requested will be funded by the Recreation Stabilization fund.

A. Lewis, 33 Claypit Hill Rd inquired about the restrictions on the Loker conservation and recreation area, asking if it's possible to construct an artificial field at Loker. B. Wright said process is still ongoing, Recreation has reached out to Town Counsel and is waiting for official word. K. Shigley asked if design would come up with objective view of facts of the hazards of turf. Brud stated a public forum will be held. L. Segal, Aqueduct Road, discussed the history of the field. C. Plumbe, asked how much parking was being considered.

Appropriate Funds: Weston Aqueduct Pedestrian Crossings: L. Hansen, Conservation Administrator, presented the article and discussed how the costs would be used for each of the crossings and stated that heavy would create a safety issue. W. Steinberg asked if money could be used from CPA funds.

Appropriate Funds: Restore Castle Gate Pillars: M. Cavanaugh, member of the CPC, presented the Article and said the CPC and Historic Preservation Commission have both voted in favor of it.

Appropriate Design Funds: Phase II of HS Athletic Improvement Plan: M. Cavanaugh, CPC, stated that the CPC is co-sponsoring the article with the School Committee. She said both committees have voted unanimously to support the article.

C Martin stated that unless there were further questions, the Warrant Article workshop had concluded.

Discussion of STM Article Submissions and Review Assigned Articles for Possible

Reassignment.: The Committee reviewed article assignments with the Committee. K. Shigley traded C. Martin Article P for Article G.

Discuss Fall 2017 Special Town Meeting: Debt Communication: C. Martin distributed a letter to the BoS that Chair Watkins had drafted which reiterated the FinCom's request that money articles be carefully screened before being accepted for the upcoming STM. A discussion ensued during which the general sentiment of the Committee was the FinCom has already sent a letter to the BoS and should wait for a response to that letter, before sending a second one.

Discuss Record Keeping and Process Management: C. Martin asked for a volunteer to track the FinCom STM article recommendations which are to be submitted to the Town Administrator's office. S. Correia so volunteered.

Possible Vote on Current Year Transfer and Prior Year Unpaid Bills articles: B. Keveny described the Current Year Transfer Article and asked if the Committee had any questions. After a brief discussion, W. Steinberg moved the FinCom recommend approval. Seconded by S. Correia. Motions Passed: 6-0-0 by Roll Call vote: Gorke – Yes, Uveges –Yes, Corriera – Yes, Shigley- Yes, Steinberg –Yes, Martin - Yes. Prior Year Bills article was tabled to the 9/14 meeting.

Discuss Presentation to the Board of Selectmen Regarding Town Debt and Budgeting Considerations: C. Martin said FinCom would recommend and communicate budget guidelines fairly shortly. She said they will also have a guideline for debt, and will communicate that as well. Next Thursday The Committee would meet with financial advisor, so C. Martin asked FinCom members to think ahead. She also suggested reviewing the Debt Exclusion material in the drop box in preparation for large capital projects and possibility of recommending placing a debt exclusion on the ballot.

Report of the Finance Director: B. Keveny said he believes the 5-year model is almost complete but would like to wait until after meeting with the Financial Advisor in case any last tweaks are necessary. He stated model will be helpful in understanding what the impact would be if all of the conditions took place and be instrumental in setting FY18 budget guidelines. B. Keveny added he hopes the document will be useful in November and December as the Committee works through the budget process.

Regarding the meeting with the Financial Advisor, B. Keveny said there is a conference call this week to go over questions submitted by the FinCom to help Unibank prepare for the upcoming meeting. The Committee stated their preference would for Unibank to not only answer the questions but to present a memo with the answers to the questions. C. Martin said she would follow up on that.

Guideline Setting and Communication: B. Kenevey reported he has instructed department heads to fill out CIP forms for FY19, FY20, and FY21 as well as adding in FY23 requests to their 5-year capital plan. He said FinCom should get those in late September. On the operating side, B. Keveny did not announce a budget guideline, but said he hoped in FY19 the FinCom would present a completely balanced budget. He also discussed the town's fund balance stating the FY17 closed with a \$300,000 deficit as he had projected. A discussion ensued as the impact the \$300,00 deficit would have on the Town's Moody's rating/upcoming discussion.

Draft Presentation Review and Discussion in preparation for September, 2017 Meeting with Selectmen: C. Martin reviewed the slide presentation the FinCom will make to the BoS. The draft includes discussion on debt, the 5-year Capital Plan, potential capital projects, proposed and committed debt services and possible scenarios. G. Uveges thought bar charts showing impact of various capital projects would be a good addition. S. Correia suggested including a chart to show impact on the tax rate for taxpayers. J. Gorke agreed. FinCom agreed to authorize D. Watkins to finalize the presentation.

Review Schedule: C. Martin stated the next meeting is Thursday, 9/14, at which the Committee will host the town's Financial Advisors and start it's review of STM articles. She added draft write ups should be sent to B. Keveny for distribution. Discussing the full agenda for the 14th, the Committee elected to add a meeting on 9/18th in lieu of the meeting scheduled for 9/25th. C.

Martin requested Committee members keep both dates open until the suggested schedule change has been reviewed with the Chair.

Review Issues/Action List: Tabled to a future meeting.

Discuss Chair and Vice Chair's Update: C. Martin reported that MaryAnn DiNapoli in the Town Administrator's office is retiring at the end of the month. She added Chair Watkins asked that her service and support of the FinCom be recognized by the Committee. V. Chair Martin echoed that sentiment and expressed gratitude to Ms. DiNapoli for the assistance she has offered and suggested the Committee's appreciation be so noted in the Minutes. The Committee concurred.

C. Martin reported The League of Women Voters have reached out D. Watkins and C. Martin to do a presentation on the large capital requests residents will be asked to fund. V. Chair Martin reported the staff at the Buzz has reached out to the Chairs of BOS and FinCom. A debt discussion is being scheduled.

Members' Reports, Liaison Assignments, Concerns, and Topics and Schedule for Future Meetings: G. Uveges stated Fire Department continues to want additional paramedic staffing. He added the estimate for the Fire Station #2 renovations is currently \$1.8M. G. Uveges stated he met with the Board of Assessors and discussed the Circuit Breaker Match program. One concern they had was that legal costs are being moved from the legal budget into their budget, which is something we need to look into FY19.

W. Steinberg along with G. Uveges met with Facilities Director B. Keefe who stated he needs a project manager to help with all of his projects. He added that he he asked B. Keefe to really think about all he needs for the next 5 years.

S. Correia met with the EDC, Selectmen D. Levine and the folks from the Town Center to talk about how the town can approve things at Town Center. He felt it was an encouraging meeting. New ideas were discussed and a follow up meeting is planned.

Review Headcount Model – Correia: Mr. Correia stated he was working on this project and expected to be able to discuss at a future meeting

Discuss School Analytics – Shigley: C. Martin said K. Shigley would like to get information from the school as part as his learning process as their liaison. She asked the Committee to discuss making a formal request to allow K. Shigley to speak with the school's finance person. After a brief discussion, the Committee decided a formal request was not necessary but that K. Shigley should reach out to his School Committee liaison.

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

Meeting Minutes - Review and Vote to Approve: 7/26 Keveny, 8/14 Keveny: C. Martin moved to approve the minutes of 7/26/17 as written. Seconded by W. Steinberg. Motion passed 6-0-0 by Roll Call vote as follows: Gorke – Yes, Uveges –Yes, Corriera – Yes, Shigley- Yes, Steinberg – Yes, and Martin - Yes.

C. Martin moved to approve the minutes of 8/14/17 as written. Seconded by S. Corriera. Motion passed 6-0-0 by Roll Call vote as follows: Gorke – Yes, Uveges –Yes, Corriera – Yes, Shigley- Yes, Steinberg –Yes and Martin - Yes.

W. Steinberg moved to adjourn meeting at 9 p.m. Seconded by S. Corriera. Motion passed 6-0-0 by Roll Call vote as follows: Gorke – Yes, Uveges –Yes, Corriera – Yes, Shigley- Yes, Steinberg –Yes and Martin - Yes.

Respectfully Submitted,

Katelyn O'Brien

Documents

Source: C. Martin
STM article listing and assignments

Source: D. Watkins
Draft: Follow-up STM Letter to Board of Selectmen
Draft: FinCom Presentation to Board of Selectmen



Town of Wayland Massachusetts

Finance Committee

Steven Correia
Jen Gorke
Carol Martin (Vice Chair)
Klaus Shigley
William Steinberg
George Uveges
Dave Watkins (Chair)

FINANCE COMMITTEE Minutes Wednesday, September, 14, 2017 Wayland Town Building 7:00pm

Attendance: D. Watkins, K. Shigley, C. Martin, G. Uveges, S. Correia, W. Steinberg, and J. Gorke (remote)

Call to Order: The meeting was called to order by Chair Watkins at the Town Building at 7:00pm. D. Watkins announced the meeting was being taped by WayCam and that because J. Gorke would be participating remotely due to personal illness, all votes would be roll call votes and He then reviewed the agenda for the meeting.

Public Comment: G. Cliff, High Fields Rd., briefly summarized a document he sent to FinCom by email. He urged FinCom to show leadership and financial discipline. L. Segal, Aqueduct Rd., passed around a copy of what was on school dept.'s website. She stated the Teacher's Contract and memorandum are still not available on the website. C. Karlson, Vice Chair of Board of Selectmen (BoS), responded stating she had followed up on this question and learned the contract is still with the union's attorney and efforts are underway to get the contract signed prior to STM. She said the School Committee is aware that a citizen has asked for this information.

Members' Response to Public Comment: D. Watkins said FinCom would do what they can. He asked L. Segal if a draft would suffice. She stated that it would not.

Meeting with UniBank:

J. Gorke joined the meeting remotely at 9:15 p.m.

Participate in Discussion Regarding Town Finances: Introduce Candidate Budget Guidelines Based on Model – Keveny: Finance Director Keveny discussed the memo he sent out titled "Fiscal 2019 Budget Guideline Recommendation". He discussed the 8 key issues to consider for developing the goals and objectives for FY19. B. Keveny noted that two new costs for FY19 will be School Busing and Transfers to Capital

Stabilization. He also noted the Snow and Ice budget may need to increase. He said the goal is to look beyond FY19 and come up with 3-year projection and keep a consistent message. How to fund OPEB was discussed. New FTE's for School and Town is something FinCom will have to address. He said a true balanced budget is one where there is no use of free cash and local aid and that is his recommendation for FY19.

W. Steinberg said he would like to see Dept. Heads look for ways to save dollars in their write-ups. D. Watkins suggested numerical guidelines and asked FinCom members if they think it would be more helpful. FinCom vote the FY19 budget guideline on 9/25th.

Discuss Candidate Debt Exclusion Letter to the Board of Selectmen: D. Watkins stated that historically it's been FinCom that puts debt exclusions together. However, Town Administrator N. Balmer has requested the Board of Library Trustees petition the Board of Selectmen for a library construction debt exclusion. B. Keveny stated the Library will find out about extension decision by Oct. 10. C. Martin suggested. D. Watkins stated he will start putting together a debt presentation for the BoS.

**Discuss Candidate Articles where 30 Word Comments are Possible
Discussion and Possible Vote on STM Articles:**

Article: Pay Previous Fiscal Year Unpaid Bills: B. Keveny stated there are 6 unpaid bills. After a brief discussion, S. Correia moved to recommend approval of Pay Previous Fiscal Year Unpaid Bills, as amended. Seconded by K. Shigley. Motion passed 7-0-0 by Roll Call Vote: Watkins-Yes, Gorke – Yes, Uveges –Yes, Corriera – Yes, Shigley- Yes, Steinberg –Yes, Martin - Yes.

Article C, Accept Gifts of Land at Town Center: Review tabled to a future meeting.

Article D, Change Filing Deadline for Circuit Breaker Match Program: Review tabled to a future meeting.

Article E, Compensation for Town Clerk: W. Steinberg stated it seemed like a high increase. Further review and vote tabled to a future meeting.

Article: Personnel Bylaws and Wage Classification Plan: W. Steinberg presented this article stating the increases are for non-union employees. K. Shigley asked if anyone who was negotiating for the town would be getting an increase because that would be a conflict of interest. W. Steinberg said just J. Senchyshyn, although he's retiring this year. D. Watkins asked why merit doesn't play a role in non-union positions. He stated he would like to look at something like that in the future.

W. Steinberg moved the FinCom recommend approval of the Personnel Bylaws and Wage Classification Plan. Seconded by G. Uveges. Motion passed 7-0-0 by Roll Call Vote: Watkins-Yes, Gorke-Yes, Uveges–Yes, Corriera–Yes, Shigley- Yes, Steinberg–Yes, Martin–Yes.

Article: Town Union Collective Bargaining Agreements 2017-2020: Presented by W. Steinberg. After a brief discussion, C. Martin moved the FinCom recommend approval of the Town Union Collective Bargaining Agreements 2017-2020 as amended. Seconded by S. Corriera. Motion passed 7-0-0 by Roll Call Vote: Watkins-Yes, Gorke – Yes, Uveges –Yes, Corriera – Yes, Shigley- Yes, Steinberg –Yes, Martin – Yes.

Article: School Union Collective Bargaining Agreements 2017-2020: Review tabled to a future meeting.

Article: Appropriate Funds to Construct New Library Building: J. Gorke stated she's working on this.

Article: High School Stadium Complex Renovation Design Fees: K. Shigley said he's still working on this article. He recommended everyone read the article he sent around about turf fields.

Article: Synthetic Turf Field at Loker Conservation and Recreation Area: Review tabled to a future meeting.

Article: 108 Old Sudbury Road Demolition: Review was tabled to a future meeting.

Article: Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings: S. Correia stated this article might be pulled and he would update everyone at next meeting. W. Steinberg stated he's still not sure why CPC funds can't be used for this project.

Article: Non-Medical/Recreational Marijuana Six Month Moratorium – Zoning Bylaw Amendment. Review tabled to a future meeting.

Article: Appropriate Funds to Restore/Preserve Stone Pillars at Castle Gate Road and West Plain Street: Review tabled to a future meeting.

Article: Appropriate Funds for Design of Part 2 of High School Athletic Preferred Improvement Plan: Review tabled to a future meeting.

Discuss Chair and Vice Chair's Update:None.

Present latest draft of Presentation to the Board of Selectmen Regarding Town Debt and Budgeting Considerations: Topic was tabled to a future meeting.

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

Meeting Minutes - Review and Vote to Approve: 9/5: None.

Adjourn Meeting: S. Correia moved to adjourn meeting at 10:58 p.m. Seconded by G. Uveges. Motion passed 7-0-0 by Roll Call Vote: D. Watkins –Yes, Gorke–Yes, Uveges – Yes, Corriera – Yes, Shigley-Yes, Steinberg –Yes, Martin - Yes.

Respectfully Submitted,

Katelyn O'Brien

Documents:

Source: Clark Rowell, Unibank:

Questions for Unibank Meeting/with summary responses
Debt Service/% of budget/Debt Policies/Peer Town
Fund Balances - FY12-FY16 - Moody's Triple A rated communities
Bond Fund Pricing Example: Tewksbury, MA
Source: B. Keveny: Memo - FY 2019 Budget Guideline Recommendations
Source: L. Segal: Schools Web Page: Collective Bargaining Contracts



Town of Wayland Massachusetts

Finance Committee

Steven Correia
Jen Gorke
Carol Martin (Vice Chair)
Klaus Shigley
William Steinberg
George Uveges
Dave Watkins (Chair)

FINANCE COMMITTEE Minutes Wednesday, September, 26, 2017 Wayland Town Building 11:00am

Attendance: D. Watkins, K. Shigley, C. Martin, S. Correia and Finance Director, B. Keveny.

Call to Order: The meeting was called to order by Chair Watkins in the second floor small Conference Room at the Town Building at 11:00 a.m. D. Watkins announced the meeting was being taped by WayCam. He then reviewed the agenda for the meeting.

Public Comment: Steven Klitgord, Concord Rd., voiced his concern about the Library project and projected costs. He said he believes the existing building is adequate for a remodel and/or expansion. He said he hopes FinCom is looking at what the town is giving up with the old building and all the other projects that would be delayed.

C. Plumb, Bald Rock Rd., asked about the conflict of interest concerning W. Steinberg and his wife Cathy and her work on a School Committee and its sub-Finance Committee.

Members' Response to Public Comment: D. Watkins suggested that Mr. Klitgord see the write up for the Library article and read the pro and con arguments. D. Watkins suggested that Ms. Plumb email her concerns to Mr. Steinberg.

Report of the Finance Director: B. Keveny announced that DOR has completed its certification, noting everything except the Septage Fund was certified as expected. He stated the Town's free cash was certified at \$7.2M, adding that once the Septage review is complete, he'd advised the Committee.

Review Draft of Wayland's Multi Year Budget Model Discussion to Propose, Set and Communicate Guidelines. Mr. Keveny stated he continues to work on the 5-year model and is currently making adjustments based on the discussion with the Town's financial advisor. C. Martin asked and B. Keveny confirmed that in the FY19 model no free cash is used to balance the Operating Budget and that OPEB will be funded through taxation. B. Keveny added the FY19 budget model includes a Capital Stabilization Fund. After a brief discussion, C. Martin moved to establish the Capital Stabilization Fund. Motion was amended to establish and fund the account with \$100K from Free Cash. Seconded by S. Correia. Motion passed: Vote: 4-0-0.

B. Keveny pointed out that while FinCom 5-year model includes potential new headcount, the Personnel Board hasn't weighed in on all of the proposed additional FTE's. So, these numbers are just projections. Regarding a budget guideline, B. Keveny stated it would be beneficial for FinCom to make a FY19 statement about guidelines to give department heads something to bring back to their respective boards.

Discussion and Possible Vote on STM Articles:

107 Old Sudbury Road Demolition: C. Martin presented the background of the property and stated that the Board of Public Works (BoPW) has asked for this article to move forward since the Fire Dept. has deemed the property unsafe. T. Holder, Director of DPW and Woody Baston, Chair of Board of Public Works were available to answer questions. C. Martin moved that the Finance Committee recommend approval of the article. Seconded by K. Shigley. After a brief discussion, motion passed: Vote 4-0-0.

Appropriate Funds to Restore/Preserve Stone Pillars at Castle Gate Road and West Plain Street: C. Martin along with Gretchen Schuler of the CPC presented this article with an estimated cost of \$12,000 that will be funded by CPC. After a brief discussion, C. Martin moved that the Finance Committee recommend approval of this article. Seconded by S. Correia. Motion passed. Vote: 4-0-0.

High School Stadium Complex Renovation Design Fees: K. Shigley along with Jeanne Downs of the School Committee presented this article stating this was Part I of a three part project. The Committee noted the write up was lengthy. S. Correia suggested several edits including putting the research in an appendix to make the write up more concise. C. Martin added the write up should focus on the design versus construction components, include a timeline for implementation and a total estimated project cost. D. Watkins thought the write up should include a information regarding the cost to repair as well as re-construct and an expert opinion of whether relocating the fields/stadium will in fact resolve any possible well contamination.

Appropriate Funds for Design of Part 2 of the High School Athletic Preferred Improvement Plan: Presented by K. Shigley along with Gretchen Schuler of the CPC that will fund this \$126K project. The Committee noted the write up was lengthy. S. Correia suggested using prior design request write ups as a guide. During the discussion that the tennis courts were being moved due to the proximity to the Happy Hollow wells and Zone 1 location. D. Watkins said the write up should contain proof that moving the tennis courts out of Zone 1 will eliminate any potential contamination. He stated that the Town doesn't know that final design will solve the problem with the watershed.

B. Keveny left the meeting at 12:30pm.

Draft Presentation Review and Discussion in preparation for October 2, 2017

Meeting with Selectmen: Chair Watkins distributed a draft copy of the debt presentation to be made to the Board of Selectmen on Oct. 2. He stated the purpose is to put together support for the budget planning process. He went through the slides with the Committee seeking input on the presentation that includes, a discussion the affordability of tax rate changes, maintaining the towns triple A bond rating, how Wayland's debt compares to its peer towns, impact of several large potential capital projects, etc. A discussion ensued after which the Committee endorsed the presentation.

Budget Guideline: D. Watkins stated this presentation along with the five year model provide supporting data for establishing the FY19 Budget guideline. He reviewed the highlights listed in the presentation including better scheduling of capital projects, the fact that Wayland's debt is above average, and the implications of Town's Moody's rating dropping. As for the FY19 budget guideline, the Committee reviewed three options: a set % as was done for entire budget as was done in FY18, a set % for the non-payroll expenses and a set dollar figure that could be used for non-payroll expenses and/or new headcount. After discussing these options, S. Correia moved that the FY19 non-payroll budget guideline be \$600,000 to be split between the Town and Schools with the proviso that these funds could be spent on additional headcount. D. Watkins seconded. Motion passed. Vote: 4-0-0.

C. Martin moved to authorize D. Watkins to prepare the budget guideline and accompanying memo to give to B. Keveny to distribute to the department heads. S. Correira seconded. Motion passed: Vote: 4-0-0

Review Schedule: Tabled due to time limitations.

Discuss Chair and Vice Chair's Update: Tabled due to time limitations.

Members' Reports, Liaison Assignments, Concerns, and Topics and Schedule for Future Meetings: Tabled due to time limitations.

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

Meeting Minutes - Review and Vote to Approve: 9/5 : Tabled to 10/10th meeting.

Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss potential declassification of executive session minutes pursuant to M.G.L. Ch. 30(a) § 21(a)(7): Vote to Release Previously Considered Minutes for 8-29-16, 9-12-16, 9-19-16, 12-19-16, 2-6-17, 3-27-17 and Vote to Approve Minutes. Pertaining to the Above Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town. Tabled to future meeting due to time limitations.

Public Session to Potentially Vote to Release of Executive Session Meeting Minutes: N/A.

Adjourn Meeting: D. Watkins moved to adjourn meeting at 1:49 p.m. Seconded by S. Corriera. Motion passed. Vote: 4-0-0.

Respectfully Submitted,

Katelyn O'Brien

Documents:

Source: B. Keveny: Free Cash Approval Memo dated 9/19/17

Source: D. Watkins: Draft Finance Committee Presentation to Board of Selectmen, (9/25/17)

PUBLIC CEREMONIES COMMITTEE
Minutes of meeting on September 13, 2017

- 1) The committee meeting was called to order at 7:00 p.m.
In attendance: Richard Turner (RT), George Bernard (GB), Carl Bernardo (CB) and John Dyer (JD) and Stephen Streeter (SS). Not Present: Dennis Berry (DB)
- 2) Public Comment: No Public Comment
- 3) Old Business: Reviewed minutes from June 14, 2017.
 - There was a review of the Memorial Day parade and program on Monday, May 29, 2017. The following issues were discussed in anticipation for next year's program:
 - The video taping of the Memorial Day event did not go well. For all related WPCC events in the future, WAYCAM must test the cameras one day in advance of the event and have an experienced person as the cameraman.
 - Richard as MC of any event will no longer flip through the 3 ring binder but will print out pages that apply to the particular event and put them in order.
 - Purple Heart signs are now installed at each road that enters Wayland. Signs came out looking excellent.
 - The Town of Wayland has installed an electrical outlet outside the town building near the Wayland Veterans Memorial. This will make it much easier to find an electrical source for the outdoors Veterans Day November 11 program.

New Business

Veterans Day Preparation

- RT has received liability of waiver form from Town of Wayland and given it to the church administrator at TCC for the Veterans Day event.
- Speaker is CPT Steven T. Kinney US Army
- Wording for Veterans Day program will be a two-part program. The first part will be a one hour indoor program at TCC and will then continue at the Wayland Veterans Memorial next door.
- Time of two-part program. Indoor program starts at 10:00 AM and outdoor program starts at 12:00 (noon).
- Uniform for programs is "Dress Blues" for all military personnel.

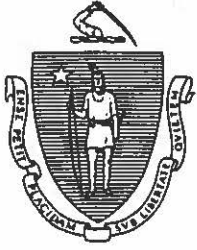
- RT to check on Girl Scouts of America folding American flag. The 4' X 6' flag will be folded by six senior Girl Scouts. Wording accompanying each fold will be done by GSA. Training will be led by female military personnel from Natick Soldier Systems Center (NSSC). GB to check on NSSC soldier trainer.
- RT to check on having Wayland Buzz interview RT and SS for the Veterans program in October.
- RT to have Veterans program details put in Wayland Town Crier for three weeks prior to November 11.
- RT And GB to meet with new Wayland Superintendent of Schools and let him know about Wayland student and teacher involvement in Veterans Day program.
- GB to check with Chaplain MAJ Woodford involvement in Veterans Day program.

Other Business

- CB to start working on finding military vehicles for Memorial Day 2018.
- Bucket truck has been fixed and American flags to be taken off flag poles after Veterans Day.
- Purple Heart sign bill of \$383.25 has been paid out of WPCC funds.
- Tool for securing sign bracket to stanchions and fasteners is \$194.00
- RT and SS to check with Nan Balmer for storage place for two WPCC speakers.
- RT to take care of annual report of WPCC for the year 2017.
- Next meeting is Wednesday October 11.
- Meeting for November is Wednesday November 8.

Meeting adjourned at 8:45 P.M.

Respectfully submitted
George Bernard 9/30/2017



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LT. GOVERNOR

DANIEL BENNETT
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Massachusetts Fire Service Commission

P.O. Box 1025 ~ State Road
Stow, Massachusetts 01775
(978)567-3100 Fax:(978)567-3121



COMMISSION MEMBERS
Chief Alan J. Roy, Chair
Chief John F. Nash, Vice Chair
Chief Gregory J. Burns
John K. Golembeski
Firefighter Richard D. MacKinnon, Jr.
Captain Michael J. McCullough
Undersecretary Patrick McMurray
Chief Michael Morrissey

October 24, 2017

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

Dear Town Administrator:

On behalf of the Commonwealth of Massachusetts Fire Service Commission it is our distinct pleasure to inform you that Assistant Chief Neil W. McPherson has voluntarily participated in a Fire Chief Credentialing process administered by the Massachusetts Fire Service Commission, a gubernatorial appointed board that has established a process for uniform credentialing for fire chiefs, and has been award accreditation as Fire Chief in the Commonwealth of Massachusetts.

During this process Assistant Chief McPherson had to submit documentation to the Fire Service Commission; these documents included a resume that identified the years of service, his progression within the fire service structure to the his position, attendance at training and/or professional development courses provided through both state and nationally recognized fire service educational organizations, formal education accomplishments and participation in a state and/or national certification program. With this and other information submitted, the Massachusetts Fire Service Commission applied the information into a scoring matrix that assigned a point value to the various levels of accomplishment submitted by the candidate.

When a candidate's score reached or exceeded the minimum level established, the applicant was awarded credentialing at the level of "Fire Chief". This level signifies that the applicant has strived to obtain the specialized knowledge and competencies necessary to be an effective fire service leader.

In order for Assistant Chief McPherson to keep his accreditation valid, he must participate in a recurring training/professional development program approved by the Fire Service Commission and submit proof of completion every three years.

It is the intent of the Massachusetts Fire Service Commission's Fire Chief Credentialing Program to provide local officials with a third party evaluation of an individual's training and educational achievements as they are compared to an established standard. It is the Fire Service Commission's belief that this process will assist your community's fire service leader in facing the challenges ahead and ensuring that the fire service across the Commonwealth continues to provide the most effective fire, emergency medical and rescue services to which our residents have become accustomed.

The program is open to all members of the fire service in the Commonwealth holding the rank of Lieutenant or above in the department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Roy', written in a cursive style.

Chief Alan Roy
Vice Chairman

cc: Assistant Chief Neil W. McPherson



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF
HOUSING & ECONOMIC DEVELOPMENT**
One Ashburton Place, Room 2101, Boston, MA 02108

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY

TELEPHONE
(617) 788-3610

FACSIMILE
(617) 788-3605

www.mass.gov/eohed

RECEIVED
NOV 01 2017

October 31, 2017

Nan Balmer, Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Dear Mr. Balmer:

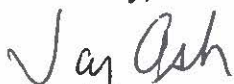
Thank you for submitting an application to the 2017 Round of the MassWorks Infrastructure Grant Program. This year, the Executive Office of Housing and Economic Development (EOHED) received 96 applications requesting over \$230 million in funding. The program continues to be highly competitive and received many strong proposals. The team at EOHED along with our other state agency partners worked together to select the most shovel-ready and highest-impact projects for funding.

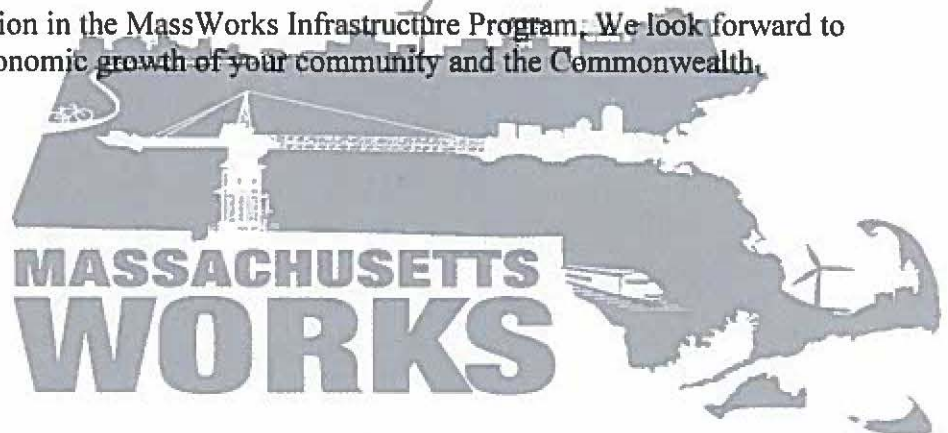
On behalf of the Baker-Polito Administration, I am pleased to inform you that a grant in the amount of \$2,400,000 has been recommended for the Town of Wayland. We are excited to support the Wayland Water Works Infrastructure Project. You will be contacted by a MassWorks staff member to discuss the specific program requirements and next steps in order to finalize this grant award.

Please be advised that this letter does not constitute an agreement or contract with EOHED or the Commonwealth of MA for the grant award specified above. The Grantee is not authorized to proceed with any purchases or construction work, for which it expects reimbursement from this MassWorks grant, until a contract has been fully executed between the Grantee and EOHED. The grant award is contingent upon the Grantee's demonstrated compliance with relevant statutes and regulations, as well as submission of all required documentation confirming the project plan/budget, and EOHED's approval of such plan/budget. This letter does not confer any rights onto the Grantee.

Again, thank you for your participation in the MassWorks Infrastructure Program. We look forward to working with you to advance the economic growth of your community and the Commonwealth.

Sincerely,


Jay Ash
Secretary



✓
cc: Ellen John
Ben Kiefe



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

RECEIVED

OCT 30 2017.

NOTICE OF FILING, PUBLIC HEARING, PROCEDURAL CONFERENCE AND REQUEST FOR COMMENTS

D.P.U. 17-118

October 12, 2017

Petition of NSTAR Electric Company, d/b/a Eversource Energy for approval by the Department of Public Utilities of ten long-term contracts for procurement of renewable energy and renewable energy certificates from ten individual renewable energy projects, pursuant to St. 2012, c. 209, § 36, and 220 CMR 21.00.

On September 20, 2017, NSTAR Electric Company, d/b/a Eversource Energy ("NSTAR Electric" or "Company") filed a petition with the Department of Public Utilities ("Department") seeking approval, pursuant to Section 83A of An Act Relative to Green Communities, St. 2008, c. 169, § 83A ("Section 83A") and 220 CMR 21.00, of ten long-term contracts to purchase renewable energy and associated renewable energy certificates ("RECs"). Section 83A was added to An Act Relative to Green Communities by An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209, § 36. Table 1 provides a summary of the proposed 20-year contracts, including the Company's allocated share of the renewable energy and RECs purchased under each contract, of which nine are for solar power and one is for wind power.

Section 83A requires each electric distribution company to jointly solicit proposals for long-term contracts of 10 to 20 years in duration from renewable energy developers at least twice during the period from January 1, 2013 through December 31, 2016, and, if the proposals received are reasonable, to enter into cost-effective long-term contracts to facilitate the financing of renewable energy generation. St. 2012, c. 209, § 36; 220 CMR 21.00. A long-term contract must be approved by the Department before it can become effective. St. 2012, c. 209, § 36; 220 CMR 21.03(3). The Department must take into consideration both the potential costs and benefits of such contracts and shall approve a contract only upon a finding that it is a cost-effective mechanism for procuring low-cost renewable energy on a long-term basis taking into account the factors outlined in Section 83A. St. 2008, c. 169, § 83A; 220 CMR 21.05.

In accordance with Section 83A, the electric distribution companies and the Department of Energy Resources (“DOER”), in conjunction with stakeholders from Connecticut and Rhode Island, jointly developed a request for proposals (“RFP”) for the procurement of renewable electric energy and RECs. The RFP is therefore referred to as the Three-State RFP. On October 26, 2015, the Department approved the method of soliciting and executing long-term contracts, as well as the timetable, contained in the Three-State RFP. Long-Term Contracts for Renewable Energy, D.P.U. 15-84 (2015). On November 12, 2015, the electric distribution companies, together with the DOER, jointly issued the RFP. The electric distribution companies state that the ten projects compare favorably on price and non-price factors to the range of renewable energy resources available and thus are low-cost, cost-effective contracts.

Pursuant to Section 83A and 220 CMR 21.07, the Company proposes to collect an annual remuneration equal to 2.75 percent of the annual payments under the contracts to compensate the Company for accepting the financial obligation of the long-term contracts. According to the Company, if its petition is approved, it estimates that the bill of an average NSTAR Electric residential customer (R-1 rate class) in the Company’s Greater Boston Territory using 640 kilowatt-hours of electricity per month in the summer season would decrease by 14 cents, which is a 0.1 percent decrease relative to current rates, based on the current market environment.

Attorney General Maura Healey (“Attorney General”), through the Office of Ratepayer Advocacy, may intervene, appear and participate in Department proceedings on behalf of any group of consumers in connection with any matter involving rates of an electric company or gas company. On October 10, 2017, the Attorney General submitted a notice of intervention on behalf of the Company’s ratepayers in this case. Further, pursuant to G.L. c. 12, § 11E(b), the Attorney General filed a notice of retention of experts and consultants to assist in her investigation of the Company’s filing. The Attorney General has requested Department approval to spend up to \$150,000. Pursuant to G.L. c. 12, § 11E(b), the costs incurred by the Attorney General relative to her retention of experts and consultants may be recovered by the Company in its rates.

The Department will conduct a public hearing to receive comments on the Company’s filing on **Wednesday, November 29, 2017** at 2:00 p.m. at the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts. Persons interested in commenting on the Company’s filing may do so at the public hearing or may file written comments by the close of business (5:00 p.m.) on **Wednesday, November 29, 2017**. The public hearing will be followed by a procedural conference.

Persons interested in participating in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business (5:00 p.m.) on **Monday, November 27, 2017**. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). Receipt by the

disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@state.ma.us or (617) 305-3642.

For further information regarding the Company's filing, please contact the Company's counsel, Danielle Winter or Jessica Buno Ralston at (617) 951-1400. For further information regarding this notice, please contact the Department Hearing Officer assigned to this case, Elizabeth Lydon, at (617) 305-3500.



Please Make MMA's Legislative Action Alerts Work for You!

Dear Municipal Official,

We want to connect with you!

As we get ready for what promises to be an incredibly busy 2018 at the State House, we want to make sure that our Legislative Alerts are getting through to you and that they have what you're looking for. We're evaluating our Alerts this month to be ready with improvements next year and we would very much like to hear from you.

The power of local government comes from the voices of city and town officials from all parts of the Commonwealth. Budget bills and legislation can move quickly and our Alerts are the main tool we have to keep you informed and in contact with your local legislators on fast-moving events. A good connection between us and you and your legislators is vital. Your well-timed calls and letters make a difference!

When we send you an **Action Alert**, it is because you are a leading voice in your community, and we believe the information we are providing is immediate, timely and relevant for all cities and towns. **Please take a moment to open and read all of our Action Alerts when they arrive**, so that you can have the latest news on important and breaking issues that impact you.

Also, we would be grateful if you could take one minute to offer feedback on our Action Alert system. We have set up a special Alerts evaluation page on the MMA website:

www.mma.org/alerts

On this page, you can take a **quick 3-question survey** about how you want to connect with us and what topics are most valuable to you as a municipal official. Since we have found that some Alerts go to defunct email addresses or get caught up in local spam filters, we have a link for you to update your contact information. You'll also find great tips for receiving and using our Alerts.

If you have any questions about the survey or want to talk directly to someone on the MMA legislative staff, please call MMA Legislative Director John Robertson at 617-426-7272 at any time.

Thank you very much!

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff Beckwith".

Geoff Beckwith
MMA Executive Director & CEO