

# TOWN OF WAYLAND

## Massachusetts

### TOWN MANAGER

Michael McCall  
Town Building  
41 Cochituate Road  
Wayland, Massachusetts 01778  
www.wayland.ma.us



### SELECT BOARD

Anne Brensley  
Thomas J. Fay  
Adam G. Gutbezahl  
Carol B. Martin  
William D. Whitney

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**Meeting Minutes**  
**Select Board Meeting**  
**Monday, April 1, 2024 at 7:00 p.m.**  
**Wayland Town Building, Council on Aging Room / Hybrid**  
**41 Cochituate Road, Wayland, MA 01778**

**Present:** Thomas J. Fay, Adam G. Gutbezahl, Carol B. Martin and William D. Whitney.

**Present, participated remotely:** Anne Brensley.

**Personnel present:** Town Manager Michael McCall

**A1. Call to Order, Review Agenda for Public:** At 7:02 p.m. Chair W. Whitney called the meeting of the Select Board to order when a quorum was present and he announced each member by full name. He announced that pursuant to Chapter 2 of the Public Acts of 2023 the meeting would be conducted in-person and via remote means and that the public could also participate remotely via teleconference. W. Whitney announced that the meeting may be live-broadcast and/or recorded for re-broadcast. W. Whitney reviewed the agenda.

**A2. Announcements and Public Comment:** W. Whitney reported that the Chair of the Planning Board Anette Lewis had requested that the Board not act to fill the recently vacated seat on the Planning Board. It was the sense of the Board to add the topic to the next agenda for discussion.

Abby Shute, Sustainability Coordinator, joined the meeting to announce the launch of Wayland Electricity Choice, a group electricity buying program. She explained that the program would provide more electricity from renewable sources for a lower price than Eversource's current residential Basic Service price. A. Shute noted there would be two information sessions on Tuesday, April 2 and Wednesday, April 3 and residents would receive mail notifications. A. Gutbezahl reiterated that participation in Wayland Electricity Choice was not required and Wayland electricity customers can opt out of the program at any time. He reiterated that those who opt out will remain with Eversource's Basic Service pricing which was currently a higher rate.

Gretchen Dresens, Main Street, requested the Board omit the petitioner's comments of the revised Article KK from the warrant because the comments were misleading and inaccurate.

Ellen Tohn, Chair of the Energy & Climate Committee, joined the meeting via teleconference and emphasized the benefit for residents to choose 20% more renewable energy, an important step for the Town and for the climate. E. Tohn highlighted upcoming energy and climate events.

At 7:12 p.m. A. Brensley joined the meeting via teleconference.

Natalya Gud, Winter Street, joined via teleconference and expressed opposition to Article KK concerning the change in zoning for 193 Commonwealth Road.

**A3. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a)**  
**Review, insert and determine a position on articles, including but not limited to:**

- **F: FY 2025 Omnibus Budget:** C. Martin suggested the Board now take a position on the budget. The Board opted to take no action until Annual Town Meeting.
- **S. Revise Town Code Chapter 43: Personnel:** M. McCall reported that there had been several proposed drafts of the revised Town Code aimed at eliminating conflict between the existing Town Code and the Select Board-Town Manager Act. M. McCall acknowledged that there had been prior approval at

the 2023 ATM to amend Chapter 43 which included authorization to hire a consultant, but after consultation with Town Counsel he opted not to hire a consultant. M. McCall noted that there was significant disagreement between the versions presented by the Town Manager's Office and the Personnel Board. The parties met and were able to resolve some of the debated issues.

C. Martin noted that it was beyond the deadline to include any comments from the Finance Committee and she was uncomfortable printing the article in the warrant without the typical write-up. C. Martin recommended the Board withdraw the article. C. Martin expressed that she had concerns with the revised language because it was inconsistent with other aspects of existing Town Code, citing Chapter 36-4. A. Brensley stated that she also noticed inconsistencies and suggested Chapter 43 revisions could serve as a pilot to help resolve other inconsistencies. A. Gutbezahl also acknowledged the inconsistencies but did not want perfection to prevent progress. A. Gutbezahl expressed greater concern that Town Counsel and the Personnel Board had not yet reviewed the language. He and reminded the Board that Town Counsel advised that the revisions were not immediately required. W. Whitney, T. Fay and A. Brensley preferred to propose changes now that would work better than to continue with the existing language which was no longer relevant due to the Select Board-Town Manager Act.

C. Martin moved, seconded by A. Gutbezahl, to withdraw Article S. Revise Town Code Chapter 43: Personnel. In discussion, the Board discussed further revisions. A. Brensley suggested that the proposed language was a better option than taking no action. M. McCall noted that the article could still be amended from Town Meeting floor. Roll Call Vote: YEA: A. Gutbezahl and C. Martin. NAY: A. Brensley, T. Fay and W. Whitney. ABSENT: None. ABSTAIN: None. Motion failed. 2-3-0.

T. Fay moved, seconded by A. Gutbezahl, to recommend approval of Article S. Revise Town Code Chapter 43: Personnel as set forth in the packet. In discussion, C. Martin objected to the language. A. Gutbezahl suggested the entire Town Code be cleaned up. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl and W. Whitney. NAY: C. Martin. ABSENT: None. ABSTAIN: None. Approved. 4-1-0.

- **R: Rescind Unissued Debt:** C. Martin suggested M. McCall revise the text.

**KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Sub-district B-1:** W. Whitney reported that Attorney C. Murray previously advised that the amended petition be printed in the warrant with a note informing voters there was a pending Planning Board report, and that she further suggested the original version and its Planning Board report also be included. W. Whitney acknowledged that it could be possibly confusing for voters to include both versions. W. Whitney referenced Town Code 36-3 which states that "after an article for insertion in the warrant has been duly presented to the Select Board by registered voters in accordance with law, said article may be amended or withdrawn by a majority, but not fewer than 10, of said registered voters after the warrant closing date." M. McCall confirmed that the revised petition did include the requisite number of petitioner signatures. T. Fay acknowledged that the new revised language could be included in the warrant but if there was not a report of the Planning Board, which was required, then Annual Town Meeting could not act on it. M. McCall cited M.G.L. Chapter 40A § 5 which required a report of the Planning Board. The Board took no action.

- **NN: Solar Compact Development for Wayland:** W. Whitney noted that the Planning Board held a public hearing on the zoning changes but continued the hearing without taking action or issuing a report. The Board took no action.

**A4. Discussion with School Committee and Susan Bottan, Director of Finance and Operations, re: vote to transfer \$150,000 of Fiscal Year 2024 Expenses from the School Department's operating fund to the Special Education Reserve Fund:** S. Bottan, Director of Finance and Operations joined the meeting via teleconference and described a request to transfer \$150,000 to the Special Education Reserve Fund for special education transportation expenses, which had been previously approved by the School Committee.

T. Fay moved, seconded by A. Gutbezahl, to vote to approve the transfer \$150,000 of Fiscal Year 2024 Expenses from the School Department's operating fund to the Special Education Reserve Fund. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**A5. Discussion of Unpaid Water Bills – Invite attendance by Clifford Lewis, Chair, Board of Public Works:** Clifford Lewis, Chair of the Board of Public Works joined the meeting and recommended that the Board and the Town Manager instruct Town Departments to deny permits for properties with unpaid water bills. C. Lewis cited Town Code Chapter 72-4 which granted the authority to “deny, revoke or suspend any license or permit... for failure to pay taxes or other municipal charges.” M. McCall reported that new procedures and software will help streamline the notifications of outstanding charges between departments. A. Gutbezahel suggested the matter be reviewed by Town Counsel. The Board concurred. C. Martin suggested charging late fees in addition to interest.

**A6. Town Manager’s Report:**

- a) **Council on Aging/Community Center (COA/CC) Update:** M. McCall provided an update on the project at the Council on Aging/Community Center (COA/CC). M. McCall reported that soil from the site had tested for reportable amounts of Polycyclic Aromatic Hydrocarbons (PAHs), which are a class of chemicals that occur naturally in coal, crude oil and gasoline and often a result of burning those items or asphalt. M. McCall reported that the Town Licensed Site Professional (LSP) recommended covering the pile of soil until a time that it can be moved. He added that no Per- and polyfluoroalkyl substances (PFAS) were found in the soil.
- b) **Sherman Bridge:** M. McCall reported that a house at 27 Sherman’s Bridge Road would be demolished with the aggregated gift funds and Community Preservation Act funds, per pending ATM authorization.
- c) **Recap since last meeting:** M. McCall reported there was some recent water damage at Town Building. M. McCall reported that there had been a fatal motor vehicle accident in Wayland and he commended Wayland Public Safety for responding. He also offered thoughts and prayers for the Wayland family. M. McCall reported that he held an office hour for which a few residents attended. M. McCall reported that the Opioid Settlement listening session had been rescheduled to Wednesday, April 10 at 5:00 p.m.

**A7. Consent Calendar: a) Review and vote to approve listed items b) Discuss, consider, and potentially act on items removed from Consent, if any:**

- 1. Vote the question of approving Select Board Chair, William Whitney, as signatory for a pole license from NSTAR Electric Company d/b/a Eversource Energy and Verizon New England located at 145 Main Street.
- 2. Vote the question of accepting a donation in the amount of \$5,000 from Mr. Douglas Stotz towards the cost of demolishing the house at 27 Sherman Bridge Road.
- 3. Vote the question of approving a sandwich board request by Wayland Children and Parents Association (WCPA) and Wayland Girl Scouts for advertising the ‘Cradles to Crayons Donations on May 10th at Loker Elementary School, during the dates of May 4 through May 10 at Fire Station Two in Cochrane, Town Center (corner of Routes 20 and 27), Old Connecticut Path and Cochrane Road (Five Paths), and Route 20/Old Connecticut Path by Coach Grill.

T. Fay moved, seconded by C. Martin, to adopt the Consent Calendar. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**A8. Minutes: a) Review and approve the minutes of March 11, 2024, March 18, 2024 and March 22, 2024, if available:**

T. Fay moved, seconded by C. Martin, to approve the minutes of March 11, 2024, as amended. Roll Call Vote: YEA: A. Brensley, A. Gutbezahel, C. Martin. NAY: None. ABSENT: None. ABSTAIN: T. Fay and W. Whitney. Approved. 3-0-2.

C. Martin moved, seconded by A. Gutbezahel, to approve the minutes of March 18, 2024, as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

C. Martin moved, seconded by A. Gutbezahel, to approve the minutes of March 22, 2024, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: A. Brensley. Approved. 4-0-1.

**A9. Review Correspondence:** The Board reviewed the correspondence.

**A10. Select Board Members' reports and concerns:** A. Brensley reminded the Board of the Town-SPIRIT program (Site Problem Identification and Resolution of Issues Together) workshop in collaboration with the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC) on Sunday, April 28, 2024 from 1:00 p.m. to 7:00 p.m. A. Brensley volunteered to speak at the event on behalf of the Board.

**A11. Topics not reasonably anticipated by the Chair 48 hours in advance, if any:** There were none.

**A12. Adjourn:** At 8:32 p.m., T. Fay moved, seconded by C. Martin, to adjourn the meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**Items included in the packet for the Select Board Meeting of April 1, 2024:**

1. Draft ATM Warrant Article F: Fiscal Year 2025 Omnibus Budget, with attached tables
2. Draft: Town Code Chapter 43: Personnel, redlined, version I
3. Draft: Town Code Chapter 43: Personnel, clean, version II
4. Draft ATM Warrant Article R: Rescind Unissued Debt
5. Draft ATM Warrant Article KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Sub-district B-1, petitioners
6. Warrant Appendix E: Zoning Map - Map 51 D, Parcel No. 019
7. Zoning Map Reference Map 51D, Parcel No. 019 193 Commonwealth Avenue, Legal Description
8. Draft ATM Warrant Article NN: Solar Compact Development for Wayland, petitioners
9. Memorandum: To: Michael McCall, Wayland Town Manager From: Susan Botton, Wayland Public Schools Director of Finance and Operations CC: David Fleishman, Wayland Public Schools Superintendent The Wayland School Committee Date: March 22, 2024 Re: Request for Vote by Select Board to Transfer \$150,000 of FY24 Expenses from School Department's Operating Fund to the Special Education Reserve Fund with attachments
10. Memorandum: To: Board and Town Manager regarding collection of water bills with attached table
11. Draft: Select Board Meeting Minutes: March 11, 2024
12. Draft: Select Board Meeting Minutes: March 18, 2024
13. Draft: Select Board Meeting Minutes: March 22, 2024

**Items distributed for information and use by the Board during the meeting of April 1, 2024 otherwise not included in the packet (Handouts):**

1. None.

**Correspondence**

1. Correspondence from Quentin Nowland, to Select Board dated March 16, 2024 re: Article KK – Emails to Planning Board for March 12 Meeting.
2. Correspondence from Quentin Nowland, to Select Board dated March 16, 2024 re: Article KK – Please Vote Against – Article Issues and Inconsistencies.
3. Correspondence from Paul and Gretchen Dresens, to Select Board dated March 17, 2024 re: Self Storage Rezoning Article – KK.
4. Correspondence from Daisy Powers, to Select Board dated March 18, 2024 re: Opposition of Article.
5. Correspondence from Larry Meador, to Select Board dated March 18, 2024 re: Wayland Conservation Commission Submission on St. Ann Proposed Housing Development.
6. Correspondence from Doug Kroncke, to Select Board dated March 18, 2024 re: Voting against Article KK.
7. Correspondence from Paul Fantoni, to Select Board dated March 18, 2024 re: Daymon Farms resident against self-storage.
8. Correspondence from Mike Lowey, to Select Board dated March 18, 2024 re: 03/18/24 SB Agenda item KK – public comment.
9. Correspondence from Joseph Choi, to Select Board dated March 18, 2024 re: Proposed 193 Commonwealth Rd Development – Not Supportive.
10. Correspondence from Mike Lowery, to Select Board dated March 19, 2024 re: Inappropriate and unlawful use of Town Resources to Promote Development Project.
11. Correspondence from John L. Rutledge, to Select Board dated March 21, 2024 re: Wayland Conservation Commission Submission on St. Ann Proposed Housing Development.

12. Correspondence from Larry Meador, to Select Board dated March 21, 2024 re: Wayland Conservation Commission Submission on St. Ann Proposed Housing Development.
13. Correspondence from Barbara Rutledge, to Select Board dated March 21, 2024 re: Wayland Conservation Commission Submission on St. Ann Proposed Housing Development.
14. Correspondence from Paul and Gretchen Dresens, to Select Board dated March 22, 2024 re: Article KK Public Comment – 3/22/24.
15. Correspondence from Sheila Carel, to Select Board dated March 22, 2024 re: 193 Commonwealth Road.
16. Correspondence from Anette Lewis, to Select Board dated March 23, 2024 re: Petitioners' Articles & "Close of the Warrant".
17. Correspondence from LEC Environmental Consultants, Inc. (LEC), to Select Board dated March 27, 2024 re: Notice of Intent Application.
18. Correspondence from Gretchen Dresens, to Select Board dated March 29, 2024 re: Concerns about revised Article KK.