

PACKET

July 20

2020



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

BOARD OF SELECTMEN
Monday, July 20, 2020
5:00 p.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA
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.

*In compliance with the revised Open Meeting Law requirements, we will live stream the meeting via Zoom as well as WayCAM. The Zoom meeting can be entered using the following link:
<https://zoom.us/j/95721725414?pwd=RVVkcG9qMXRVcXNlc1pMWVVRXY1JLQT09>
Password: 346818

The meeting may be viewed live on the WayCam Government Channel (Comcast 9, Verizon 38). Public Comment will be received either through Zoom** or by phone at 508-358-6812 for this meeting. The phone number will be active during the public comment portion of the meeting. Thank you in advance for your patience; we intend to address all calls that come in during the Public Comment period.

In addition to being live streamed, WayCam will record the meeting and this recording will be made available to the public as soon after the meeting as is practicable. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

**To make a public comment via Zoom, perform a virtual "hand raise". The meeting moderator will contact you via a chat message to acknowledge your request and will inform the chair of your request to comment. Instructions for performing a virtual "hand raise" can be found at <https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-In-a-webinar>

- 5:00 pm 1. Call to Order, Review Agenda for Public
- 5:02 pm 2. Swearing in of Firefighters below – Held outside in the Town Building Courtyard
 - a. Richard Ripley, Assistant Fire Chief
 - b. Caitlyn Kulakowski,
 - c. Edward Moussouris,
- 5:25 pm 3. Announcements and Public Comment
- 5:30 pm 4. Fiscal Year 2021 1/12th budget: Review and vote to approve submission of FY21 1/12 budget for the months of August and September
- 5:35 pm 5. 2020 Annual Town Meeting:

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- a. Discuss logistics and budget
 - b. Potential vote to pass over articles:
 - 3. Current Year Transfers
 - 10. Capital Stabilization Fund
 - 17. Allow Certain Contracts up to 5 Years
 - 20. Select Board/Town Manager Act
 - 24. Community Choice Aggregation
 - c. Review remaining articles
- 6:00 pm 6. Planning for FY22: Budget process and 2021 Annual Town Meeting; discuss next steps
- a. Financial Summit
 - b. Board of Selectmen policy on the Annual Budget process: review and potential vote
 - c. Red lined FY 2022 budget schedule and process
- 6:20 pm 7. Special Town Meeting:
- a. Discussion of potential article for easements for the River's Edge development
 - b. Review draft schedule for 2020 Annual Town Meeting
- 6:40 pm 8. Health Insurance Waiver Policy: discussion and potential vote to clarify payment of waiver incentive
- 6:45 pm 9. Committee Appointments: update in vacancies
- a. Discussion and potential vote to appoint the following positions to corrected term end dates:

Committee	Appointee	Term End Date
Youth Advisory Committee	Brenda Ross	June 30, 2022
Youth Advisory Committee	Tyler Castagno	June 30, 2022
Youth Advisory Committee	Rabbi Louis Polisson	June 30, 2022

- b. Interview and potential vote to appoint:

Committee	Appointee	Term End Date
Cultural Council	Jane Purser	June 30, 2023

- 6:55 pm 10. Board of Selectmen Statement on Racism: discussion and potential vote; discussion of community forum
- 7:30 pm 11. Minutes: Review and vote to approve minutes of July 7, 2020 and July 13, 2020
- 7:35 pm 12. Consent: Review and vote to approve (see separate sheet)

BOARD OF SELECTMEN
Monday, July 20, 2020
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- 7:40 pm 13. Correspondence Review
- 7:45 pm 14. Selectmen's Reports and Concerns
- 7:50 pm 15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 7:55 pm 16. Enter into Executive Session
- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with:
 - Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1);
 - Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2);
 - Wayland DPW Association, Teamsters Local 170;
 - International Association of Firefighters, AFL-CIO Local 178;
 - The Wayland Library Staff Association MFT, AFT, AFL-CIO;
 - The New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176;
 - II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of July 13, 2020.
- APPROVE AND HOLD: Executive Session minutes of July 13, 2020.
- 8:20 pm 17. Adjourn



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: School Committee
From: Louise Miller, Town Administrator
Ben Keefe, Public Buildings Director
Cc: Arthur Unobskey, Superintendent of Schools
Susan Bottan, School Department Director of Finance and Operations
Board of Selectmen
Date: July 15, 2020
Re: Assessment of Ventilation Systems in School Buildings

Ben Keefe, Public Facilities Director, and Louise Miller, Town Administrator, met with Matt Bean, of Norian/Siani Engineering, Inc., and Brian Donovan, of American Test and Balance, on July 14, 2020. We reviewed briefly a scope of work for ventilation testing in the school buildings. Ben Keefe then toured all the school buildings - with the exception of the Children's Way - with Matt Bean and Brian Donovan, during which time they addressed initial questions regarding the ventilation systems and discussed further the scope of work.

At the outset, we would like to explain the difference between room temperature vs ventilation. While HVAC systems include Heating, Ventilation, and Air Conditioning, temperature and ventilation are two separate components of space comfort. Ventilation is the amount of air movement as well as the amount of fresh air intake. Increasing the amount of fresh air is actually counterproductive to space comfort during the cooling and heating seasons. During cooling season the increase in fresh air will bring in hot and humid air and during the heating season cold dry air. The systems are designed to bring in an amount of fresh air that can be adequately heated or cooled to maintain space comfort. During the shoulder seasons (spring and fall) the control system takes advantage of the comfortable outside air by locking out the heating or cooling equipment.

American Test and Balance will measure the amount of ventilation coming into the building by classroom and space. This does not include most offices. The measurement will be of the amount of outside air brought into the spaces. The engineer will then calculate whether the amount of outside air is code compliant by individual space. We estimate the cost of the data gathering to be \$70,000 and the cost estimate for the engineering work to be an additional \$50,000. This cost estimate does not include the High School. The High School was built to code nine years ago, as an MSBA project, and confirmed by a Commissioning Agent. Ben Keefe has submitted a grant request to Green Communities to re-commission the High School. We expect to hear from Green Communities in August regarding the grant. The re-commissioning will include the ventilation system in the building. Matt Bean, the engineer, confirmed that, if the High School was built to code, there should be no ventilation issues in the building.

As part of the testing and measuring of the amount of outside air being brought into each building, whether Air Handling Units are working will be evaluated. At this time, we believe that all Air Handling Units in all buildings are working. This will be confirmed. Two capital projects are on the 2020 Annual Town Meeting Warrant that include replacement of the Air Handling Units. The Loker School Roof project includes

replacement of all the AHUs for Loker. The Claypit Hill School AHU replacement includes replacement of only some of the AHUs.

We were able to confirm with the engineer that there is no advantage to running ventilation systems 24 hours per day. He did state that there may be an advantage to starting the systems earlier in the morning. Ben Keefe will review the schedule on which the ventilation systems currently operates and make appropriate modifications, if necessary.

We discussed the grade of filter that should be used in the school buildings. The higher the number, the smaller the particle being filtered. Currently the Town uses MERV 8 filters. We discussed whether the Town should consider MERV 11 or MERV 13 filters. In light of COVID-19, ASHRAE recommends using the highest MERV value that our equipment will allow. There should be no issue installing MERV 13 at the High School, Middle School, and Town Building. The older equipment at the elementary schools may not be able to handle the higher value. The engineer will calculate which filter is appropriate for the elementary schools.

The engineer will investigate whether stand-alone medical grade air filtration systems would be effective for isolation rooms and for rooms that do not have ventilation. He was also asked about UV-C, Plasma, and Ozone cleaners. His initial response was that he was not aware of any scientific data regarding their effectiveness for the coronavirus, but will investigate that further.

Until the reports are completed, we will not know what repairs may be necessary. With respect to rooms that have no ventilation, we recommend that they not be used as instructional space unless an alternate method of air circulation and cleaning is determined.

Next steps:

1. enter into a contract both the engineer and the test and balance company.
2. determine how long it will take to complete the data gathering.
3. determine which buildings to include.
4. determine the source of funding for this work.



TOWN OF WAYLAND

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MEMORANDUM

To: Board of Selectmen
From: Louise Miller, Town Administrator
Date: July 16, 2020
Re: 1/12th Budget –August 2020, September 2020

Section 5 of An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID19, Chapter 53 of the Acts of 2020, (the Act) provides for town expenditures without appropriation if the town's annual budget is delayed beyond June 30, 2020 due to the current COVID-19 emergency ("emergency"). Pursuant to Section 5 of the Act, the Department of Revenue Division of Local Services' Director of Accounts (director) may approve expenditure from any appropriate fund or account of an amount necessary to continue uninterrupted government operations of not less than 1/12th of the town's FY2020 approved budget. The director's authority continues provided the emergency prevents budget adoption by a town or special purpose district meeting. Once the FY2021 budget is adopted, the expenditure authority approved by the director terminates and spending authority thereafter will be pursuant to the budget approved by the town. The monthly expenditure plan must be approved by the Board of Selectmen.

On June 5, 2020, the Board of Selectmen approved a 1/12th budget for the months of July, August, and September

Pursuant to Section 5 of the Act, I submitted to the director a Municipal Budget for July 2020 totaling \$10,497,379, a Water Enterprise Fund Budget totaling \$318,527, and a Wastewater Enterprise Fund Budget totaling \$130,471.

Today, the director requested that Wayland submit 1/12th request for the months of August and September \$7,822,667 each. The Board of Selectmen previously approved a 1/12th request for August of a Municipal Budget totaling \$4,352,334, a Water Enterprise Fund Budget totaling \$77,600, and a Wastewater Enterprise Fund Budget totaling \$6,703, and a 1/12th request for September of a Municipal Budget totaling \$5,969,817, a Water Enterprise Fund Budget totaling \$264,028, and a Wastewater Enterprise Fund Budget totaling \$29,800. The director has stated that, in order to process all of the communities that needed the director's approval during this period, they are requesting that all communities submit a 1/12th budget based on the total amount of the FY20 recap rather than the original guidance provided.

Accordingly, I request that you vote to authorize me to submit the 1/12th budget for August and September each in the amount of \$7,822,667, as set forth in the attached spreadsheet. The amounts requested for the School Department and Enterprise Funds remains the same, with the excess funding being placed in the Town Budget.

		July	August	September
VOTES				
1	Municipal Town Budgets Unclassified State Assessment	9,974,915	1,965,443	2,365,131
2	School	522,465	2,386,891	3,604,686
		<u>10,497,379</u>	<u>4,352,334</u>	<u>5,969,817</u>
3	Water Fund	318,527	77,600	264,028
4	Wastewater Fund	130,471	6,703	29,800
	Totals	10,946,377	4,436,637	6,263,645

FISCAL 2021 MONTH BUDGETS						
FISCAL 2021 BUDGET	JULY 2020	AUGUST 2020	SEPTEMBER 2020	3-MONTHS FY 20	3-MONTHS FY 21	\$ Variance FY 21 / FY 20
<u>Town Budgets</u>						
PAYROLL	1,361,131	925,839	870,929	3,025,701	3,157,898	132,197
EXPENSES	84,501	231,814	343,619	677,826	659,935	-17,891
TOTAL	1,445,633	1,157,653	1,214,548	3,703,527	3,817,833	114,306
<u>UNCLASSIFIED</u>						
DEBT	1,132,945	0	239,775	1,574,057	1,372,720	-201,337
RETIREMENT ASSESSMENT	5,182,237	-	-	4,862,852	5,182,237	319,385
INSURANCE GENERAL	700,000	-	-	683,392	700,000	16,608.00
INSURANCE 32B	1,420,000	710,000	710,000	2,541,857	2,840,000	298,143
MEDICARE TAX	40,000	39,000	60,000	136,539	139,000	2,461
UNEMPLOYMENT	2,300	9,500	4,500	15,914	16,300	386
POLICE / FIRE DISABILITY	-	-	-	-	-	-
RESERVE FOR SALARY ADJ	-	-	-	-	-	-
OCCUPATIONAL HEALTH	0	0	0	405	-	-405
BUY BACK	10,000	7,500	10,000	27,500	27,500	-
EMPLOYEE MITIGATION	-	-	-	-	-	-
STORMWATER	-	-	-	-	-	-
TOWN MEETING	-	-	115,000.00	-	115,000.00	115,000.00
STREET LIGHTING	2,000	2,000	2,000	1,556	6,000	4,444
SCHOOL BUS PARKING	-	-	-	-	-	-
RESERVE FUND	-	-	-	-	-	-
MINUTEMAN REGIONAL SC	-	12,000	-	8,582	12,000	3,418.00
TOTAL UNCLASSIFIED	8,489,482	780,000	1,141,275	9,852,654	10,410,757	558,103
<u>SCHOOL</u>	522,465	2,386,891	3,604,686	6,329,841	6,514,042	184,201
<u>STATE ASSESSMENTS</u>	39,800	27,790	9,308	76,898	76,898	-
TOTALS	10,497,379	4,352,334	5,969,817	19,962,920	20,819,530	856,610

Votes		6/5/2020	07/20/20- Request to Vote	
		VOTED July	August	September
1	Municipal Budgets Town Budgets Unclassified State Assessments Total	9,974,915	5,351,473	3,924,153
2	School Budgets	552,465	2,386,891	3,604,686
3	Water Fund	318,527	77,600	264,028
4	Wastewater Fund	130,471	6,703	29,800
	Total Budgets	10,976,378	7,822,667	7,822,667
	DOR Requirement		7,822,667	7,822,667

DATE: JULY 7, 2020
TO: CHERRY KARLSON, CHAIR, BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
RE: STM 2018 AND ATM 2019 EXPENSES

FALL 2018 SPECIAL TOWN MEETING EXPENSES (1-day)

- \$40,140 Electronic Voting
- \$11,050 Field house and auditorium audio/video
- \$ 1,326 Police Details
- \$ 11,155 Rentals, buses, printing, postage
- \$ 63,671**

SPRING 2019 ANNUAL TOWN MEETING EXPENSES (2-days)

- \$63,704 Electronic Voting
- \$22,689 Field house and auditorium audio/video
- \$17,460 Rentals, buses, printing, postage, details
- \$103,853**

DISCUSSION DOCUMENT

20-Jul-20

ATM 2020 Articles

* Asterisk indicates articles proposed for abbreviated presentation procedure; scheduled at 5 minutes each.

#	Letter	Name	Sponsor	Est Time	Comment
1		Recognize Citizens	BoS	15	Moderator request
2	*	Pay Previous Year Bills	BoS	5	
3	*	Current Year Transfer	BoS	5	
4	*	OPEB Funding	BoS	5	
5	*	FY19 Revolving Fund Limits	BoS	5	
6	*	Compensation for Town Clerk	BoS	5	
7	*	Personnel Bylaws	BoS	5	Compliance
8	*	SWQC	BoS	5	Budget
9		FY21 Budget	FinCom	120	Budget
10	*	Capital Stabilization Fund	BoS	5	Potential FinCom request
11		CoA/CC Reallocation	BoS	15	
12	*	CPA: set asides/transfers	CPC	5	Budget/compliance
13		CPA: Playgrounds	CPC	25	Compliance
14		CPA: Housing	CPC	10	Budget
15		CPA: Library ADA	CPC	10	Compliance
16		CPA: Conservation	CPC	10	
17	*	Contracts Up to 5 Years	BoS	5	
18		Change Election Date	Petitioner	25	
19		Loker School Roof	SC	20	Project timing
20		SB/TM Act	BoS	5	
21		FinCom appt by Moderator	Petitioner	5	
22		FinCom in Negotiations	Petitioner	25	
23		Loker Turf Field	Ree	5	
24		Community Choice Aggregation	BoS	5	
25	*	Accept MGL 200A	BoS	5	
26		HS Athletics - Phase 3	SC	5	
27		Repeal Chp 193	Petitioner	25	
28		Spencer Circle	BoPW	15	
29	*	Choose Officers	BoS	5	
30	*	Hear Reports	BoS	5	
31	*	Sell/Trade Vehicles	BoS	5	6.83
STM					
1		River's Edge Easement		15	Project timing
				425	7.08

Action	Total	Articles	Time
Pass Over:	8	3, 10, 17, 20, 21, 23, 24, 26	0.67 hours
Abbreviated:	10	2, 4, 5, 6, 8, 12, 25, 29, 30, 31	0.83 hours
Full:	8	1, 7, 9, 13, 14, 15, 19, 22	3.83 hours
Pending:	5	11, 16, 18, 27, 28	1.50 hours
	31		6.83 hours
Votes required to			
Pass Over:		School Committee	26
		Recreation	23
		Board of Selectmen	3, 10, 17, 20 and 24
Decisions on moving forward:			
		Board of Selectmen	11
		Conservation /CPC	16
		Petitioners	18, 27
		Board of Public Works	28

Assumptions: Moderator reduces discussion time to 25 minutes/article, except Budget.

BOARD OF SELECTMEN'S POLICY ON THE ANNUAL BUDGET PROCESS

I. PURPOSE

The purpose of the Annual Budget Process Policy is to establish, under existing local and state authority, the roles and responsibilities of the Board of Selectmen, Finance Committee, Town Administrator, and Finance Director in the preparation of the annual operating and capital budgets. The Board of Selectmen's goal is to create an efficient, effective and fiscally responsible budget process that meets the planned needs and goals of Wayland and is accountable to the taxpayer.

II. AUTHORITY

Authority to prepare the Annual Budget under the process described below is based on:

1. The authority as the chief executive and chief policy making body of the Town is provided to the Board of Selectmen under Massachusetts General Law and the authority under Chapters 60 and 19 of the Town Code to: 1) employ a Town Administrator, 2) ratify the appointment of the Finance Director and 3) appoint a Finance Committee. As the chief executive for the Town, the Board of Selectmen will play a major role in formulating financial policy, will participate directly in the Town's financial planning and budget process, will provide leadership in the development of the capital improvement plan, and will provide oversight and monitoring of the Town's financial performance.
2. The authority under Chapter 60, Section 2 of the Wayland Town Code provides the Town Administrator as the chief operating and administrative officer of the Town under the policy direction of the Board of Selectmen, with the broad authority to manage the Town's financial, personnel and legal activities and to appoint a Finance Director. Chapter 60, Section 2, outlines the Town Administrator's responsibilities for developing long term financial strategy, for review of all town departmental budgets and for overall financial management for the Town and its departments. This work is to be performed under the policy supervision of the Board of Selectmen and in conjunction with the Finance Committee and the Finance Director.
3. The Finance Director, under the direction of the Town Administrator, develops a budget schedule, provides financial projections, prepares the draft budget, prepares the debt management plan with the Treasurer, advises the Town Administrator on the proposed budget guideline and acts as Town Accountant under Massachusetts General Law.
4. The authority under Chapter 19 of the Town Code provides the Finance Committee with the responsibility to prepare and submit the annual Omnibus Budget to Town Meeting which includes the personnel and expense operating budgets and capital budgets for each Town department and the School Department. The Finance

Committee works in cooperation with the Town Administrator, with the Finance Director acting as the Finance Committee's liaison to the Town Administrator and the Board of Selectmen.

III. INTEGRATION OF ROLES AND RESPONSIBILITIES IN THE BUDGET PROCESS

A responsible local government budget process is based on the Board of Selectmen, its appointed senior staff, all departments and the Finance Committee each playing distinct and important roles in the budget process in a logical sequence. Each of these parties has specific legal responsibility and a distinct perspective. The Board of Selectmen's appointed Town Administrator and the Finance Director (who is appointed by the Town Administrator subject to ratification by majority vote of the full membership of the Board of Selectmen), as the professional staff managing the Town's day to day operations, are best positioned to prepare the five-year budget plan, draft the annual budget guideline and the capital and operating budgets and present these to the Board of Selectmen. The Board of Selectmen, as the chief executive elected by Wayland's residents, is best positioned to consider the overall priorities of the Town. The Board-appointed Finance Committee provides a second and independent review of the draft guidelines and budgets, primarily from the standpoint of Wayland taxpayers, after the Board of Selectmen has established priorities, and prepares the final departmental operating and capital expense budgets and presents them to Town Meeting. In Wayland, the Finance Committee is also responsible for providing comment to the voters on warrant articles. Other finance duties remain with the Board of Selectmen and its administrators.

This policy shall be applied in a manner consistent with the provisions of Chapter 19, Section 4 of the Wayland Town Code, as amended from time to time.

IV. ANNUAL BUDGET: PROCEDURAL STEPS

1. The Board of Selectmen adopts this policy on the preparation of the Annual Budget which will be transmitted to the Town Administrator, the Finance Committee and the Town and School Departments Heads. From time to time, the Board of Selectmen will also present financial policies for public review and comment.
2. The Town Administrator and Finance Director will convene a meeting with the School Superintendent and School Business Manager to discuss preliminary budget needs, the treatment of shared Town / School expenses and preliminary revenue projections.
3. The Finance Director will develop and present to the Town Administrator a five-year revenue and expense budget plan showing all assumptions and identifying proposed budget policies, and suggesting a draft annual budget guideline, based on appropriate percentage increases in Town and School budgets and also showing an

appropriate dollar amount for budget growth for the Town, School and shared Town/School expenses.

4. The draft budget plan and guideline will be reviewed by the Assistant Town Administrator, Treasurer, Assessor, and School Superintendent and School Business Manager whose input will be included or noted in a second draft.
5. The Board of Selectmen will convene a public Budget Summit in mid-September at which the Finance Director and Town Administrator will present the five year financial plan and at which the Board will hear comment from departments, committees, and the public on budget priorities, the Budget Guideline, and any draft financial policies.
6. After a public presentation by the Town Administrator, the Board of Selectmen and Finance Committee will review the budget documents and the Board of Selectmen will provide comment about budget priorities. The Board of Selectmen and Finance Committee will adopt an agreed upon budget guideline which will be included or noted in a new draft budget plan and transmitted to Department Heads and all elected boards.
7. The Finance Director, under the direction and with approval of the Town Administrator will develop and manage the Budget Schedule and provide the schedule and the final budget guideline to Town and School departments by early October. All detailed non-school departmental budgets will be received by the Town Administrator who will note any recommended changes to each departmental budget.
8. The Finance Director and Town Administrator will receive the School Department budget from the School Superintendent and will include the School Budget unchanged but with comment in a consolidated budget plan.
9. The Finance Committee will receive from the Town Administrator complete and detailed Town and School budgets with all prior comments from the Board of Selectmen.
10. Following its review and compilation of the final budget, the Finance Committee will present a draft budget to the Board of Selectmen, School Committee, staff, boards and public. This public meeting is anticipated to occur in early February.
11. The Finance Committee will develop a final budget for inclusion in the Annual Town Meeting warrant.

Adopted on June 3, 2019.

BOARD OF SELECTMEN'S POLICY ON THE ANNUAL BUDGET PROCESS

I. PURPOSE

The purpose of the Annual Budget Process Policy is to establish, under existing local and state authority, the roles and responsibilities of the Board of Selectmen, Finance Committee, Town Administrator, and Finance Director in the preparation of the annual operating and capital budgets. The Board of Selectmen's goal is to create an efficient, effective and fiscally responsible budget process that meets the planned needs and goals of Wayland and is accountable to the taxpayer.

II. AUTHORITY

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1. The authority as the chief executive and chief policy making body of the Town is provided to the Board of Selectmen under Massachusetts General Law and the authority under Chapters 60 and 19 of the Town Code to: 1) employ a Town Administrator, 2) ratify the appointment of the Finance Director and 3) appoint a Finance Committee. As the chief executive for the Town, the Board of Selectmen will play a major role in formulating financial policy, will participate directly in the Town's financial planning and budget process, will provide leadership in the development of the capital improvement plan, and will provide oversight and monitoring of the Town's financial performance.
2. The authority under Chapter 60, Section 2 of the Wayland Town Code provides the Town Administrator as the chief operating and administrative officer of the Town under the policy direction of the Board of Selectmen, with the broad authority to manage the Town's financial, personnel and legal activities and to appoint a Finance Director. Chapter 60, Section 2, outlines the Town Administrator's responsibilities for developing long term financial strategy, for review of all town departmental budgets and for overall financial management for the Town and its departments. This work is to be performed under the policy supervision of the Board of Selectmen and in conjunction with the Finance Committee and the Finance Director.
3. The Finance Director, under the direction of the Town Administrator, develops a budget schedule, provides financial projections, prepares the draft budget, prepares the debt management plan with the Treasurer, advises the Town Administrator on the proposed budget guideline and acts as Town Accountant under Massachusetts General Law.
4. The authority under Chapter 19 of the Town Code provides the Finance Committee with the responsibility to prepare and submit the annual Omnibus Budget to Town Meeting which includes the personnel and expense operating budgets and capital budgets for each Town department and the School Department. The Finance

Committee works in cooperation with the Town Administrator, with the Finance Director acting as the Finance Committee's liaison to the Town Administrator and the Board of Selectmen.

III. INTEGRATION OF ROLES AND RESPONSIBILITIES IN THE BUDGET PROCESS

A responsible local government budget process is based on the Board of Selectmen, its appointed senior staff, all departments and the Finance Committee each playing distinct and important roles in the budget process in a logical sequence. Each of these parties has specific legal responsibility and a distinct perspective. The Board of Selectmen's appointed Town Administrator and the Finance Director (who is appointed by the Town Administrator subject to ratification by majority vote of the full membership of the Board of Selectmen), as the professional staff managing the Town's day to day operations, are best positioned to prepare the five-year budget plan, draft the annual budget guideline and the capital and operating budgets and present these to the Board of Selectmen. The Board of Selectmen, as the chief executive elected by Wayland's residents, is best positioned to consider the overall priorities of the Town. The Board-appointed Finance Committee provides a second and independent review of the draft guidelines and budgets, primarily from the standpoint of Wayland taxpayers, after the Board of Selectmen has established priorities, and prepares the final departmental operating and capital expense budgets and presents them to Town Meeting. In Wayland, the Finance Committee is also responsible for providing comment to the voters on warrant articles. Other finance duties remain with the Board of Selectmen and its administrators.

This policy shall be applied in a manner consistent with the provisions of Chapter 19, Section 4 of the Wayland Town Code, as amended from time to time.

IV. ANNUAL BUDGET: PROCEDURAL STEPS

1. The Board of Selectmen adopts this policy on the preparation of the Annual Budget which will be transmitted to the Town Administrator, the Finance Committee and the Town and School Departments Heads. From time to time, the Board of Selectmen will also present financial policies for public review and comment.
2. The Town Administrator and Finance Director will convene a meeting with the School Superintendent and School Business Manager to discuss preliminary budget needs, the treatment of shared Town / School expenses and preliminary revenue projections.
3. The Finance Director will develop and present to the Town Administrator a five-year revenue and expense budget plan showing all assumptions and identifying proposed budget policies, and suggesting a draft annual budget guideline, based on appropriate percentage increases in Town and School budgets and also showing an appropriate dollar amount for budget growth for the Town, School and shared Town/School expenses.

4. The draft budget plan and guideline will be reviewed by the Assistant Town Administrator, Treasurer, Assessor, and School Superintendent and School Business Manager whose input will be included or noted in a second draft.
5. The Board of Selectmen will convene a public Budget Summit in mid-September at which the Finance Director and Town Administrator will present the five year financial plan and at which the Board will hear comment from departments, committees, and the public on budget priorities, the Budget Guideline, and any draft financial policies.
6. After a public presentation by the Town Administrator, the Board of Selectmen and Finance Committee will review the budget documents and the Board of Selectmen will provide comment about budget priorities. The Board of Selectmen and Finance Committee will adopt an agreed upon budget guideline which will be included or noted in a new draft budget plan and transmitted to Department Heads and all elected boards.
7. The Finance Director, under the direction and with approval of the Town Administrator will develop and manage the Budget Schedule and provide the schedule and the final budget guideline to Town and School departments by early October. All detailed non-school departmental budgets will be received by the Town Administrator who will note any recommended changes to each departmental budget.
8. The Finance Director and Town Administrator will receive the School Department budget from the School Superintendent and will include the School Budget unchanged but with comment in a consolidated budget plan.
9. The Finance Committee will receive from the Town Administrator complete and detailed Town and School budgets with all prior comments from the Board of Selectmen.
10. Following its review and compilation of the final budget, the Finance Committee will present a draft budget to the Board of Selectmen, School Committee, staff, boards and public. This public meeting is anticipated to occur in early February.
11. The Finance Committee will develop a final budget for inclusion in the Annual Town Meeting warrant.

Adopted on June 3, 2019.

FY 2022 BUDGET SCHEDULE AND PROCESS

July, 2020

	DATE	RESPONSIBLE PARTY	RESPONSIBILITY	SUBMIT TO
1	JUNE/JULY	BOARD OF SELECTMEN	<u>REVIEW BUDGET POLICY AND APPROVE BUDGET POLICY SCHEDULE AND PROCESS</u>	T TOWN ADMINISTRATOR, FINCOM, TOWN AND SCHOOL DEPARTMENT HEADS COMMITTEE
2 3	JULY AUGUST- <u>SEPTEMBER</u>	FINANCE DIRECTOR, TOWN ADMINISTRATOR, SCHOOL ADMINISTRATOR SCHOOL BUSINESS MANAGER, SCHOOL SUPERINTENDENT	DISCUSS PRELIMINARY FY2022 BUDGET NEEDS, TREATMENT OF SHARED TOWN/SCHOOL EXPENSES AND PRELIMINARY REVENUE PRELIMINARYREVENUE PROJECTIONS	<u>REVIEW BY ASSISTANT TOWN ADMINISTRATOR, TREASURER, ASSESSOR</u>
3 2	JULY-AUGUST	FINANCE DIRECTOR	DEVELOP <u>PRELIMINARY FY2022 REVENUE</u> , AND PRESENT A 5 YEAR REVENUE AND PRO FORMA EXPENSE BUDGET PLAN SHOWING ALL ASSUMPTIONS	TOWN ADMINISTRATOR (WITH REVIEW BY TREASURER, ASSESSOR, SCHOOL BUSINESS MANAGER AND SCHOOL SUPERINTENDENT)
4	AUGUST 8 17	FINANCE DIRECTOR, TOWN ADMINISTRATOR, HUMAN RESOURCES MANAGER	REVIEW FY2022 BUDGET PROCESS, CAPITAL PROJECTS SUBMISSIONS, PERSONNEL REQUESTS	DEPARTMENT HEADS AND SCHOOL DEPARTMENT
	<u>AUGUST 17</u>	<u>FINANCE DIRECTOR</u>	<u>SENDS CAPITAL REQUEST FORMS AND INSTRUCTIONS</u>	<u>DEPARTMENT HEADS AND SCHOOL DEPARTMENT</u>
5	SEPTEMBER 3 4	TOWN ADMINISTRATOR, HUMAN RESOURCES MANAGER	SUBMIT PERSONNEL REQUESTS FOR REVIEW AND RECOMMENDATION	PERSONNEL BOARD
6	BY SEPTEMBER 6 10	FINANCE DIRECTOR, TOWN ADMINISTRATOR, SCHOOL BUSINESS MANAGER, SCHOOL SUPERINTENDENT	FINALIZE FY2022 FORECAST, 5-YEAR PLAN, FY2022 BUDGET PRIORITIES AND DRAFT RECOMMENDATION ON BUDGET GUIDELINE; SUGGEST DRAFT FY2022 BUDGET GUIDELINE; IDENTIFY PROPOSED CHANGES TO BUDGET POLICIES	<u>BOARD OF SELECTMEN, SCHOOL COMMITTEE, FINANCE COMMITTEE</u>
7	<u>SEPTEMBER 9</u> 17	<u>FINANCE DIRECTOR, TOWN ADMINISTRATOR, SCHOOL SUPERINTENDENT</u>	<u>PUBLIC PRESENTATION AT A FINANCIAL SUMMIT OF FY2022 FORECAST, 5-YEAR FINANCIAL PLAN INCLUDING CAPITAL, BUDGET, RECOMMENDATION ON FY2022 BUDGET GUIDELINE</u>	<u>BOS, FINCOM, SC, DEPARTMENT HEADS, ALL BOARDS, COMMITTEES AND RESIDENTS.</u>
	<u>SEPTEMBER 17</u>	<u>FINANCE DIRECTOR, TOWN ADMINISTRATOR</u>	<u>PUBLIC PRESENTATION AT A FINANCIAL SUMMIT OF FY2021 YEAR END FINANCIALS, 5-YEAR FINANCIAL PLAN INCLUDING CAPITAL, BUDGET, RECOMMENDATION ON FY2022 BUDGET GUIDELINE</u>	<u>BOS, FINCOM, SC, DEPARTMENT HEADS, ALL BOARDS, COMMITTEES AND RESIDENTS.</u>
8	SEPTEMBER 21 CAPITAL	ALL DEPARTMENT HEADS AND SCHOOL DEPARTMENT	SUBMIT CAPITAL PLANS WITH RECOMMENDATIONS/VOTE OF GOVERNING BODIES (SCHOOL COMMITTEE VOTE ON OCT 7)	TOWN ADMINISTRATOR, FINANCE DIRECTOR
9	SEPTEMBER 24	TOWN ADMINISTRATOR WORKING WITH FINANCE DIRECTOR AND FINANCE COMMITTEE	ISSUE FY2022 BUDGET GUIDELINE	DEPARTMENT HEADS, SCHOOL DEPARTMENT, BOARDS AND COMMITTEES
10	BY OCTOBER NOVEMBER 1	TOWN ADMINISTRATOR, PERSONNEL BOARD	SUBMIT FY2022 PERSONNEL RECOMMENDATIONS	BOARD OF SELECTMEN AND FINANCE COMMITTEE
11	<u>OCTOBER 9</u> 13 CAPITAL	<u>FINANCE DIRECTOR, TOWN ADMINISTRATOR</u>	SUBMIT <u>SUBMIT FIVE YEAR DRAFT CAPITAL PLAN, FY2022 DRAFT</u>	FINANCE COMMITTEE

FY 2022 BUDGET SCHEDULE AND PROCESS

July, 2020

			<u>CAPITAL PLAN, AND</u> DEPARTMENT CAPITAL PLANS WITH RECOMMENDATIONS OF TA/BOS, SCHOOL SUPERINTENDENT/SC AND FUNDING RECOMMENDATIONS	
	DATE	RESPONSIBLE PARTY	RESPONSIBILITY	SUBMIT TO
12	OCTOBER 9 – NOVEMBER 4 <u>DECEMBER 1</u> CAPITAL	FINANCE COMMITTEE	REVIEW AND MAKE RECOMMENDATIONS ON FY2022 CAPITAL REQUESTS; REVIEW 5 FIVE YEAR CAPITAL PLAN	TA/BOARD OF SELECTMEN, SCHOOL SUPERINTENDENT/SC
13	BY OCTOBER 11 <u>13</u>	ALL DEPARTMENT HEADS	SUBMIT DRAFT DEPARTMENTAL OPERATING BUDGETS WITH VARIANCES AFTER APPROVAL BY GOVERNING BODIES (IN MUNIS)	FINANCE DIRECTOR
14	OCTOBER 14 – NOVEMBER 13	TOWN ADMINISTRATOR, FINANCE DIRECTOR	REVIEW OF OPERATING BUDGETS WITH DEPARTMENT HEADS; INCLUDE FINCOM LIAISONS AS SCHEDULES PERMIT; INCLUDE UNCLASSIFIED; REVIEW BUDGET RECOMMENDATIONS WITH RELEVANT BOARDS	
15	DECEMBER 1	TOWN ADMINISTRATOR, FINANCE DIRECTOR	MAKE RECOMMENDATIONS ON ALL OPERATING BUDGETS INCLUDING UNCLASSIFIED, EXCEPT SCHOOLS	BOARD OF SELECTMEN, FINANCE COMMITTEE
16	DECEMBER 1 <u>DECEMBER 31</u>	FINANCE COMMITTEE	BEGIN REVIEW OF OPERATING BUDGETS; SEND QUESTIONS TO TA AND SUPERINTENDENT	<u>TOWN ADMINISTRATOR,</u> <u>SCHOOL SUPERINTENDENT</u>
17	BY DECEMBER 13 <u>15</u>	SCHOOL SUPERINTENDENT, SCHOOL COMMITTEE	SUBMIT SUPERINTENDENT'S RECOMMENDED BUDGET WITH VARIANCES BEFORE APPROVAL BY SCHOOL COMMITTEE	TOWN ADMINISTRATOR, FINANCE DIRECTOR
18	BY DECEMBER 17 CAPITAL	FINANCE COMMITTEE	CONFIRM AND VOTE FY2021 <u>FY2022</u> CAPITAL BUDGET (PROJECTS AND FUNDING SOURCES); AND FIVE YEAR CAPITAL PLAN	
19	BY DECEMBER 27 <u>30</u>	TOWN ADMINISTRATOR, FINANCE DIRECTOR	PREPARES <u>PREPARE</u> AND SUBMIT <u>SUBMIT</u> DRAFT FY2021 <u>FY2022</u> OPERATING BUDGET (INCLUDING UNCLASSIFIED AND SCHOOLS) SCHOOLS WILL VOTE FINAL BUDGET IN JANUARY	BOARD OF SELECTMEN, FINANCE COMMITTEE
20	JANUARY 2 - 28 <u>29</u>	FINANCE COMMITTEE	REVIEWS ALL BUDGET REQUESTS, VOTES TO ADOPT A DRAFT FY2021 <u>FY2022</u> OMNIBUS BUDGET	<u>TOWN ADMINISTRATOR,</u> BOARD OF SELECTMEN, <u>FINANCE</u> <u>SCHOOL</u> COMMITTEE, <u>SCHOOL</u> <u>SUPERINTENDENT</u> GOVERNING BODIES
21	JANUARY	TOWN ADMINISTRATOR, BOARD OF SELECTMEN, FINANCE DIRECTOR, FINANCE COMMITTEE	REVIEW REVOLVING FUND ARTICLE(S) – PURPOSES AND LIMITS	
22	FEBRUARY 32 or 109	FINANCE COMMITTEE	PRESENT DRAFT FY2022 OMNIBUS BUDGET AT BUDGET HEARING	PUBLIC PRESENTATION
23	FEBRUARY 24 <u>23</u>	FINANCE COMMITTEE	ADOPTS FINAL FY2021 <u>FY2022</u> OMNIBUS BUDGET	BOARD OF SELECTMEN, TOWN ADMINISTRATOR,

FY 2022 BUDGET SCHEDULE AND PROCESS
July, 2020

				SCHOOL SUPERINTENDENT, SC, GOVERNING BOARDS
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FY 2022 BUDGET SCHEDULE AND PROCESS

July, 2020

	DATE	RESPONSIBLE PARTY	RESPONSIBILITY	SUBMIT TO
1	JUNE/JULY	BOARD OF SELECTMEN	REVIEW BUDGET POLICY AND APPROVE BUDGET SCHEDULE AND PROCESS	TOWN ADMINISTRATOR, FINCOM, SCHOOL COMMITTEE
3	AUGUST-SEPTEMBER	FINANCE DIRECTOR, TOWN ADMINISTRATOR, SCHOOL BUSINESS MANAGER, SCHOOL SUPERINTENDENT	DISCUSS PRELIMINARY FY2022 BUDGET NEEDS, TREATMENT OF SHARED TOWN/SCHOOL EXPENSES AND PRELIMINARY REVENUE PROJECTIONS	REVIEW BY ASSISTANT TOWN ADMINISTRATOR, TREASURER, ASSESSOR
2	JULY-AUGUST	FINANCE DIRECTOR	DEVELOP PRELIMINARY FY2022 REVENUE, AND A 5 YEAR REVENUE AND PRO FORMA EXPENSE BUDGET PLAN SHOWING ALL ASSUMPTIONS	TOWN ADMINISTRATOR
4	AUGUST 17	FINANCE DIRECTOR, TOWN ADMINISTRATOR, HUMAN RESOURCES MANAGER	REVIEW FY2022 BUDGET PROCESS, CAPITAL PROJECTS SUBMISSIONS, PERSONNEL REQUESTS	DEPARTMENT HEADS AND SCHOOL DEPARTMENT
	AUGUST 17	FINANCE DIRECTOR	SENDS CAPITAL REQUEST FORMS AND INSTRUCTIONS	DEPARTMENT HEADS AND SCHOOL DEPARTMENT
5	SEPTEMBER 4	TOWN ADMINISTRATOR, HUMAN RESOURCES MANAGER	SUBMIT PERSONNEL REQUESTS FOR REVIEW AND RECOMMENDATION	PERSONNEL BOARD
6	BY SEPTEMBER 10	FINANCE DIRECTOR, TOWN ADMINISTRATOR, SCHOOL BUSINESS MANAGER, SCHOOL SUPERINTENDENT	FINALIZE FY2022 FORECAST, 5-YEAR PLAN, FY2022 BUDGET PRIORITIES AND DRAFT RECOMMENDATION ON BUDGET GUIDELINE; SUGGEST DRAFT FY2022 BUDGET GUIDELINE; IDENTIFY PROPOSED CHANGES TO BUDGET POLICIES	BOARD OF SELECTMEN, SCHOOL COMMITTEE, FINANCE COMMITTEE
7	SEPTEMBER 17	FINANCE DIRECTOR, TOWN ADMINISTRATOR, SCHOOL SUPERINTENDENT	PUBLIC PRESENTATION AT A FINANCIAL SUMMIT OF FY2022 FORECAST, 5-YEAR FINANCIAL PLAN INCLUDING CAPITAL, BUDGET, RECOMMENDATION ON FY2022 BUDGET GUIDELINE	BOS, FINCOM, SC, DEPARTMENT HEADS, ALL BOARDS, COMMITTEES AND RESIDENTS.
	SEPTEMBER 17	FINANCE DIRECTOR, TOWN ADMINISTRATOR	PUBLIC PRESENTATION AT A FINANCIAL SUMMIT OF FY2021 YEAR END FINANCIALS, 5-YEAR FINANCIAL PLAN INCLUDING CAPITAL, BUDGET, RECOMMENDATION ON FY2022 BUDGET GUIDELINE	BOS, FINCOM, SC, DEPARTMENT HEADS, ALL BOARDS, COMMITTEES AND RESIDENTS.
8	SEPTEMBER 21 CAPITAL	ALL DEPARTMENT HEADS AND SCHOOL DEPARTMENT	SUBMIT CAPITAL PLANS WITH RECOMMENDATIONS/VOTE OF GOVERNING BODIES (SCHOOL COMMITTEE VOTE ON OCT 7)	TOWN ADMINISTRATOR, FINANCE DIRECTOR
9	SEPTEMBER 24	TOWN ADMINISTRATOR WORKING WITH FINANCE DIRECTOR AND FINANCE COMMITTEE	ISSUE FY2022 BUDGET GUIDELINE	DEPARTMENT HEADS, SCHOOL DEPARTMENT, BOARDS AND COMMITTEES
10	BY NOVEMBER 1	TOWN ADMINISTRATOR, PERSONNEL BOARD	SUBMIT FY2022 PERSONNEL RECOMMENDATIONS	BOARD OF SELECTMEN AND FINANCE COMMITTEE
11	OCTOBER 13 CAPITAL	FINANCE DIRECTOR, TOWN ADMINISTRATOR	SUBMIT FIVE YEAR DRAFT CAPITAL PLAN, FY2022 DRAFT CAPITAL PLAN, AND DEPARTMENT CAPITAL PLANS WITH RECOMMENDATIONS OF TA/BOS, SCHOOL SUPERINTENDENT/SC AND FUNDING RECOMMENDATIONS	FINANCE COMMITTEE

FY 2022 BUDGET SCHEDULE AND PROCESS

July, 2020

	DATE	RESPONSIBLE PARTY	RESPONSIBILITY	SUBMIT TO
12	OCTOBER 9 – DECEMBER 1 CAPITAL	FINANCE COMMITTEE	REVIEW AND MAKE RECOMMENDATIONS ON FY2022 CAPITAL REQUESTS FIVE YEAR CAPITAL PLAN	TA/BOARD OF SELECTMEN, SCHOOL SUPERINTENDENT/SC
13	BY OCTOBER 13	ALL DEPARTMENT HEADS	SUBMIT DRAFT DEPARTMENTAL OPERATING BUDGETS WITH VARIANCES (IN MUNIS)	FINANCE DIRECTOR
14	OCTOBER 14 – NOVEMBER 13	TOWN ADMINISTRATOR, FINANCE DIRECTOR	REVIEW OF OPERATING BUDGETS WITH DEPARTMENT HEADS; INCLUDE FINCOM LIAISONS AS SCHEDULES PERMIT; INCLUDE UNCLASSIFIED; REVIEW BUDGET RECOMMENDATIONS WITH RELEVANT BOARDS	
15	DECEMBER 1	TOWN ADMINISTRATOR, FINANCE DIRECTOR	MAKE RECOMMENDATIONS ON ALL OPERATING BUDGETS INCLUDING UNCLASSIFIED, EXCEPT SCHOOLS	BOARD OF SELECTMEN, FINANCE COMMITTEE
16	DECEMBER 1 DECEMBER 31	FINANCE COMMITTEE	BEGIN REVIEW OF OPERATING BUDGETS; SEND QUESTIONS TO TA AND SUPERINTENDENT	TOWN ADMINISTRATOR, SCHOOL SUPERINTENDENT
17	BY DECEMBER 15	SCHOOL SUPERINTENDENT, SCHOOL COMMITTEE	SUBMIT SUPERINTENDENT'S RECOMMENDED BUDGET WITH VARIANCES <i>BEFORE</i> APPROVAL BY SCHOOL COMMITTEE	TOWN ADMINISTRATOR, FINANCE DIRECTOR
18	BY DECEMBER 17 CAPITAL	FINANCE COMMITTEE	CONFIRM AND VOTE FY2022 CAPITAL BUDGET (PROJECTS AND FUNDING SOURCES) AND FIVE YEAR CAPITAL PLAN	
19	BY DECEMBER 30	TOWN ADMINISTRATOR, FINANCE DIRECTOR	PREPARE AND SUBMIT DRAFT FY2022 OPERATING BUDGET (INCLUDING UNCLASSIFIED AND SCHOOLS) SCHOOLS WILL VOTE FINAL BUDGET IN JANUARY	BOARD OF SELECTMEN, FINANCE COMMITTEE
20	JANUARY 2 - 29	FINANCE COMMITTEE	REVIEWS ALL BUDGET REQUESTS, VOTES TO ADOPT A DRAFT FY2022 OMNIBUS BUDGET	TOWN ADMINISTRATOR, BOARD OF SELECTMEN, SCHOOL COMMITTEE, SCHOOL SUPERINTENDENT GOVERNING BODIES
21	JANUARY	TOWN ADMINISTRATOR, BOARD OF SELECTMEN, FINANCE DIRECTOR, FINANCE COMMITTEE	REVIEW REVOLVING FUND ARTICLE(S) – PURPOSES AND LIMITS	
22	FEBRUARY 2 or 9	FINANCE COMMITTEE	PRESENT DRAFT FY2022 OMNIBUS BUDGET AT BUDGET HEARING	PUBLIC PRESENTATION
23	FEBRUARY 23	FINANCE COMMITTEE	ADOPTS FINAL FY2022 OMNIBUS BUDGET	BOARD OF SELECTMEN, TOWN ADMINISTRATOR, SCHOOL SUPERINTENDENT, SC, GOVERNING BOARDS

Agenda Item 7a
River's Edge Materials

1. Information on Land Transfers
 - a. 2013 ATM vote and map
 - b. 2014 ATM vote and map
2. 2019 River's Edge Advisory Committee Annual Report
3. River's Edge RFP excerpts
 - a. Page 16-17: section 3, Access
 - b. Page 18: River's Edge Site Schematic Plan (example)
 - c. Page 18: Local Permitting summary; all items completed with the exception of last two items.
 - d. Full RFP available here:
<https://cmsarchive.civicplus.com/Wayland%20MA%20Documents/16-28Docs/default.htm>
4. Planning Board recommendation to the ZBA, November 5, 2019
5. ZBA decision of December 17, 2019

ARTICLE 8: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2014.

MOTION:

Edward J. Collins moved and was duly seconded that the Town vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2014.

VOTED:

IN FAVOR: 183 MOTION PASSED
 OPPOSED: 16

ARTICLE 9: AMEND 1978 ANNUAL TOWN MEETING VOTE REGARDING LANDFILL ACCESS ROAD PARCEL AND DESIGNATE CONSERVATION LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its vote under Article 19 of the Warrant for the 1978 Annual Town Meeting to require that the care, custody, management and control of the Town-owned parcel of land containing 24 acres, more or less, and shown as Lot B on a plan entitled “Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord” dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978 immediately vest in the Conservation Commission, except for the portion of said Parcel B comprising the access way to land and facilities held in the care, custody, management and control of the Board of Public Works being approximately 50 feet wide and shown as “ROADWAY AREA” on a plan entitled “Plan of Land in Wayland, Massachusetts, Landfill/DPW Access Road 2013 ATM, Article 9” dated February 25, 2013, prepared by the Town of Wayland Surveying Department, a copy of which is on file in the Office of the Town Clerk, which access way shall continue to so held by the Board of Public Works for as long the land accessible by it is used for public works purposes by the Town.

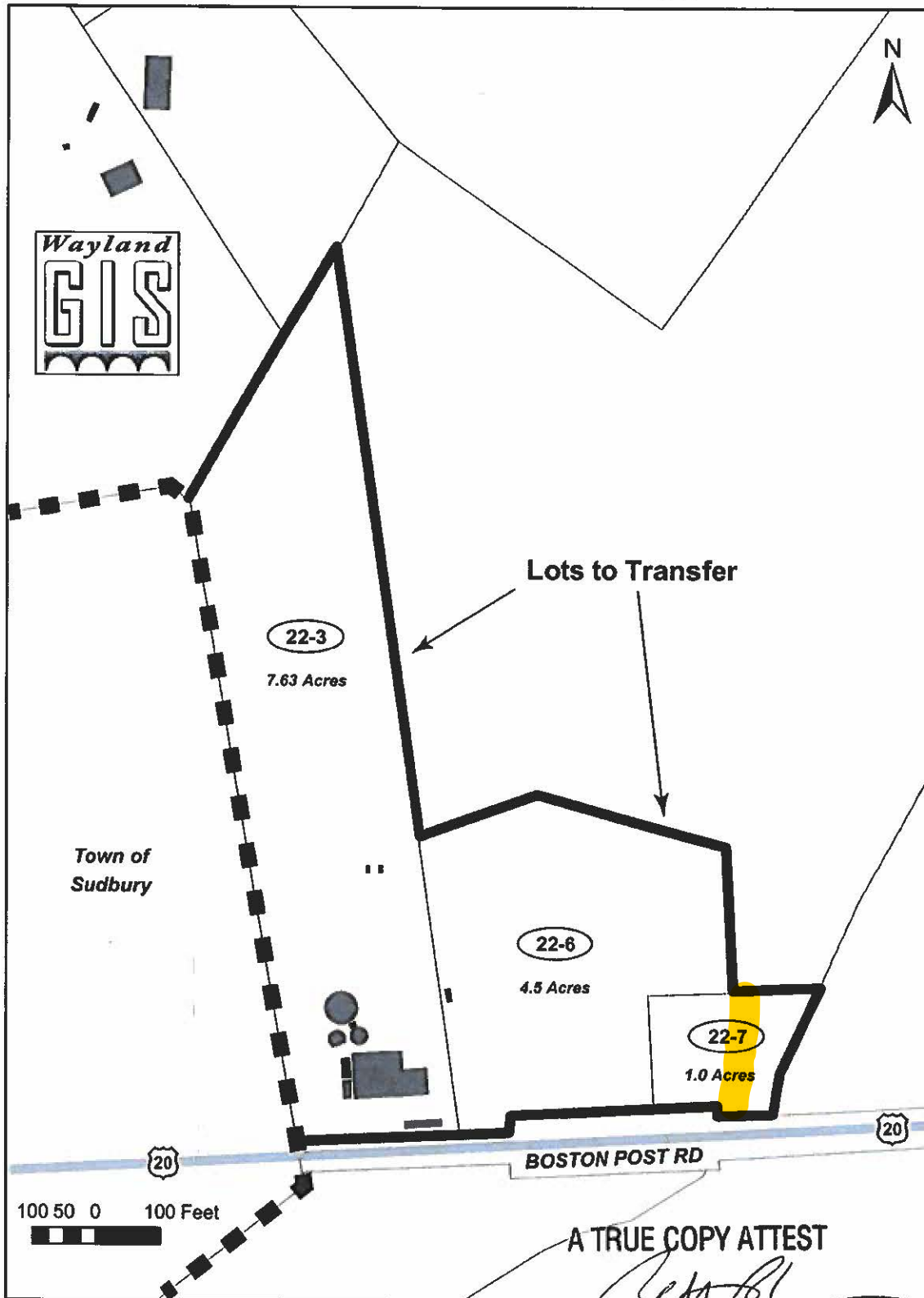
MOTION:

Joseph F. Nolan moved and was duly seconded that the Town vote to amend its vote under Article 19 of the Warrant for the 1978 Annual Town Meeting to require that the care, custody, management and control of the Town-owned parcel of land containing 24 acres, more or less, and shown as Lot B on a plan entitled “Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord” dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with the Middlesex South Registry of Deeds as Plan Number 482 of 1978 immediately vest in the Conservation Commission, except for the portion of said Parcel B comprising the access way to land and facilities held in the care, custody, management and control of the Board of Public Works being approximately 50 feet wide and shown as “ROADWAY AREA” on a plan entitled “Plan of Land in Wayland, Massachusetts, Landfill/DPW Access Road 2013 ATM, Article 9” dated February 25, 2013, prepared by the Town of Wayland Surveying Department, a copy of which is on file in the Office of the Town Clerk, which access way shall continue to so held by the Board of Public Works for as long the land accessible by it is used for public works purposes by the Town, provided that(i) the Board of Public Works shall, and is hereby authorized to transfer the care, custody, management and control of the portion of the parcel of land described in an order of taking dated March 29, 1971 and recorded with said Registry of Deeds in Book 11977, Page 704 shown as “Area C” on said unrecorded plan prepared by the Town of Wayland Surveying Department and in Appendix C to the Warrant for the 2013 Annual Town Meeting to the Conservation Commission; (ii) floodplain mitigation shall be provided to compensate for flood storage capacity lost when the access way located within said roadway area was constructed in 1978; (iii) wetlands filled in or otherwise lost when said access way was constructed in 1978 shall be replicated at a ratio of 1.5 to 1.0; and (iv) to the extent possible, any fragmentation of wildlife habitat shall be remediated.

MOTION TO AMEND:

Kent George moved that the Town vote to take Article 9 out of order and move it to after Article 17.

Transfer and Dispose of Septage Facility and Adjacent Town-Owned Land on Boston Post Road



TOWN CLERK
TOWN OF WAYLAND



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

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ANNUAL TOWN MEETING

VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 3, 2014, the following business was transacted under Article 16:

ARTICLE 16: TRANSFER AND DISPOSE OF SEPTAGE FACILITY LAND AND ADJACENT TOWN-OWNED LAND ON BOSTON POST ROAD

Voted that the Town:

- a.) authorize the Board of Public Works, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420; (ii) containing 4.5 acres and shown as Lot A on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, to the Board of Selectmen for purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing purposes; except for so much of said one (1) acre lot which lies within the Wayland Landfill Access Road as shown on Appendix F in the Warrant; and
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell, lease or otherwise dispose of said parcels of land for affordable housing and market rate housing and accessory uses and structure purposes and, in connection therewith, to execute all necessary and appropriate documents, provided that 1.) any housing development constructed on said parcels of land shall: (i) comply with the Town's Zoning Bylaw, (ii) be for rental dwelling units only; and (iii) be in general conformance with the spirit and intent of the River's Edge Housing Project Design Guidelines; and 2.) prior to disposing of said parcels of land, the Board of Selectmen shall solicit and receive a recommendation(s) from a nine-member advisory committee appointed by the Selectmen comprised of one Selectman, one member of the Finance Committee, one member of the Board of Public Works, one member of the Wayland Housing Partnership or the Wayland Housing Authority, one member of the Planning Board or Design Review Board, one member of the Council on Aging, one member of the Economic Development Committee and two citizens of the Town whose terms shall expire upon the disposition of said land by sale or lease or otherwise.

VOTED:

IN FAVOR: 303

MOTION PASSED BY 2/3 VOTE

OPPOSED: 99

A true copy, Attest:

Beth R. Klein
Town Clerk

MOTION RE: RIVER'S EDGE HOUSING PROJECT SITE
BOARD OF PUBLIC WORKS MEETING - June 9, 2015

I move that the Board of Public Works:

(1) Determine, pursuant to Massachusetts General Laws Chapter 40, Section 15A, that the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420, except for the northerly portion of said parcel shown as "Remaining Lot 'Non Conforming' to be Merged with Map 22, Lot 5 [Lot B 190,411 +/- S.F. (4.37 +/- Acres)]" on the unrecorded plan entitled "ANR Subdivision Plan Assessors Map 22, Lot 3, Lot 6 & Lot 7 Boston Post Road Wayland, Massachusetts Prepared for Town of Wayland", dated June 1, 2015, prepared by Darren J. Hardy, P.L.S., WSP Transportation & Infrastructure (the "ANR Plan"); (ii) containing 4.5 acres, more or less, as described in an order of taking dated May 15, 1978 and recorded with said Registry in Book 13443, Page 177 and shown as Lot A on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds

as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, except for the portion of said one (1) acre lot shown as Lots D & F on the ANR Plan (collectively the "Locus"), are no longer needed for municipal public works purposes; and

(2) irrevocably transfer the care, custody, management and control of the Locus to the Board of Selectmen, effective upon the execution of a land disposition and development agreement between the Town and a party acquiring an interest in and developing the Locus, for the purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing and market rate housing and accessory uses and structure purposes in accordance with the vote of the 2014 Annual Town Meeting under Article 16 of the Warrant therefor. Nothing in this motion shall be construed as limiting the authority of the Board of Selectmen to retransfer custody of the Locus to the Board of Public Works pursuant to a future town meeting vote, or limit the ability of the Board of Public Works to access the Locus, by temporary easement or otherwise, to comply with DEP #322-808 Order of Conditions.

The Board of Public Works would like to advise the Town that moving on-going operations to a different site will mandate

significant one-time and on-going increased funding levels to maintain current operations.

2019 Annual Report

RIVER'S EDGE ADVISORY COMMITTEE

River's Edge Advisory Committee (REAC) was established by the Board of Selectmen in May 2014, after 2014 Town Meeting approved new zoning and land disposition rights to create market-rate and affordable housing at River's Edge (484-490 Boston Post Road). The 7.3-acre River's Edge project is expected to generate land sale revenues for the Town, clean up a dilapidated site at Wayland's western border, significantly add to Wayland's tax base, and boost the Town's affordable housing levels from less than 5% to over 9%, nearing our Massachusetts 10% affordability mandate. REAC is a multi-disciplinary committee, including representatives from Public Works, Finance Committee, Design Review, Planning Board, Affordable Housing, Economic Development as well as members-at-large.

REAC was charged to help create and administer a competitive Request for Proposal (RFP) process for the disposition of the River's Edge land to a private developer, who in turn would be responsible to clean up the site, complete permitting, build and own the new \$40-50+ million project.

After selection of legal counsel, and after review, consultation and drafting, the River's Edge RFP was issued September 2015, with a follow-up revised RFP issued in early 2016. Three bids were received in Summer 2016, two of which, from qualified developers Baystone Development and Wood Partners, were comprehensive and met submittal requirements. Submittals were closely evaluated by REAC.

In October 2016, a unanimous REAC recommendation was made to the Board of Selectmen to select Wood Partners. Although Wood Partners' initial land price was lower, its long-term tax revenues were higher, and the project was clearly preferred in terms of design, programming and compatibility with the Town at our Route 20 western border.

The Board of Selectmen, after updating financial due diligence, elected to award to Wood Partners in early 2017. A Land Disposition Agreement was negotiated and signed in August 2017.

In late 2017, due diligence began on site. In initial evaluation of the large dirt piles, asbestos tile was discovered. Work stopped and DEP was notified, as required by law. Evaluation was delayed by severe winter weather and slow response from the DEP; after many months, a reasonable testing and removal plan was finally secured. Since Wood Partners had not taken ownership of the site yet, responsibility to remediate the asbestos remained with the Town. An article at Town Meeting in Fall 2018 to allocate funds was approved, and remediation was completed by the Town by year end 2018. In early 2019, Wood Partners' due diligence efforts resumed, and were complete in Spring 2019. Final resolution of the net land price is now under review with the Town and the Board of Selectmen, based on due diligence results per the RFP protocol. Wood Partners' market value of the zoned land was \$8.1 million, and net of site costs required (including environmental remediation, demolition of the septage facility, construction of water line service to the site, and new wastewater treatment plant), the net payment to the Town was originally estimated at

\$1.5 million (now \$2.2 million, given the receipt of the MassWorks grant, see below). Final net land price to the Town, based on due diligence results and final site design, is due to be resolved with Wood Partners and the Board of Selectmen in FY20.

Via other Town departments and committees, River's Edge permitting efforts will also begin in FY20. Upon completion of 6-9 months of permitting and design work, Wood Partners is expected to close on the land per the Land Disposition Agreement, begin construction ideally in calendar year 2020, for initial

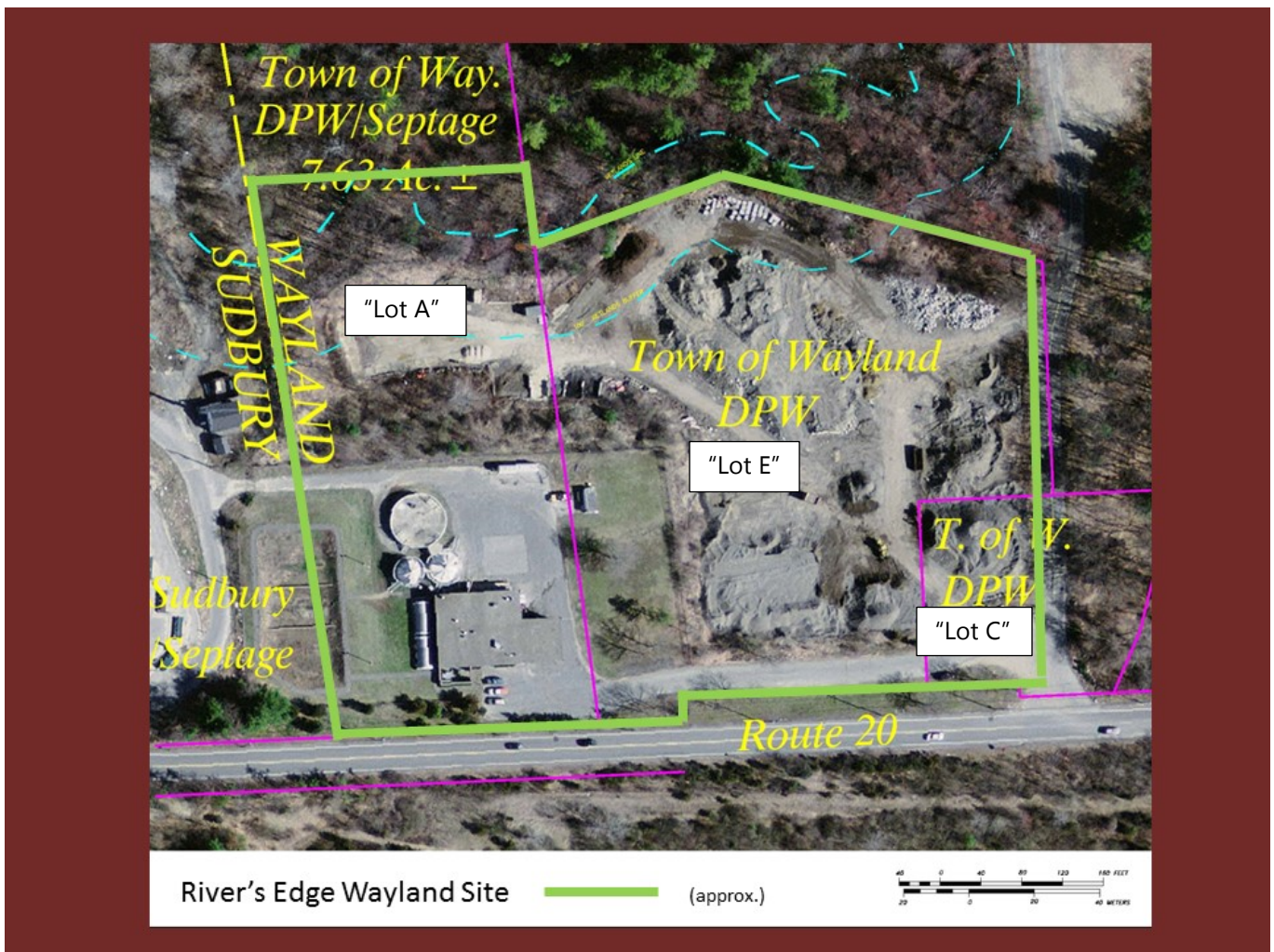
completion phases potentially by year end 2021. In related efforts, in FY19 work continued on water line improvements on the Route 20 corridor. The Town successfully secured a \$2.4M MassWorks grant, largely due to the River's Edge project. The first two phases, extending the water line from River's Edge along the Transfer Station Access road to DPW/River Road, and replacing decades-old water line from the intersection of Routes 20/27 to the Russell's intersection, are now complete. The last phase, new water line from Russell's intersection to serve the River's Edge site, is due to be complete fall 2019 (saving Wood Partners' \$705,000 estimated cost to bring water service to the site, which increases the net land price to the Town, as noted above).

REAC did not meet in FY19 since the project was in due diligence phases. Although the bulk of the Committee's work is finished, REAC is available at Board of Selectmen's discretion as may be needed in the ongoing acquisition until the sale is complete.

RFP # 16-28 - RIVER'S EDGE, WAYLAND, MA

- c. Lot C: A .47 ± acre portion of the 1.0 ± acre parcel described in an Order of Taking dated November 15, 1965 and recorded with the Registry in Book 11003, Page 389 and shown on the plan recorded in the Registry as Plan Number 1582 of 1965 (collectively Exhibit 4.5), not including those portions of said parcel (i) comprising the private access way running from Boston Post Road (Route 20) to other property of the Town of Wayland shown as Assessors' Map/Parcels 22-5, 22-3, 17-8 and 22-4 (the "Access Road") or (ii) situated easterly of the Access Road.

The Property is the subject of a Motion re Surplus Declaration and Transfer of Custody pursuant to M.G.L. c. 40, § 15A, by the Wayland Board of Public Works approved June 9, 2015 (Exhibit 4.6). The Property will be conveyed in its "as is" condition, with all faults, without any representation or warranties and subject to and with the benefit of any easements and restrictions of record.



3. **Access**

The Property has approximately 732.45± feet of frontage on Boston Post Road (Massachusetts Route 20). The Property will be conveyed with the benefit of a non-exclusive access easement from Boston Post Road over a portion of the Access Road

RFP # 16-28 - RIVER'S EDGE, WAYLAND, MA

(shown on the ANR Plan), in a location determined by the Town, for all purposes for which public ways are used in the Town (the "Access Easement Area"). The Town anticipates that the Access Easement Area will be the primary means of access and egress between Boston Post Road and the Property. Any other curb cut onto Route 20 will require approvals from the Town and the Massachusetts Department of Transportation and any other permits required by law.

The Successful RFP Respondent shall be responsible for designing, permitting, constructing and maintaining all necessary improvements to the Access Road, the Access Easement Area, and the intersection of the Access Road with Route 20 to accommodate the rental housing development that is the subject of this RFP. The Town reserves the right, but is under no obligation, to lay out and accept as a public way all or any portion of the Access Road serving the Property.

4. Existing Buildings and Improvements

A portion of the Property was previously used as the Wayland/Sudbury Septage Facility which was decommissioned in or about 2009. There continue to exist various buildings, structures, improvements, foundations, pipes, tanks, fixtures and equipment on and under the Property associated with that use. In preparation for construction of the rental housing project under this RFP, the Successful RFP Respondent shall be responsible for the demolition, removal, recycling and/or proper disposal of all buildings, structures, improvements, foundations, pipes, tanks, fixtures, equipment and demolition debris situated on and under the Property, including without limitation the entirety of such Septage Facility (collectively the "Demolition Work").

Each RFP Respondent shall provide with its RFP Response a specific estimate as to the cost of this Demolition Work, and upon completion, documentation of actual cost of the Demolition Work shall be provided, as described more fully in Section E.3.

5. Zoning

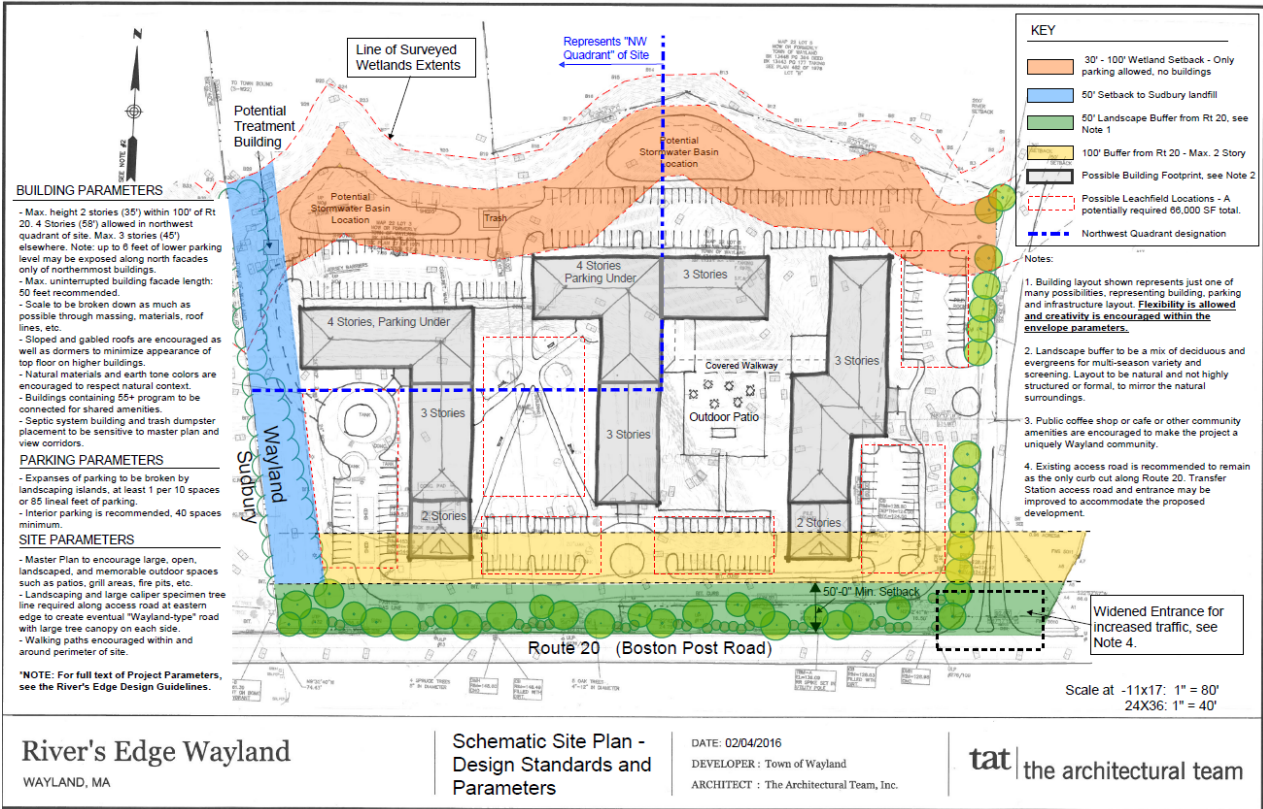
Portions of the Property are located in two underlying Zoning Districts (Residence District and Refuse Disposal Districts) and three Zoning Overlay Districts (the Municipal Service District, the Wireless Communications District, and the River's Edge Housing Overlay District ("REHOD")) under the Town's Zoning Bylaw. The REHOD was adopted under Article 15 of the 2014 Annual Town Meeting (Exhibit 3.1).

The purpose of the REHOD is to "increase the supply of housing in the Town of Wayland that is available to and affordable by low-income and moderate-income households which might otherwise have difficulty in finding housing in Wayland, and to ensure that such housing is affordable over the long term and provided in accordance with the Wayland Master Plan and the Town's Affordable Housing Production Plan." See Exhibit 3.1, § 198-2501.1. Multi-Family Affordable and Market-Rate Housing Dwelling Units are permitted, as of right, in the REHOD, subject to site plan approval issued by the Planning Board pursuant to the Zoning Bylaw. See Exhibit 3.1, § 2504.1.1.

The zoning provides massing, height, parking and other criteria for the Property. To help visually summarize the general zoning envelope as well as wetlands affecting the site, a schematic site plan, below, is attached as Exhibit 5.2. This plan is for illustrative purposes only, and the building layout shown provides just one example of many potential layouts of the Project which would meet the criteria. Each RFP Respondent should consult the REHOD zoning requirements, Design Guidelines, and Section B.12 of this RFP regarding

RFP # 16-28 - RIVER'S EDGE, WAYLAND, MA

Wetlands for specific detail and requirements, to shape and form its Project Design to best meet such requirements.



River's Edge Site Schematic Plan. Use creativity in site layout; the plan shown is just one example. For full size see Exhibit 5.2

6. Local Permitting

By adopting the REHOD zoning described above and by taking the other steps described in this RFP, the Town has taken significant steps to streamline local permitting required for the Project. The Successful RFP Respondent must, at its cost, obtain all remaining federal, state and local governmental permits and approvals that may be required for the Project. The following is a brief overview of where the Project stands relative to local permitting:

- **Town Meeting:** The Wayland Town Meeting has approved the REHOD zoning and the transfer and disposition of the Property. See Exhibits 3.1 and 3.2.
- **Planning Board.** Per the REHOD zoning (Exhibit 3.1), once selected, the Successful RFP Respondent need only obtain Site Plan Approval from the Planning Board. If the Successful RFP Respondent seeks to divide or subdivide the Property to develop its Project, additional Planning Board approval would be required in the form of a subdivision plan or an approval not required (ANR) plan.
- **Zoning Board of Appeals:** As long as the Successful RFP Respondent designs the Project in compliance with the approved REHOD zoning, no discretionary special permits, variances or other zoning relief would be required from the Zoning Board of Appeals. Because the Project will be developed under the REHOD zoning with Local

RFP # 16-28 - RIVER'S EDGE, WAYLAND, MA

Action Units developed under the Department of Housing and Community Development's ("DHCD's") Local Initiative Program, there will be no comprehensive permit for the Project. See below.

- **Wayland Historic District Commission:** The Property is located outside Wayland's two local historic districts, the Wayland Center Historic District at the historic center of town and the Bow Road Historic District just north of the Town Center. Therefore, the Project would not require an approval from the Wayland Historic District Commission.
- **Wayland Historical Commission:** The Property has been confirmed not to have historic significance, as set forth in the letter from the Wayland Historical Commission dated March 28, 2015 included as Exhibit 10.1. The Project will not require further approval from the Wayland Historical Commission.
- **Wayland Conservation Commission:** The Town has undertaken considerable work to identify wetlands and riverfront delineations in advance. An Abbreviated Notice of Resource Area Delineation ("ANRAD") was filed with the Wayland Conservation Commission and an Order of Resource Area Delineation ("ORAD") was issued by the Conservation Commission for the Property on June 16, 2015 (Exhibit 7.1). See Wetlands discussion, below. Depending on the Successful RFP Respondent's design of the Project in relation to any wetland and riverfront resource areas delineated in the ORAD, the Project will likely require project-specific review and approval by the Conservation Commission in accordance with the ORAD.
- **Board of Health:** The Successful RFP Respondent must comply with all applicable health codes for completion of the Project, including any septage/sewer system review and/or irrigation well installation review.
- **Building Department:** The Successful RFP Respondent must comply with all applicable and customary building, electrical, plumbing and similar codes for completion of the Project.
- **Board of Public Works:** Design details for a curb cut on the Access Road, and design details for any extension or tie-in to Wayland Town Water, must be reviewed and approved by the Board of Public Works.

For review of utilities and infrastructure work required beyond the Property, see Section B.8 (Utilities) and Section B.9 (Infrastructure) below.

The foregoing is a general summary to orient RFP Respondents to local permitting in the Town. Each RFP Respondent should consult with its own counsel to confirm all federal, state and local governmental permits and approvals that may be required for the Project.

7. Taxes

Current and historical tax rates for the Town of Wayland are posted on the Town's website at http://www.wayland.ma.us/Pages/WaylandMA_Treasurer/taxinfo.

Currently in Wayland, there are no sizable market rate rental housing projects on the local real estate tax inventory, so there is no direct precedent from which RFP Respondents may extrapolate tax expenses for the Project. To assist Respondents, the Town anticipates that the Assessor's Office will set future valuation based on valuation methodology in comparable communities, and current estimated criteria are as outlined below. These criteria are subject to change by the time of actual first assessment valuation, based on



TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING BOARD

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3778
FAX: (508) 358-4036

November 6, 2019

Mr. James Grunbach, Chairman
Zoning Board of Appeals
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: ALTA at River's Edge, 484-490 Boston Post Road, Wayland, MA: Variance and Site Plan Review and Approval Applications

Dear Chairman Grunbach:

On November 5, 2019 the Planning Board initially approved the revisions and modification made to the Alta at Rivers Edge site plans with a unanimous vote of 5-0.

The Board has been impressed with the receptiveness of the developer to accommodate changes and recommendations made by the Planning Board and how they have been incorporated into their most recent presentation.

Final peer reports are expected to be reviewed at our next meeting on November 19 and a report will shortly thereafter be issued for review by the Zoning Board of Appeals.

We all look forward to the successful completion of this important project and appreciate the collaborative relationship with the Applicant, Design Review Board, ZBA and the Planning Board.

Very truly yours,

Ira Montague

Chair Wayland Planning Board

BACKGROUND INFORMATION / MATERIAL

Over the past 7 years Town leaders have endeavored to shape a project that will fit within the character of Wayland and the site's surroundings, and be an attractive project for the residents of River's Edge. The Project Planning for this site, included tasks such as wetlands review, site layout, parking, septic, utilities, traffic, building massing and design guidelines for the project. Professional studies were completed to review traffic impacts and tax revenue and financial impacts. Outreach and input from Wayland groups and interested residents covered a wide range of public concerns, including but not limited to senior housing, affordable housing, design guidelines, zoning, and environmental impacts and protecting the Sudbury River. Efforts also included engineering review of the Wireless Communications Overlay District.

All efforts led to definition of a project which supports financial and 40B goals for the project, minimizes adverse impacts, helps meet the needs for senior and market rental housing in Wayland, and creates a beneficial project for the Town for years to come.

A wide range of highly qualified engineers and specialists assisted Town Officials in evaluating the site:

Site Planning	Tata & Howard
Planning/Architecture	The Architectural Team
Environmental	Tighe & Bond
Wetlands	Peter C. Fletcher, Soils Scientist
Wastewater, Stormwater	Beals & Thomas
Traffic	TEC, Inc.
Market Study	Byrne McKinney & Associates
Tax Revenue Analysis	Connery Associates
Wireless	IDK Communications
Financial Peer Review	Edward H. Marchant, EHM/Real Estate Advisor

The following items are available on the EDC webpage on the Town of Wayland website:

- 2014 Environmental Executive Summary
- 2014 Wireless District Impacts Executive Summary
- 2014 Wireless District Impacts map
- 2014 Financial/Market Analysis Executive Summary
- 2014 River's Edge Design Guidelines
- 2014 Request for Bid Proposals Protocol

The following reports, findings and studies can also be found on EDC's webpage on the Town of Wayland website:

- Phase I Environmental Study, Tighe & Bond, 2012
- Partial Phase II Environmental Study, Tighe & Bond, 2013
- Market Study, Byrne McKinney & Associates 2012
- Wayland Historic Commission confirmation letter of no adverse impact, 2012
- Senior Housing Focus Group results, 2012
- Wayland Ownership v. Rental Housing Costs comparison, 2012
- Tax Revenue Analysis, Connery Associates, 2013
- Financial Peer Review, Edward H. Marchant, 2014
- Traffic Study, TEC Inc., 2013
- Sudbury River View Impact Study, 2013
- Wireless Engineering and Legal Report, IDK Communications, 2014
- Letters of Support from Town Boards & Committees, 2014

Below are additional timeline of events as it relates to the project:

At 2012 Town Meeting, the Town appropriated CPA and Town funds (total \$360,000) for due diligence, planning and pre-permitting efforts to prepare for the potential sale of Town-owned land.

As agreed at the 2012 Town Meeting, the Economic Development Committee (EDC) completed the core due diligence exercises of environmental review and market study before embarking on any further study or expense. These studies were completed in the summer of 2012, and results were reported to Board of Selectmen and Community Preservation Committee (as well as many other interested Town and local boards and committees) in the Fall of 2012.

Town Meeting

The River's Edge land transfer and zoning overlay district took two Town Meetings to pass by 2/3 vote

April 4, 2013 Annual Spring Town Meeting land transfer was passed over.

April 4, 2013 Annual Spring Town Meeting zoning overlay district River's Edge 197-123 does not pass (14 votes)

April 3, 2014 Annual Spring Town Meeting zoning overlay district River's Edge 304-114 passes by 2/3

April 3, 2014 Annual Spring Town Meeting transfer of property passes 303-99.

2011 Town of Wayland applies for \$400,000 MassWorks funds for sidewalks on Route 20 and is not successful.

2012 Town of Wayland applies for Mass Works funding for sidewalks and is not successful.

2013 Town of Wayland applies for Mass Works funding for sidewalks and is not successful

2014 Environmental Bond Bill and MassWorks funding. The Town of Wayland applied for a \$2,500,000 dollar grant associated with providing potable water supply and wastewater disposal infrastructure improvements for the proposed Project. The Town of Wayland is in the process of depicting two (2) alternatives for water supply to the site, which include a connection with the Sudbury Water District water distribution system and a connection to the Town of Wayland's existing water distribution system. The connection to the Wayland's Water system would provide the Town with a major Fire Loop and would improve water quality. The Town of Wayland is also in the process of depicting the two (2) alternatives for wastewater treatment and disposal including both onsite and offsite disposal. The funds would also be used for providing a new sewage discharge on site from our existing \$5.2 million dollars Wastewater Treatment Plant. This would also help defray the cost to the current users. Project is placed in Environmental Bond bill but not successful in receiving Mass Works grant.

2014 Town of Wayland submits resource delineation to the Wayland Conservation Commission on November 26, 2014 and a public hearing is opened on December 18, 2014. Hearings are continued several times and closed on May 21, 2015. Town of Wayland receives permit for DEP file 322-832 on June 16, 2015.

May 2014 Board of Selectmen establish River's Edge Advisory Committee (REAC) temporary advisory committee to review bids for (RFP).

April 2016 (RFP) is issued for River's Edge.

July 2016 Town receives two proposals with the price proposal opened on **August 15, 2016.**

2016 Wood Partners awarded (RFP)

2017 The Town of Wayland on July 31, 2017 signed a Land Disposition Agreement for the sale and redevelopment of land for the River's Edge Affordable Housing Project.

2017 The Town of Wayland applies for \$2,400, 000 dollar grant from Mass Works to assist with the extension and upgrade of the water main in the center of town, to provide potable water for the River's Edge Affordable Housing Project. Town of Wayland in awarded grant on October 31, 2017.

2017 Wood Partners begin due diligence and uncover asbestos material in one location.

2018 Town of Wayland sets up meeting with DEP and bids the clean-up work. Bids are received at a cost of \$425,000.

November 2018 Fall Town Meeting passes article for funding of clean-up at \$790,000.

December 2018 clean-up of asbestos is completed.

January 7, 2019 Wood Partners resume due diligence and BOS grant extension.

April 22, 2019 Board of Health issues waiver on local regulations regarding the Wastewater Treatment Plant.

Spring of 2019 Wood Partners completes due diligence.

ZONING OVERLAY & DESIGN GUIDELINES ADOPTED FOR RIVER'S EDGE

Wayland has good precedent in terms of density and development processes at the Traditions project (the prior Payne Estate) on Route 27/126 and the Nike housing site on Oxbow Road. Traditions, an assisted living and independent living condominium project, has 100 units in two 3-4 story buildings, with average unit sizes similar those recommended for age restricted units at River's Edge. The project was developed based on design guidelines and zoning formulated by the Town. The Nike site, on a smaller scale, was also developed by a private developer based on design guidelines provided by the Town.

Similar to the Traditions and Nike site guidelines, the intent of the zoning overlay and River's Edge Design Guidelines is to provide firm guidance to potential developers as to setbacks, massing, detailing, unit types, affordability and so forth, but still allow design creativity within the specified guidelines and parameters. As long as the design criteria and zoning are met by the developer, then only Site Plan Approval will be needed from the Planning Board for the project. This provides certainty for both the developer, and more importantly, for the Town as to what the completed project can and will be.

Key criteria and principles for the zoning and design guidelines include:

- **Maintain units as affordable for Wayland's 10% requirement:** River's Edge must always remain rental (i.e. units cannot be sold as condominiums in the future) and 25% must be affordable in perpetuity, so that the units are a permanent part of Wayland's affordable unit count.
- **Establish senior housing as a priority for River's Edge:** While the minimum percentage of age-restricted units has been reduced this year, still 25% of the housing is mandated for those over 55, and any higher percentage is still allowed under the zoning.
- **Create cost-effective market-rate rental housing:** Per the River's Edge market study, only one and two-bedroom units have been planned, to provide cost-competitive housing alternatives versus home ownership. Basic reasoning is that if you can afford a 3 or 4 bedroom rent, then you most likely can afford other housing options; the goal of River's Edge is to meet the needs of those who cannot afford other options. (The only exception is that within the *affordable* units, up to three (3) three bedroom units are allowed, to help serve this need within Wayland.)
- **Create an attractive entrance to Wayland from the west:** A current eye-sore location can be redeveloped into an attractive western gateway to the Town of Wayland. Design Guidelines will help shape setbacks, landscaping, graduated building heights, and articulated rooflines and facades which lead to good design (and as noted above, the height closest to Route 20 has been reduced from three stories to two). The project will be accessed from the transfer station access road, and the shared entrance shall be upgraded in terms of landscaping and appearance.
- **Create an attractive project compatible with the natural setting:** Once the old Septage facility and dirt piles are removed, the site itself is surrounded by natural river basin, wetlands and woods (and of course the Sudbury Transfer Station, but this is a small portion of the overall surroundings). The project should fit into its natural surroundings with its choice of materials, colors, façade variations, as well as generous, indigenous landscaping to soften parking and roadway areas. Views from the Sudbury River shall be taken into account to minimize visual impact.
- **Make the property an inviting place to live for Wayland seniors and residents:** As one of the most important criteria for the long term success of the project, the project needs to be an attractive and inviting place for Wayland residents to live. For seniors, the project may be anywhere from 25% to 100% age restricted, so the project should encourage community for both seniors and nonseniors alike. Design goals include, for example:
 - Create a sense of destination for the buildings on site;
 - Design inviting entrances;
 - Establish walking paths among the buildings and/or at the perimeter;

- Link the buildings with covered walkways when possible to allow access to shared facilities even in inclement weather;
- Provide public and private outdoor spaces; Provide appealing common amenities;
- Link the project with local transit (MWRTA) and potentially a shuttle bus to Town Center;
- Link the project with the upcoming Wayland bike path.



DEPARTMENT OF PUBLIC WORKS
TOWN OF WAYLAND

*Entrusted To
Manage The
Public
Infrastructure*


Thomas M. Holder
Director

Joseph Doucette
Superintendent

Don Millette
Superintendent

Paul Brinkman
Town Engineer

To: Sarkis Sarkisian, Town Planner

From: Paul Brinkman, Town Engineer 

CC: Tom Holder, DPW Director
Don Millette, Water Superintendent
Joe Doucette, Highway Superintendent

Date: November 5, 2019

Subject: Comments of Alta at River's Edge Site Plan Approval revised submission

The DPW is in receipt of an updated set of Site Plan Approval documents for Alta at River's Edge received by the Planning Department and forwarded to the DPW on October 23, 2019. The DPW including the Water, Highway and Engineering Departments has performed a review of the plans and offers the following comments:

Specific Comments

1. Sheet C-001, Grading & Drainage Note #3. This appears to be the only note associated with manholes. As the proponent is looking to have all manholes flush mount, we request that those used as part of the sewer system and parking lot drainage tight tank be a water-tight to prevent inflow.
2. Sheet C-001, Utility Note #9. Please ensure that the 18-inch separation is in instances where the water utility is over the sewer.
3. Sheet C-001, Utility Note #15. We recommend that the water main be encased in a poly wrap when concrete encasement is used. Concrete can corrode the water main and cause premature failure.
4. Sheet C-002, Note #24. Please identify the party responsible for obtaining the NPDES permit and developing the SWPPP.
5. Sheet C-002, Note #28. Appears to be a typographical error. "Capatown" is found in a few places on the plans.
6. Sheet V-101, The plans should be updated to show the new pipe-gate entrance that the DPW recently installed at the entrance to the transfer station access road. Currently the pipe-gate is near the existing fence-style gate immediately to the north of the south entrance to the site

HIGHWAY - WATER - PARKS - CEMETERIES - TRANSFER STATION - WASTEWATER - ENGINEERING

- (about 100-feet north of Boston Post Road). This gate will require removal and reinstallation approximately 300-feet northward on the transfer station access road.
7. Sheet C-101. The property/limit of work line is not consistent with the proposed project.
 8. Sheet C-101. Note #4. The field locations of the erosion control should be coordinated with the DPW and the Conservation Department.
 9. Sheet C-101. There are a number of existing utilities to the Septage Treatment Facility. The plans should demonstrate how these will be terminated/abandoned.
 10. Sheet C-101. The plans depict a portion of the work within Sudbury. Proponent should provide information related to the approvals for that portion of the work.
 11. Sheet C-101. A construction entrance is depicted at the northeast corner of the project. This will require the pipe-gate mentioned in the aforementioned comment 6 to be relocated prior to construction. The DPW recently replaced the asphalt in a portion of the access road. A pre-construction survey should be conducted to ensure the use of this entrance for construction vehicles does not result in damage to the renewed asphalt on the access road.
 12. Sheet C-102. The word "City" is used.
 13. Sheet C-102. The use of the transfer station access road will require coordination and approvals from the Town to ensure that the project does not impact the Town during construction and after by residents of the development. The addition of the northeast access entrance will likely require transfer station patrons to turn around using the Alta roads to "U-turn" on days/times when the facility is closed and the pipe-gate is closed.
 14. Sheet C-102. There are a number of traffic markings depicted on the transfer station access road. The proponent needs to coordinate these with DPW. The DPW will also need to modify signage on the access road.
 15. Sheet C-102. A water main connection and a drainage pipe, headwall and spreader is depicted on the Town's property, extending from the project across the transfer station access road to the embankment on the east side of the Town's access road. The drainage work will require and easement from the Town. The work will need to be coordinated to mitigate impacts on transfer station access during construction and an easement and maintenance plan specific to the drainage elements on the Town property will need to be developed and approved.
 16. Sheet C-103. The configuration of the water system was updated appropriately. A loop is now provided. The DPW requests that the meter pit be located in a non-paved area to facilitate access and reduce roadway impacts. The DPW also requests that a large hatch be provided for the meter pit to facilitate the maintenance and replacement of the meter.
 17. Sheet C-104. Garage Drainage for Building #3 appears to be missing.
 18. Sheet C-504. Detail 5 appears to have a typographical error.
 19. Sheet C-504. Details 2 and 8 do not appear to be coordinated. Additionally, the DPW requests that only precast concrete manholes be provided for wastewater and holding tank applications, using a watertight manhole frame and cover.
 20. Sheet C-506. Detail 5 does not appear to be consistent with the proposed roof leaders.
 21. Sheet C-506. Details 3, 4, and 6 indicate that 4-foot sumps will be provided. These will be hard to construct and maintain. Please clarify whether they are required and update accordingly.
 22. Sheet A-101. The utility rooms are depicted on the opposite side of the building from the water services that are feeding them. Domestic and Fire backflow devices should be location as close as practicable where the service enters the building.
 23. Form C indicates a Traffic report was completed by TEC on September 18, 2019. Proponent should submit this plan to the DPW for their review.

HIGHWAY - WATER - PARKS - CEMETERIES - TRANSFER STATION - WASTEWATER - ENGINEERING

This is the second set of comments issued by the DPW related to aforementioned project. We note that the proponent has incorporated a majority of the prior comments into the revisions in this plan set. Prior comments not addressed at this time still remain as open issues with the DPW at this time. The DPW anticipates that further enhancements and the refinement of the project may result in further changes to the project. Any changes to these plans will require review by the DPW to ensure the changes are consistent with DPW policies and design standards.

HIGHWAY - WATER - PARKS - CEMETERIES - TRANSFER STATION - WASTEWATER - ENGINEERING

DPW FACILITY | 66 RIVER ROAD | WAYLAND, MASSACHUSETTS 01778 | TEL 508-358-3672



TOWN OF WAYLAND
MASSACHUSETTS
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BOARD OF APPEALS

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TOWN BUILDING
41 Cochituate Road
TELEPHONE: (508) 358-3600
FAX: (508) 358-3606

NOTICE OF DECISION CASE# 19-13

APPLICANT/PETITIONER WP East Acquisitions, LLC

PROPERTY IS LOCATED AT 490 Boston Post Road

I, the member Board that administered this decision certify that, in accordance with Massachusetts General Laws, Chapter 40A, Section 11, published in the Town Crier, a newspaper of general circulation in Wayland, on October 24, 2019 and on October 31, 2019, and that notice by mail, postage prepaid, was sent to the applicant/petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list and to the Wayland Planning Board on October 16, 2019. Notice of the Decision was mailed to each of the parties in interest. Any person aggrieved by this decision may appeal to a court of competent jurisdiction pursuant to G.L. Chapter 40A, Section 17.

The record with conditions of approval, record of vote and decision was received and recorded as a public record on 12-30-19

TOWN CLERK, WAYLAND, MASSACHUSETTS


TOWN CLERK/ASSISTANT

**Town of Wayland
Zoning Board of Appeals**

**Notice of Decision –
Grant of Variance and Site Plan Approval**

**Petition of WP East Acquisitions, LLC
RE: 490 Boston Post Road, Wayland, MA
Case No. 19-13**

This is a petition filed by WP East Acquisitions, LLC, a Georgia limited liability company having its business address c/o Wood Partners, 91 Hartwell Avenue, Lexington, MA 02421 (the “Applicant”) seeking Site Plan Approval under the Town’s Zoning By-laws, Chapter 198, Article 6, and requesting relief from the Town’s Zoning By-laws, Chapter 198: Article 25, the River’s Edge Housing Overlay District (“REHOD”), and Article 8, Dimension and Use Tables. Specifically, the Applicant has petitioned for site plan review and approval under §198-603.2 as well as variances from the following provisions:

- (1) Maximum Lot Coverage of 20% for the Single Residence (R-40) District per §198-801, Attachment 1;
- (2) Minimum Front Yard Setback from Lot Line of 30 feet for the Refuse Disposal District;
- (3) Minimum Side Yard Setback from Lot Line of 75 feet for the Refuse Disposal District;
- (4) Minimum Building Setback of 50 feet from the REHOD perimeter boundary;
- (5) Maximum Building Height within the REHOD of 35 feet within 100 feet of Boston Post Road/Route 20 and 45 feet for the remainder of the site, excluding the northwest quadrant as defined in §198-2505.2 of the REHOD By-law;
- (6) Maximum Building Height of north facing façades, no more than 6 feet of a parking level may be exposed per §198-2505.2 of the REHOD By-law; and
- (7) Maximum Number of Dwelling Units of no more than 190 units per §198-2505.4 of the REHOD By-law.

The property consists of 8.25 acres +/- and is located at 484-490 Boston Post Road (now known as 490 Boston Post Road), Wayland, MA 01778 and is within the (a) Single Residence (R-40) Zoning District, (b) the REHOD, (c) the Municipal Service District, (d) the Refuse Disposal District, (e) the Wireless Communications District, and (f) the Floodplain District. The property is shown on Assessors’ Map 22, Lot 006 and portions of Lot 003 and 007.

NOTICE

Pursuant to notice duly published and posted on the Town of Wayland website and at the Wayland Town Building, and by written notice pursuant to G.L. Chapter 40A, mailed to all parties in interest, a hearing by the Zoning Board of Appeals (the “ZBA” or the “Board”) was held on November 12, 2019, December 3, 2019 and December 17, 2019 at the Town Building, 41 Cochituate Road, Wayland, MA. Prior to the Board’s vote on this Decision, Member Aida

Gennis submitted written certification of compliance with G.L. c. 39, §23D, which was filed with the Town Clerk on December 10, 2019 and read into the record of the Board. Sitting on this case for the Zoning Board of Appeals were: James Grumbach, Chairman; Thomas White and David Katz, Members; Evans Huber and Robert Farrington, Associates.

PROJECT SUMMARY

WP East Acquisitions, LLC (the "Applicant"), has submitted an application and supporting information regarding its Variance and Site Plan Review and Approval Application (the "Application") to the Zoning Board of Appeals. The Applicant proposes to construct a 218-unit multi-family rental residential community, with 55 of the 218 units being designated as affordable (the "Project"). The Project will consist of 64 age-restricted units, 16 of which will be affordable. The Project is comprised of three (3) buildings, an on-site wastewater treatment facility, emergency generator(s), 180 garage and 164 surface parking spaces, driveways, drainage improvements, and other site amenities including elevators, a pool, gym, bus stop enclosure, tenant-available gardens, electric vehicle charging stations, roof-top solar arrays, and bicycle storage areas. Proposed access to the site from Boston Post Road (Route 20) would be via an existing driveway owned by the Town of Wayland. The Project will be serviced by municipal water and an on-site wastewater treatment plant with associated leach field. The Zoning Board of Appeals has jurisdiction over the site plan review application pursuant to §198-603.2 of the Town's Zoning By-laws. The Planning Board submitted a favorable report and advisory comments on the Site Plan Application to the Zoning Board of Appeals.

SITE LOCATION AND ACCESS

The subject parcel is located at 484-490 Boston Post Road (the "Property" and is now known as 490 Boston Post Road) and directly abuts land in the Town of Sudbury. The Property consists of 8.25+/- acres and is identified on the Town of Wayland Assessor's database as Map 22, Lots 003 (portion) 006 and 007 (portion). The Property is currently owned by the Town of Wayland. The Property is located in the River's Edge Housing Overlay District (the "REHOD") and the underlying zoning districts are (a) Single Residence (R-40) Zoning District, (b) the Municipal Service District, (c) the Refuse Disposal District, (d) the Wireless Communications District, and (e) the Floodplain District.

The Property has frontage on Boston Post Road to the south. To the north and east is land owned by the Town of Wayland. To the west is the Town of Sudbury landfill and transfer station. The Property abuts bordering vegetated wetlands to the North, which serve as a tributary to the Sudbury River. Access to the site is off of Boston Post Road via an access road to the Town's transfer station, which will be improved pursuant to the plans approved by the Board and listed herein.

EXISTING SITE CONDITIONS

The Property currently contains a 7,000+/- square-foot (SF) one-story brick and concrete

building, a loading dock, a paved parking lot, several circular storage tanks, and multiple outbuildings including sheds from the former Wayland-Sudbury Septic Treatment Facility. A portion of the Property was used for stockpiling gravel and construction debris and was used as a police firing range. The existing structures will be razed to accommodate the Project.

The site topography varies significantly, due to its use as a materials stockyard. Some existing slopes are relatively steep, with multiple localized high points throughout the site. Elevations range from a high point of 160+/- at the southwest corner of the site along Boston Post Road to a low point of approximately 117+/- abutting the wetlands near the northerly property line.

PROCEDURAL SUMMARY

1. The Planning Board held public meetings on November 5, 2019, November 19, 2019, November 25, 2019 and December 2, 2019 at which time the Planning Board voted to recommend site plan approval, subject to conditions, to the Zoning Board of Appeals. On November 12, 2019, December 3, 2019 and December 17, 2019, the Zoning Board of Appeals held a public hearing on the variances and site plan approval application.
2. The Applicant's plans and other submission materials were reviewed by the Zoning Board of Appeals, Planning Board, the Design Review Board, other Town boards and departments, and the Planning Board's peer review consultant, BSC Group. The Board also received verbal comments from all of the above-mentioned parties and the general public.

PLANS

The Applicant submitted a set of plans entitled "Site Development Plans for ALTA at RIVER'S EDGE, #490 Boston Post Road, Wayland, MA," prepared by Allen & Major Associates, Inc. of Woburn, MA dated June 18 and 20, 2019 with revisions through November 12 and 14, 2019, as noted below, and consisting of the following which shall be the Approved Plans for purposes of this Decision:

1. Abbreviations and Notes, Sheet Nos. C-001 – C-002, revised 11/12/19;
2. Existing Conditions, Sheet No. V-101, dated 6/18/19;
3. Demolition and Erosion Control Plan, Sheet No. C-101, revised 11/12/19;
4. Layout and Materials Plan, Sheet No. C-102, revised 11/12/19;
5. Grading and Drainage Plan, Sheet No. C-103, revised 11/12/19;
6. Utilities Plan, Sheet No. C-104, revised 11/12/19;
7. Truck Turning Plan, Sheet Nos. C-105A and C-105B, revised 11/12/19;
8. Lighting Plan, Sheet No. C-106, revised 11/12/19;
9. Proposed Easement Plans, Sheet No. C-107, revised 11/12/19;
10. Civil Details, Sheet Nos. C-501 - C-508, revised 11/12/19;

11. Landscape Materials Plan, Sheet No. A1.07, prepared by Copley Wolff Design Group, revised 11/14/19; and
12. Architectural Plans, revised 10/18/19.

In addition, the Board received the following related materials:

1. Drainage Report by Allen & Major Associates, Inc. prepared June 20, 2019 and revised through November 12, 2019;
2. Hydrogeological Evaluation Alta at River's Edge 490 Boston Post Road prepared by GeoHydroCycle, Inc. dated September 19, 2019;
3. Traffic Impact Assessment prepared by TEC, dated September 18, 2019;
4. "Phase I Environmental Assessment & Phase II Limited Site Investigation" prepared by The Vertex Companies, Inc. (Vertex) of Boston, Massachusetts dated August 7, 2019;
5. SPA Form C, Application for Site Plan Review and Approval, ALTA at River's Edge 484-490 Boston Post Road, Wayland, MA, dated Oct. 10, 2019, filed with the Town Clerk on October 10, 2019;
6. Memoranda and E-mail correspondence regarding 490 Boston Post Road from Building Commissioner Geoffrey Larsen dated June 24, 2019, October 22, 2019, November 4, 2019, December 6, 2019 and December 10, 2019;
7. Allen & Major Associates, Inc. response letter to peer review comments dated November 12, 2019;
8. Memo from David Formato of Onsite Engineering, Inc. regarding Alta at River's Edge Effluent Disposal System Layout dated November 4, 2019;
9. Email regarding Peer Review and Town Planner comments, from Jim Lambert, Wood Partners dated November 4, 2019;
10. Memo to Department Heads regarding the Application, from Sarkis Sarkisian (Town Planner), dated October 22, 2019;
11. Staff Report from Sarkis Sarkisian (Town Planner) dated October 28, 2019 to Planning Board and Zoning Board of Appeals;
12. Fire Chief Neil McPherson memo dated November 4, 2019 to Sarkis Sarkisian, Town Planner regarding River's Edge Development;
13. Peer review of drainage/reports from BSC Group, dated October 31, 2019;
14. Peer review of Environmental reports by CMG Environmental Services Report dated November 4, 2019;
15. Memo with comments on River's Edge revised submission, from Paul Brinkman, (Town Engineer) dated November 5, 2019;
16. Email from Julia Junghanns (Health Director) dated November 5, 2019 regarding environmental consultant services;
17. ALTA at River's Edge presentation dated November 12, 2019 (29 slides);
18. Memorandum from Board of Health dated December 10, 2019; and
19. Various comments, verbal and written, from Town departments, boards and the general public.

EVIDENCE AND FINDINGS ON VARIANCE

The Applicant explained that they wish to construct a 218-unit multi-family residential community, with 55 of the 218 units being designated as affordable, comprised of three buildings, one of which will be age-restricted, an on-site wastewater treatment facility, underground garage, surface parking and driveways, and drainage improvements (collectively, the "Project") at 484-490 Boston Post Road now known as 490 Boston Post Road (the "Property"), which is presently owned by the Town of Wayland. The Project is being constructed pursuant to a Town-issued request for proposals and Land Development Agreement awarded to Wood Partners, a business affiliate of WP East Acquisitions, LLC. Currently, the site is used for school bus storage, a gravel pit and police firing range.

The Property is a conforming lot with 359,286 sq. ft. of area. The Project requires Site Plan Approval pursuant to §198-2503, which falls under the purview of the Zoning Board of Appeals pursuant to §198-603.2. In addition, the Applicant seeks the variances listed above, which are addressed separately below. As established by G.L. Chapter 40A, §10, a variance may be granted where the Board finds:

that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

In support of these variance requests, the Applicant explained that current soil and topographical conditions unique to this site warrant the variances. The site is bounded to the north by a FEMA floodplain zone and wetlands, requiring a 30 foot offset or no disturb zone into the site from the wetlands boundary. In addition, the westerly side of the site has steep grade changes, ranging from 145 feet at the point closest to the edge of the proposed Building 3 and rising 10 feet to a grade of 155 feet, thus creating an earthen mound along the entire property line shared with the Town of Sudbury. Along the eastern side of the site, the grade drops from 139 feet to 132 feet. The northwest corner of the site has even steeper grades from 135 feet dropping to 120 feet at the Floodplain line. The southerly portion of the site is bounded by Boston Post Road/Route 20, and according to §198-2505.1, buildings are required to be set back 50 feet from the REHOD perimeter boundary. The topographical restrictions on three sides of the site, combined with the setback requirements under the REHOD zoning by-law constrict the placement of buildings on the site.

The Applicant also advised that significant grade changes across the Property required extensive excavating to lower Building 1 by approximately 4 feet. These activities have contributed to higher construction costs for the overall Project, compelling the Applicant to seek

additional units and a corresponding variance from the height limit and lot coverage restriction, in order to render the Project economically feasible. The Applicant also noted the added benefit to the Town of promoting one of the purposes of the REHOD Zoning By-law by obtaining seven (7) additional affordable housing units as a result of the overall increase in units.

The Planning Board submitted a favorable recommendation. The Chair of the Board of Selectmen expressed the Selectmen's support for the pending requests but did not want to interfere with the Board's deliberative process. The Board also received comments from the public in favor of and in opposition to the requested relief.

Applying the variance standard set forth in G.L. Chapter 40A, §10 to the evidence presented by the Applicant in support of the above variances, the Board credits the evidence presented and made the following findings as to the specific variances.

Variance 1: Maximum Lot Coverage of 20% for the Single Residence (R-40) District per §198-801, Attachment 1

Approximately two-thirds of the site, from the easterly lot line to the Sudbury Town line, is located in the underlying Single Residence (R-40) District, which establishes maximum lot coverage at 20%. The Applicant is proposing maximum lot coverage of 24.6% due to the additional units requested to offset the Applicant's increased construction costs necessitated by the extensive grading of this topographically challenging site. The Applicant has located 180 parking spaces under the three buildings, thus avoiding increased lot coverage that would be required to accommodate more surface parking. As grounds for the lot coverage variance, the Applicant noted that conformance with the maximum lot coverage requirement would be financially infeasible given the significant grade changes and relatively steep slopes of the Property that would substantially increase the costs of design and construction. The Applicant further noted that the Property is unique as it is the only property situated in the REHOD.

The Board found that the topography of the site, with its uneven grades, required more extensive excavation and grading to prepare the site for construction, thus increasing the costs of the Project. The Board found that literal enforcement of the Zoning By-law presented a financial hardship to the Applicant and that relief could be granted without detriment to the public or derogating from the intent of the REHOD By-law, which was adopted for the sole purpose of developing this site for multi-family dwelling units, including age-restricted and affordable units. The grant of this variance will serve the public good by adding seven (7) affordable units, restricted in perpetuity, beyond what would be provided if the Project was limited to 190 units.

Variance 2: Minimum Front Yard Setback from Lot Line of 30 feet for the Refuse Disposal District

Section 2505.1 of the REHOD Zoning By-law establishes a minimum building setback from the REHOD perimeter boundary of 50 feet. However, the Applicant noted that the By-law does not address non-building structures such as a retaining wall. Pursuant to §198-801 Attachment 1 – Table of Dimensional Requirements, the front yard setback for buildings and structures in the Refuse Disposal District is 30 feet. To the extent that this requirement of the

underlying Zoning District applies to a non-building structure such as a retaining wall, the Applicant requests a variance for a retaining wall which will encroach into this setback as follows: A retaining wall in the southwest corner of the site, in the Refuse Disposal District, in front of Building 3, is proposed to be located 19.7 feet from the front lot line, measured to face of the wall.

As grounds for this variance, the Applicant explained that the retaining walls are required due to the significant grade changes and need to stabilize the slopes of the Property. To serve their intended purpose, the retaining walls must be located where needed along the edge of the development, and therefore, the retaining wall encroaches into the front lot line setback.

The Board agreed that the topography of the site, with its uneven grades, required retaining walls for site stability. The Board found that relief from the literal enforcement of the Zoning By-law could be granted without detriment to the public or derogating from the intent of the REHOD By-law. The grant of this variance will serve the public good by providing site stability to this multi-family project which is the purpose of the REHOD Zoning By-law.

Variance 3: Minimum Side Yard Setback from Lot Line of 75 feet for the Refuse Disposal District

Section 2505.1 of the REHOD Zoning By-law establishes a minimum building setback from the REHOD perimeter boundary of 50 feet. However, the Applicant noted that the By-law does not address non-building structures such as a retaining wall; instead, the provisions of the underlying zoning districts apply. Pursuant to §198-801, Attachment 1 – Table of Dimensional Requirements, the side yard setback for non-building structures is 75 feet in the Refuse Disposal District. The Applicant requests a variance for the following retaining walls which will encroach into this setback as follows:

1. A retaining wall in the southwest corner of the site, in the Refuse Disposal District, in front of Building 3, is proposed to be located 20.6 feet from the side lot line, measured to face of the wall.
2. A retaining wall in the northwest corner of the site, in the Refuse Disposal District, behind Building 3, is proposed to be located 45 feet from the side lot line, measured to face of the wall.

As grounds for these variances, the Applicant explained that the retaining walls are required due to the significant grade changes and need to stabilize the slopes of the Property. To serve their intended purpose, the retaining walls must be located where needed along the edge of the development, and therefore, the retaining wall encroaches into the front lot line setback.

The Board agreed that the topography of the site, with its uneven grades, required retaining walls for site stability. The Board found that relief from the literal enforcement of the Zoning By-law could be granted without detriment to the public or derogating from the intent of the REHOD By-law. The grant of this variance will serve the public good by providing site stability to this multi-family project which is the purpose of the REHOD Zoning By-law.

Variance 4: Minimum Building Setback of 50 feet from REHOD Perimeter Boundary

Section 2505.1 of the REHOD Zoning By-law establishes a minimum building setback from the REHOD perimeter boundary of 50 feet. At the request of the Town, the Applicant proposes to locate a transportation hut for the shelter and convenience of residents using regional bus transportation as well as school bus transportation. To serve this purpose, the transportation hut must be conveniently located close to the internal roadways of the Property, as well as Boston Post Road/Route 20. The Applicant proposes to locate the transportation hut in the northeast corner of the Property, adjacent to the Project's northeast driveway entrance.

As grounds for the variance from the minimum building setback, the Applicant explained that the transportation hut needs to be located within reasonable proximity to the road and along an internal roadway. Due to the proposed location of the buildings, parking and drive aisles on the Property, the only practical location for the hut is to be located along the Project's internal roadway within the surface parking area, as close to Boston Post Road as possible, bringing it within the 50-foot minimum building setback.

The Board agreed that the topography of the site and presence of wetlands constrained the buildable portion of the Property, thereby dictating the location of buildings and parking areas. The Board further agreed that a transportation hut, designed to be located in proximity to Boston Post Road and the internal roadways of the site, required placement of the transportation hut within the 50 foot building setback of the REHOD By-law. Accordingly, the Board found that relief from the literal enforcement of the Zoning By-law could be granted without detriment to the public or derogating from the intent of the REHOD By-law. The grant of this variance will serve the public good by providing public transportation access to the residents of this multi-family project which supports the purpose of the REHOD Zoning By-law.

Variance 5: Maximum Building Height within the REHOD of 35 feet within 100 feet of Boston Post Road/Route 20 and 45 feet for the remainder of the site, excluding the northwest quadrant as defined in §198-2505.2 of the REHOD By-law

Pursuant to § 198-2505.2 of the REHOD Zoning By-law: "Maximum building height of any building or portion thereof located less than 100 feet from a public way Boston Post Road/Route 20 shall not exceed 35 feet in height. Maximum building height shall not exceed 45 feet for the remainder of the site, with the exception that the maximum height for the northwest quadrant of the site shall be 58 feet in height for this quadrant only..." The Applicant requests a variance from this provision as follows:

- a. Building 1: The Applicant requests a maximum building height of 53 feet, 1 inch, beginning 69 feet, 3 inches back from the façade of this building, so as to be located 134 feet from the lot line along Boston Post Road/Route 20 and to expand reach of the northwest quadrant 86 feet from the easterly lot line.

- b. Building 2: The Applicant requests a maximum building height of 52 feet, 9 ½ inches, beginning 58 feet back from the façade of this building, so as to be located 134 to 160 feet from the lot line along Boston Post Road/Route 20.
- c. Building 3: The Applicant requests a maximum building height of 53 feet 4 ½ inches, beginning 58 feet back from the façade of this building, so as to be located 160 feet from the lot line along Boston Post Road/Route 20.

The Applicant stated that a variance from this by-law is necessary due to the constraints imposed by the significant grade changes and slopes of the Property, as well as the presence of wetlands and the 30 foot no disturb zone, restricting the buildable portion of the site and requiring the Applicant to expand the proposed buildings vertically. The Applicant has already extensively excavated the soil where Building 1 is proposed to be located to reduce that building's height by four (4) feet; further extensive excavation and soil removal would be required to reduce the overall elevation of all three buildings to comply with the Zoning By-law, which would present a significant financial hardship to the Applicant. Accordingly, the Applicant asserts that a variance from the height limit is needed to accommodate the additional units that render this Project economically viable.

The Board found that the topography of the site, with its uneven grades and proximity to wetlands, required more extensive excavation and grading to prepare the site for construction, thus increasing the costs of the Project. The Board found that literal enforcement of the Zoning By-law presented a financial hardship to the Applicant and that relief could be granted without detriment to the public or derogating from the intent of the REHOD By-law, which was adopted for the sole purpose of developing this site for multi-family dwelling units, including age-restricted and affordable units. The grant of this variance will serve the public good by adding seven (7) affordable units, restricted in perpetuity, beyond what would be provided if the Project was limited to 190 units.

Variance 6: Maximum Building Height of north facing façades, no more than 6 feet of a parking level may be exposed per §198-2505.2 of the REHOD By-law

Pursuant to § 198-2505.2 of the REHOD Zoning By-law, the maximum building height is 45 feet and on certain north-facing facades of buildings, not more than 6 feet of a parking level may be exposed. The Applicant stated that a variance from this by-law is necessary due to the constraints imposed by the significant grade changes and slopes of the Property, as well as the presence of wetlands and the 30 foot no disturb zone along the northern lot line. Within the underground parking garage, the Applicant is required to dedicate a certain number of parking spaces that comply with the American with Disabilities Act ("ADA"), which requires that some of the spaces accommodate a van. The Applicant asserts that the garage door must be at least 10 feet high in order for vehicles to enter the garage. The Applicant has already excavated under Building 1 to lower its elevation four (4) feet, and one of the garage entrances is via Building 1. The other garage entrance is on the northern side of Building 2. The Applicant explained that in order to comply with the Zoning By-law, four (4) feet of soil would have to be excavated, which in turn, would require the Applicant to construct at least a 40 foot long ramp, at appropriate grade, into the garage. The ramp must connect to a 24 foot drive aisle, which, when added to the length of the 40 foot ramp, would encroach into the 30 foot wetlands offset buffer and grade

changes on the northern lot line. Compliance with this zoning requirement would also cause a loss of parking spaces in the garage and on the surface, requiring either a parking variance or further lot coverage to locate parking spaces elsewhere on the site. Given these topographical conditions, the Applicant asserts that a variance is warranted, as zoning compliance with this provision is impractical.

The Board found that the topography of the site and the location of wetlands precluded the Applicant from complying with this provision of this Zoning By-law. The Board found that literal enforcement of the Zoning By-law would compel the Applicant to undertake more extensive excavation and encroach into the wetlands offset area, thereby presenting a financial hardship to the Applicant. The Board found that relief could be granted without detriment to the public or derogating from the intent of the REHOD By-law, which was adopted for the sole purpose of developing this site for multi-family dwelling units, including age-restricted and affordable units. The grant of this variance will serve the public good by adding seven (7) affordable units, restricted in perpetuity, beyond what would be provided if the Project was limited to 190 units. Further, the Board found that by adding a decorative finish to the parking structure façade, the Applicant adequately addressed the aesthetic impact the By-law was designed to serve.

Variance 7: Maximum Number of Dwelling Units of no more than 190 units per §198-2505.4 of the REHOD By-law

Section 198-2505.4 of the REHOD Zoning By-law limits the number of dwelling units allowed to 190. As grounds for the additional 28 units, the Applicant asserted that the Property contains significant grade changes which required excavation of significant amounts of soil to lower Building 1. The topography of the Property also requires extensive grading. The soil removal and grading, in turn, substantially increase the cost of construction and when combined with the significant increases in the Project's fixed costs, renders the Project financially infeasible and frustrating the overall purpose of the Project which was to provide additional affordable housing units for the Town of Wayland. Accordingly, the Applicant asserts that the additional units are needed for the Project to be economically viable.

The Board found that the topography of the site, with its uneven grades, required more extensive excavation and grading to prepare the site for construction, thus increasing the costs of the Project. The Board found that literal enforcement of the Zoning By-law presented a financial hardship to the Applicant and that relief could be granted without detriment to the public or derogating from the intent of the REHOD By-law, which was adopted for the sole purpose of developing this site for multi-family dwelling units, including age-restricted and affordable units. The grant of this variance will serve the public good by adding seven (7) affordable units, restricted in perpetuity, beyond what would be provided if the Project was limited to 190 units.

Decision on Variances

On a motion duly made and seconded, the Board voted, with 5 in favor and 0 opposed to grant the requested variances based upon the findings stated herein and in accordance with the

site plans submitted revised through the dates reflected herein, and subject to the conditions contained in this Decision.

Under G.L. c.40A, Section 11, the Zoning Board of Appeals' grant of the variance will not take effect until it has been recorded, along with the Town Clerk's certification of no appeal or that an appeal has been dismissed or denied, in the Middlesex South Registry of Deeds.

Any person aggrieved by the grant of these variances may appeal to a court of competent jurisdiction pursuant to G.L. Chapter 40A, Section 17.

DECISION ON SITE PLAN APPROVAL

FINDINGS ON SITE PLAN REVIEW

A. Section 198-606 of the Zoning Bylaw concerning site plan review requires the following standards and criteria to be considered:

198-606.2.1 Minimize the use of wetlands, steep slopes, floodplains and hilltops; preserve natural or historic features; maximize retention of open space; preserve scenic views from publicly accessible locations; minimize tree, vegetation and soil removal, blasting and grade changes; and screen objectionable feature from adjacent properties and roadways.

The Board finds that the Property contains wetlands and wetlands buffer areas, and a portion of the Property is located in Flood Zone "AE". As shown on the Site Plans, the proposed structures and other improvements will be located in a manner that minimizes the disturbance of, and impacts on, these portions of the Property. The Project includes extensive landscaping, including, without limitation, retaining certain existing trees, as well as planting new trees for screening, as shown on "Landscape Materials Plan," dated September 27, 2019 and revised on November 14, 2019, included as part of the Site Plans (the "Plantings Plan").

198-606.2.2 Include an adequate water supply system, sewage, and other waste disposal systems.

The Board finds that the Project will be served by municipal water (the final loop connection of which will be completed by the Town on or about November 2019). An on-site wastewater treatment plant and associated leaching field is being proposed on site. The on-site wastewater treatment plant, which will meet the groundwater quality standards as required by the Massachusetts Department of Environmental Protection ("MassDEP") and the Town's Board of Health prior to discharge, will be reviewed and approved by MassDEP and the Board of Health.

198-606.2.3 The proposal shall incorporate measures adequate to prevent pollution of surface water or groundwater; to minimize erosion and sedimentation; to prevent changes

in groundwater levels and increased rates of runoff; and to minimize potential for flooding. Drainage shall be designed to maximize groundwater recharge and to prevent any increase in the rate and volume of runoff at the site's perimeter

The Board finds that the Site Plans detail the extensive erosion and sedimentation control measures that will be implemented and maintained for the Project, which, collectively, meet or exceed the criteria set forth in § 198-606.2.3. of the Zoning Bylaw.

Further, the Board finds that the Project as proposed will not introduce any new stormwater conveyances that discharge untreated stormwater directly to or cause erosion in wetlands. A Long-Term Operation and Maintenance Plan has been developed for the proposed stormwater management system (SMS). The SMS incorporates structural and non-structural Best Management Practices (BMPs) to provide stormwater peak flow mitigation, quality treatment, and conveyance. The SMS includes deep-sump, hooded catch basins, drain manholes, hydrodynamic separators, underground infiltration chambers, outlet protection, and concrete headwalls with rip-rap lined aprons.

198-606.2.4. To the extent feasible, the proposal shall minimize demands placed on Town services and infrastructure.

The Board finds that the Project will not contribute to the Town's stormwater system, will be served by an on-site wastewater treatment facility, and will not over-tax the Town's access road to the dump or the Town's water supply. The Town of Wayland was awarded a \$2.4 Million MassWorks Grant to provide water to the area, which included replacement of replacing an existing 100 year-old water main on Route 20 and installing a new water main to the site, which required crossing the Sudbury River. This connection is nearing completion and will provide the Town with a major Fire Loop and improved water quality.

198-606.2.5. The proposal shall provide safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.

The Board found that the Project includes a proposed driveway that will provide access to the Property from an existing access drive immediately adjacent to Boston Post Road. In addition, crosswalks and appropriate signage will be installed throughout the Property. A Traffic Impact Assessment for the Project was completed as part of the Town's due diligence prior to offering the land for sale as part of the RFP process, which has been updated by The Engineering Corp. as Project No. T0923, dated September 18, 2019.

The Board noted that the Applicant and Board of Selectmen are negotiating financial mitigation for future off-site pedestrian and bike facilities to be included in the Land Development Agreement. The Town of Wayland is working with DCR to bring the westerly section of the Mass. Central Rail Trail to fruition, which Trail will run parallel to Route 20 past the Property. Sidewalks among the buildings and a bus shelter will be constructed on site for future transit (MWRTA) and, potentially, a shuttle bus to Town Center. The MWRTA is currently running a pilot Express Commuter Service ONLY

shuttle along Route 20 going to or from the MBTA Riverside T station during commuting hours.

198-606.2.6. Design of buildings, structures and landscaping shall be in harmony with the prevailing character and scale of said buildings, structures and landscaping of the zoning district of the site and of adjacent properties. Such design shall include the use of appropriate building materials, screening and similar architectural techniques.

The Property is in the REHOD, which allows multi-family residential uses by right. The Board finds that the aesthetic design of the Project is consistent with the prevailing character and scale required by the REHOD. The Applicant voluntarily submitted to design review by the Town's Design Review Board, and through that iterative process, the design of the Project was materially improved. The Board shares the findings of the Planning Board and the Design Review Board that the Project is consistent with the Design Guidelines established by the Board of Selectmen.

198-606.2.7. To the extent practicable, electric, telephone, cable television and other utilities on the site shall be placed underground.

The Board finds that all utilities will be located underground.

198-606.2.8. Exposed storage areas, machinery, service areas, truck-loading areas, utility buildings and structures and similar unsightly buildings, structures, uses and activities shall be set back and/or screened to the extent feasible to protect adjacent properties from objectionable features.

The Board finds that the wastewater treatment and maintenance facility will be enclosed in a structure located on the northern side of the Property away from Boston Post Road. Screening, including landscaping, will be used to minimize the exposure of other storage and service areas and equipment.

198-606.2.9. To the extent feasible, proposals shall be designed to minimize shadows cast on adjacent properties in residential zoning districts.

The Board notes there are no adjacent residential structures to be impacted by this Project.

198-606.2.10. There shall be no unreasonable glare from lighting, whether direct or reflected, onto roads and other ways, into the night sky or onto adjacent properties in residential zoning districts.

The Board finds that the lighting is designed to illuminate the Project only and to minimize impacts on adjacent roadways and properties. A photometrics design has been provided in the site plans and illustrates minimum light being cast off the site. In addition, all lighting will be dark-sky friendly, meaning it will minimize glare while reducing sky glow.

198-606.2.11. The proposal shall comply with this Zoning Bylaw. However, proposals that do not so comply may be approved hereunder if such noncompliance is permitted by the ZBA pursuant to other articles of this Zoning Bylaw and the applicable provisions of this Article 6.

The Board finds that the Project materially complies with the Zoning Bylaw, and for those limited areas of nonconformity, the Board has granted the variances noted herein.

B. Section 198-2506 of the Zoning Bylaw concerning the REHOD site plan review requires the following performance standards and criteria to be met:

§ 198-2506. Performance Standards

2506.1 Landscaping.

2506.1.1. Landscaping within the REHOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant materials; preserve natural tree cover; and promote inclusion of new tree plantings in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase groundwater discharge, create shade, and reduce solar overheating.

The Board finds that the proposed landscaping and site layout for the Project includes extensive landscaping, including, without limitation, retaining certain existing trees, as well as planting new trees for screening, as shown on "Landscape Materials Plan," dated November 14, 2019, included as part of the Site Plans (the "Plantings Plan"). The Landscaping plan provides protection and screening from objectionable features, and buffers against light, sound, dust, noise, and vibration. Grass will be added in key areas adjacent to buildings and parking, including a large lawn at the courtyard between Buildings 1 and 2. Small areas for vegetable and herb gardens for resident use will also be designated with the courtyards. Trees, shrubs, and perennials will be planted in mulched beds around the foundations of buildings and behind retaining walls to prevent soil erosion and reduce stormwater runoff.

2506.2. Screening and buffer requirements.

2506.2.1 Screening and buffering should create visual barriers between features of the housing development from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or on rooftop, service entrances and utility facilities for building operation, loading docks and spaces, aboveground backflow preventers, and other components of the development as may be reasonably determined by the Planning Board to require screening and buffering.

The Board finds that the Project plans are consistent with the general purpose and intent, set forth in Section 2506.2.1 above. The buffer strip along Route 20, will contain a

screen of tree plantings, shrubs and low grass berms. The arrangement of Plantings in the buffer strip is both linear and clustered as permitted. All of the utility facilities have been designed to be constructed behind the proposed buildings out of public view including loading docks. There will be no exterior dumpsters on site.

2506.3. Parking Standards.

2506.3.1 Parking spaces shall be provided at a minimum of 1.25 parking spaces per dwelling unit and maximum of 15 parking spaces for any accessory café or diner in addition to said dwelling unit parking spaces. If over 50% of the total number of dwelling units are age restricted as set forth in §198-2506.6 below, parking may be provided at a minimum of 0.50 parking spaces per age-restricted dwelling unit.

The Board finds that the Project requires 273 parking spaces at 1.25 spaces per 218 units. The Project is proposing 344 total parking spaces including 180 spaces within the podium parking areas and 164 surface parking stalls, for a proposed parking ratio of 1.58 spaces per dwelling unit. Therefore, the Board finds the Project exceeds the minimum required parking.

2506.4. Lighting Standards.

2506.4.1. The exterior lighting design within the housing development should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for the development shall, at a minimum, include the following:

The Board finds that the Project's lighting has been designed to achieve no greater than the minimum luminance levels for the project as shown on the lighting plan dated November 12, 2019. All outdoor lighting fixtures proposed shall have full cutoff shields.

2506.5. Affordable units.

2506.5.1. In lieu of the requirements set forth in Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the REHOD. A minimum of twenty-five (25%) of the dwelling units shall be affordable units. The term "affordable unit" shall mean a "low or moderate income housing" dwelling unit as that term is used in M.G.L. Chapter 40B, §20-23 and associated regulations, which shall be restricted in perpetuity for rental or ownership by a household earning less no greater than (sic) 80% of area median family income, and priced to conform with the standards of DHCD for rental or ownership units set forth in DHCD's guidelines and regulations, as amended from time to time, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory for the Town under M.G.L. Chapter 40B, §20-23. Affordable units shall be subject to the following conditions:

The Board finds that the Project is proposing 218 units, of which 55 units (25%) will be affordable to low or moderate income household earning no greater than 80% of area median family income and said units shall be affordable in perpetuity pursuant to an Affordable Housing Deed Restriction.

2506.5.1.1. All affordable units shall be affordable in perpetuity. A deed rider or other suitable restriction shall assure be required to ensure compliance with this condition. The restriction shall be structured to survive any and all sales, transfers or foreclosures.

The Applicant has agreed to a condition that within 30 days of the issuance of this Decision, the Applicant shall submit an application to the Town of Wayland for submittal to the state Department of Housing and Community Development (DHCD) for approval of the Project under the state Local Initiative Program (LIP) as Local Action Units (LAU) (with the consent and participation of the Wayland Board of Selectmen), in order to ensure that the Project's residential units will qualify for inclusion on the Town of Wayland's Subsidized Housing Inventory for purposes of G.L. c. 40B, §20-23. Prior to the issuance of a building permit for the construction of a building, the Applicant shall furnish evidence to the Building Commissioner that an Affordable Housing Regulatory Agreement, an Affirmative Fair Housing Marketing Plan, and an Affordable Housing Deed Restriction in a form acceptable to DHCD and Town Counsel has been executed and recorded with the Middlesex South Registry of Deeds. Therefore, the Board finds that this Project satisfied this requirement.

2506.5.1.2. In the event that an affordable unit or the project in part or whole is proposed for sale, the continuing enforcement of the restriction through subsequent resales shall be the subject of a monitoring agreement and in accordance with the provisions of §198-2207 § 198-2207.3 and 198-2207.6 of Article 22 of this Zoning Bylaw.

The Applicant has agreed to identify the Monitoring Agent for this Project and to furnish a copy of the executed Monitoring Service Agreement to the Town within 90 days of filing this Decision with the Town Clerk. Such Agreement shall be in a form acceptable to Town Counsel. Accordingly, the Board finds the Project satisfied this requirement.

2506.5.1.3. The restriction and the monitoring agreement shall be drafted in compliance with DHCD's Local Initiative Program guidelines and regulation, as amended from time to time, and guidelines promulgated thereunder, unless another low or moderate income housing subsidy program is applicable, which conforms to M.G.L. Chapter 40B, §20-23. The restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel to ensure compliance with this section, and shall be executed and recorded prior to the issuance of the first building permit for any dwelling unit in the development.

The Board finds that the Applicant has agreed to satisfy this requirement.

2506.5.1.4. The affordable units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory for the Town. Any assisted living units as allowed under 2504.1.2 above shall conform to DHCD standards for inclusion as rental units (either as market or affordable) in the DHCD Subsidized Housing Inventory for the Town.

The Board finds that the Applicant has agreed to satisfy this requirement.

2506.5.1.5. A right of first refusal in accordance with § 198-2207.7 of this Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after receipt of notice thereof.

The Board finds that this provision is not applicable as this is a rental project.

2506.5.1.6. The affordable units must satisfy the design and construction standards of the Local Initiative Program, as set forth in DHCD's guidelines and regulations, as amended from time to time, with regard to indistinguishability from any market-rate units. The range of affordable units must be representative of the overall market-rate units in terms of unit mix, size and location, except for the unique three bedroom units described above. It is the intent of this Article 25 that the affordable units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory for the Town as Local Initiative Program units, unless another low or moderate income housing subsidy program is applicable, which conforms to M.G.L. Chapter 40B, §20-23.

The Board finds that the Affordable Units shall be reserved in perpetuity to households earning no more than eighty percent (80%) of the area median income. Further, the Board finds that the Affordable Units as presented are of comparable quality to the other units in the Project and, to the greatest extent practicable, have been dispersed evenly throughout the Project as generally shown on the floor plans November 12, 2019 that denotes and represents unit locations which may be subject to change.

2506.5.1.7. To the greatest extent practicable, the affordable units must be constructed and occupancy permits obtained at the rate of not less than one affordable unit for every three market-rate units.

The Board finds that the Applicant has agreed to satisfy this requirement.

2506.5.1.8. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result shall be the number of affordable units to be built within the development.

The Project is proposing to construct 218 units at 25% = 54.5 and the Applicant shall provide 55 Units of Affordable Housing.

2506.6 Age restricted units.

2506.6.1 A minimum of twenty-five percent (25%) of all dwelling units shall be age restricted to a minimum of at least one occupant aged 55 or over.

The Project will contain 64 age-restricted units or 29.4%, thereby exceeding the minimum requirement. Sixteen (16) of these age-restricted units will also be Affordable Units. Therefore, the Board finds that the Project satisfies this requirement.

2506.7. Efficiency of design.

2506.7.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy efficiency; to minimize exposure to and consumption of toxics and nonrenewable resources; and to incorporate appropriate "green" design techniques.

The Board finds that the Project will incorporate the following Green/Efficiency Design techniques:

STRETCH CODE

Currently, Massachusetts utilizes the 2015 IECC (International Energy Conservation Code) which is the most stringent in the nation. The Project will be designed to meet the edition of Massachusetts Stretch Code requirements for energy efficiency (adopted by Wayland in 2010) in effect at the time of application which is 10% more efficient than the 2015 IECC. Above and beyond Stretch Energy Code requirements the applicant has determined to provide acceptable verification of National Green Building Standard certification, or materially equivalent as-built energy efficiency rating, as part of final construction documents to be submitted by the design professional of record and as required by the State Building Code. The project will meet NGBS Silver (National Green Building Standard) which requires 3rd party verification. The Applicant has determined that all fees related to required 3rd party NGBS verification and certification services will be borne by the applicant separate from the escrow account described in Conditions 6) f.

HEATING & COOLING

The heating and cooling system(s) for the residential use portions of a building shall be designed to meet NGBS requirements, or materially equivalent energy efficiency rating, in the context of the design professional's overall code compliant design of the entire building.

The Applicant has determined that the design of residential units will include individual vertical fan-coil air handling units (Aquatherm) with energy efficient motors and seven day programmable thermostats, or materially equivalent equipment, in order to satisfy all energy conservation requirements in the context of the design professional's overall code compliant design of the entire building.

All residential units will utilize MERV 8 air filters or materially equivalent air filtering system.

Each residential unit will be provided with a gas-fired hot water heater, or materially equivalent system, to produce hot water for the plumbing fixtures and the fan-coil that satisfy energy conservation requirements in the context of the design professional's overall code compliant design of the entire building.

WATER: HOT WATER

Each residential unit will have a high efficiency (93%) tankless hot water heater, or be served by a materially equivalent system, that provides hot water in a manner that satisfies energy conservation requirements in the context of the design professional's overall code compliant design of the building.

WATER: PLUMBING FIXTURES

In the context of the design professional's overall code compliant design of the building, the Applicant will provide Low flow/flush Water Sense plumbing fixtures are specified as 1.28 GPM (gallons per minute) for toilets, 1.0 GPM for lavatory faucets, 1.5 kitchen faucets and 1.5 shower heads for a reduction in water usage of 30% compared to the baseline.

LIGHTING

In the context of the design professional's overall code compliant design of the building, the Applicant will provide high efficiency LED lighting in the apartments, common areas, garages and exterior site lighting. Occupancy sensors will be installed in all common areas and back of house spaces to reduce energy consumption when the spaces are not occupied. The Applicant strategically installs lighting fixtures in the apartments to limit the need for residents to provide additional lighting that may not be LED.

APPLIANCES

Residential appliances that qualify are specified as ENERGY STAR. There are no ENERGY STAR certified ovens, ranges, range hoods, or microwave ovens.

RADON MITIGATION:

A Radon mitigation system will be provided in each building in occupiable areas within the garage level, which shall comply with the State Building Code as applicable.

EV STATIONS

In the context of the design professional's overall code compliant design of the building, the Applicant will provide forty-eight (48) Electric Vehicle (EV) charging stations which

represents 14% of the 344 parking spaces on site. Of that total, (12) EV charging stations will be provided at occupancy with conduit to install (36) future spaces.

BICYCLE STORAGE

Each building will be provided with a bicycle storage room and a fix-it station for maintenance. There is capacity for 137 bicycles in the rooms and the ability to add wall mounted racks in front of the parking spaces if additional spaces are needed after occupancy.

WINDOWS

In the context of the design professional's overall code compliant design of the building, the Applicant will provide operable, Low-E (low emissivity) insulated glass windows in all residential units with a U-value = .29, SHGC = .31 and VT = .55. Standard glazing will have a U-value of .48.

ROOF:

The roof is a 'bathtub' style roof with a pitched roof at the perimeter and a recessed flat roof in the middle to hide the rooftop condensing equipment. A high albedo white roof will be specified at the flat portion of the roof to reflect sunlight and absorb less heat than a standard black roof surface.

SOLAR PANELS & GREEN ENERGY

In the context of the design professional's overall code compliant design of the building, the Applicant will provide one hundred (100) solar panels located on the west facing pitched roof areas which will produce approximately 40,000kw/hrs. per year. The Applicant will engage a design professional whose discipline includes the designing of roof mounted PV array systems will provide initial and final documents required by the State Building Code to maximize solar capacity on the site.

2506.8. Utilities.

2506.8.1. *To the greatest extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.*

All utilities will be placed underground on site.

DECISION GRANTING SITE PLAN APPROVAL

Based on the foregoing, the Board finds that the Project meets the standards and criteria set forth in Sections 198-606 and 198-2506 of the Zoning Bylaw concerning Site Plan Approval and

REHOD. The Board voted to grant Site Plan Approval subject to the following conditions:

A) Conditions

- 1) The Project shall be constructed in conformity with the Plans and supporting documentation set forth above.
- 2) Prior to the issuance of a Building Permit for the construction of a building, the Applicant shall submit a final set of site and architectural plans for administrative review by the Planning Board, Building Commissioner and Zoning Board of Appeals to ensure compliance with the conditions of this Decision. The submission shall be accompanied by a narrative explaining any substantive changes to the site plans from this Decision. The review by the Planning Board and Zoning Board of Appeals shall run concurrently with the review of the building permit application by the Building Department in the timeframe allowed by MA state law. The Planning Board shall submit a report and/or recommendations regarding said plans to the Zoning Board of Appeals. Said plans must be approved by the Zoning Board of Appeals prior to the issuance of a building permit for the construction of a building. The approval of the Zoning Board of Appeals shall not be unreasonably withheld or delayed.
- 3) Prior to the issuance of any building permits for the construction of a building the Applicant shall submit the final, proposed Landscaping Plan and Signage Plan to the Zoning Board of Appeals, the Planning Board and the Design Review Board ("DRB"). The dimensioned landscaping plan shall include: (a) a planting schedule and (b) locations and materials of landscaping improvements. The Planning Board and Design Review Board shall submit a report and/or recommendations regarding said plans to the Zoning Board of Appeals. Said plans must be approved by the Zoning Board of Appeals prior to the issuance of a building permit for the construction of a building. The approval of the Zoning Board of Appeals shall not be unreasonably withheld or delayed.
- 4) Prior to the start of construction of residential structures, the Applicant shall construct a one-story wall section mock-up (model) of the southeast corner of Building #1 (excluding the porch), for review by the DRB. The mock-up shall include an integrated window with representative wall details, materials and colors. Such mock-up may be a stand-alone structure or done on the building.
- 5) The Plans shall be amended to incorporate a transportation hut in the northeast corner of the Property, adjacent to the Project's northeast driveway entrance, consistent with the variance granted herein for said structure. Prior to the issuance of a building permit for the construction of a building, the revised plans showing the location and design of the transportation hut shall be submitted to the Planning Board and Zoning Board of Appeals for review and compliance with this Decision. The specifications for the shelter shall be submitted to the Zoning Board of Appeals and Planning Board contemporaneous with the Landscaping Plan submittal. The Planning Board shall submit a report and/or

recommendations regarding said plans to the Zoning Board of Appeals. Said plans must be approved by the Zoning Board of Appeals prior to the issuance of a building permit for the construction of a building. The approval of the Zoning Board of Appeals shall not be unreasonably withheld or delayed.

6) Prior to the issuance of the first building permit to demolish or construct a structural building permit, the Applicant shall have:

- a. Obtained a water connection permit and any permits for the wastewater treatment plant (i.e., Groundwater Discharge permit) from the Town of Wayland and/or state Department of Environmental Protection (DEP);
- b. Obtained any approvals from the Wayland Conservation Commission or DEP that may be required under any statute, code or regulation under its jurisdiction, including a final Order of Conditions or Superseding Order of Conditions under the Wetlands Protection Act as to any portion of the Site subject to the Wetlands Protection Act;
- c. Obtained a National Pollutant Discharge Elimination System ("NPDES") stormwater permit for the Project, if applicable;
- d. Where an Environmental Notification Form (ENF) or Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act (MEPA) is required, obtained either confirmation that an EIR is not required or, if one is, a Certificate of the Secretary of Environmental Affairs of compliance pursuant to 301 CMR 11.08(8)(a);
- e. Prior to the start of mechanized site work submitted the Construction Management Plan (CMP) to the ZBA with copies to the Building Commissioner, Planning Department, Board of Health, Conservation Commission, Director of Public Works, Fire Chief, and Police Chief. The CMP is assumed to be approved unless the ZBA takes action to enforce what is determined to be by the Board as a violation of the approved site plan. The CMP shall address the following topics and items:

(1) Construction Administration

Hours of construction
Truck routes
Trash and debris removal
Construction Phasing and Schedule (critical path)
Timing and Phasing of Construction
Site Clearing; Construction of roadways and utilities;
Communications (Emergency Contacts)
Noise and Dust Control
Tree removal (chipping, etc.)
Public street cleaning and repair

(2) Blasting, if applicable

Blasting Plan
Identification of petitioner's blasting consultant
Selection of independent blasting consultant
Selection of blasting contractor
Pre- and post-blast survey (scope and content)
Insurance coverage
Blasting limits
Notification to abutters of blasting schedule
Road closures (if necessary)
School bus conflicts (limits on hours)

(3) Construction Staging

Staging areas
Site office trailers
Storage trailers/containers
Open storage areas
Delivery truck holding areas
Re-fueling areas.

(4) Traffic and Parking (during construction)

On-site locations
Off-site locations
Snow removal
Police details
Warning signs

The Zoning Board of Appeals defers the review of the CMP to the Building Commissioner, who shall review the CMP for completeness, consistency with generally-accepted construction practices and compliance with all the conditions of this Decision. Thereafter, the Building Commissioner shall submit a report to the Zoning Board of Appeals.

- f. Delivered to the Town Treasurer a deposit of \$10,000 into an escrow account established pursuant to G.L. c. 44, §53G (the "Escrow Account") for the costs of the Town's inspectors, engineering consultants and attorneys performing the tasks set forth in this Decision. The Applicant's obligation to fund and pay for on-site inspections of the Project's infrastructure (i.e. for site work other than all building and specialized code inspections required by the applicable codes and to be borne by the Applicant) shall be limited to \$10,000.
- g. Delivered to the Town Treasurer a deposit of \$5,000 into the Town's escrow account pursuant to G.L. c. 44, §53G for the cost of the Board of

Health hiring an independent professional engineer to review the Project's proposed wastewater treatment facility plans for groundwater, stormwater and hydrology impacts and to develop recommendations for its design and implementation to the Board of Health. The Applicant's obligation to und and pay for the Board of Health independent reviewer shall be limited to \$5,000.

- 7) Each condition in this Decision shall run with the land and shall, in accordance with its terms, be applicable to and binding on the Applicant and the Applicant's successors and assigns. Reference to this Decision shall be incorporated in every instrument of title conveying a real property interest in all or a portion of the Property. This site plan approval shall expire in one year if construction of the Project has not commenced. For purposes of this Condition, commencement of construction shall be deemed to have occurred upon the issuance of a foundation or structure permit under the state Building Code.
- 8) Erosion controls shall be installed and maintained in accordance with Conservation Commission and other Town department requirements.
- 9) During construction, the Property shall be secured in a manner approved by the Building Commissioner so as to prevent injury or property damage.
- 10) The Project, and all construction, utilities, roads, drainage, earth removal or relocation of structures and all related appurtenances with respect to the Project, shall comply with all applicable local, state and federal regulations.
- 11) Prior to the commencement of any site activities such as site clearing and grubbing, the Applicant shall furnish evidence to the Building Commissioner that a copy of this decision and final endorsed plans have been recorded with the Middlesex South Registry of Deeds. The Applicant shall provide a Mylar set of plans to the Town Surveyor contemporaneously with their recording.
- 12) Within 30 days of the issuance of this Decision the Applicant shall submit an application to the Town of Wayland for submittal to the state Department of Housing and Community Development (DHCD) for approval of the Project under the state Local Initiative Program (LIP) (with the consent and participation of the Wayland Board of Selectmen), in order to ensure that the Project's residential units will be qualified in the Town of Wayland's Subsidized Housing Inventory for purposes of G.L. c. 40B, §20-23. Prior to the issuance of a building permit for the construction of a building, the Applicant shall furnish evidence to the Building Commissioner that an Affordable Housing Regulatory Agreement, Affirmative Fair Marketing Plan and Affordable Housing Deed Restriction all in a form acceptable to DHCD and Town Counsel, have been executed and recorded with the Middlesex South Registry of Deeds.
- 13) Twenty-five percent (25%) of the dwelling units in the Project (the "Affordable Units"), shall be reserved in perpetuity for rental to households earning no more than eighty percent (80%) of the area median income in the applicable Metropolitan Statistical Area, as may be

modified by the DHCD.

- 14) To the extent permitted by law and in accordance with the DHCD guidelines, preference for the rental of seventy percent (70%) of the affordable units in the initial lease-up of the Project and at all subsequent times shall be given to persons or families who are either: (a) Wayland residents, regardless of duration of residency; or (b) are employees of the Town of Wayland, regardless of duration of employment; or (c) have a child enrolled in the Wayland Public Schools at the time of application; or (d) are Wayland residents and veterans of United States military service.
- 15) The Affordable Units shall be of comparable quality to the other units in the Project and, to the greatest extent practicable, shall be dispensed evenly throughout the Development.
- 16) In the context of the design professional's overall code compliant design of the building, including but not limited to 521 CMR, five percent (5%) of the units shall comply with the building code requirements for accessibility. The Project shall consist of no less than 64 units that are age-restricted to households where at least one member is 55 years old or older. At least 25% of the age-restricted units shall be restricted as affordable.
- 17) For site work other than all building and specialized code inspections, a pre-construction conference with the Building Commissioner, Town Planner, the Director of Public Works, the Town Administrator and the Police Chief shall be held prior to the commencement of construction or demolition, whichever occurs first. For site work other than all building and specialized code inspections, the Applicant's contractor shall request such conference at least (2) two weeks prior to commencing construction by contacting the Building Commissioner in writing.
- 18) The Applicant shall ensure safe and convenient vehicular access to the Property during construction of the entire Project. Municipal representatives shall be permitted access to the Property to observe and inspect the site and construction progress until the Project has been completed. The Town or its appointed agents may conduct periodic inspections during the construction of the Project, to ensure compliance with the terms of this Decision and for consistency with generally-accepted construction and engineering practices for the installation of roadways, stormwater management facilities, utilities, and other common development infrastructure. Inspections shall occur during construction hours and will be escorted by a representative of the Applicant or its General Contractor. Inspections during the construction phase shall be conducted at the expense of the Applicant, from funds deposited in the Escrow Account.
- 19) The final design of all driveways and parking areas shall be submitted to the Fire Department and Zoning Board of Appeals no later than the first building permit application to construct a building. The submitted plan shall include confirmation that the paved width, shoulders and turning radii of all internal roadways are adequate to accommodate all public safety vehicles before the Zoning Board of Appeals confirms their approval of said plans.

- 20) The proposed fire access road on the northwest corner of the building shall be constructed and designed to support the department's ladder truck, as determined by the Fire Chief.
- 21) The Fire Department building connections for the sprinkler system and standpipes shall be placed in locations approved by the Fire Chief or his designee.
- 22) Full-size elevators capable of accommodating a medical stretcher shall be installed in each of the buildings.
- 23) The Applicant shall provide funding for a third-party fire protection engineer (chosen by Fire Department) to review all plans and participate in site inspections for fire protection systems installed in buildings and not related to on-site inspections or consultants of the Project's infrastructure. The funding for such review shall be paid through the escrow account established under Condition 6(f) of this Decision. Prior to the application for a Building Permit, the Applicant shall (A) certify in writing to the Fire Chief and the Building Commissioner that: (i) In the context of the design professional's overall code compliant design of the building the applicant has determined to provide an NFPA-13 designed sprinkler system, and (ii) the Project's building has direct alarm notification to the Fire Department designed in accordance with the applicable version of Building and Fire Codes; (B) submit a construction site safety plan in compliance with NFPA 241 by a third-party fire safety professional ("Construction Site Safety Plan") for the review and approval of the Building Commissioner and the Fire Chief with all costs thereunder borne by the Applicant; and (C) submit a fire safety and emergency procedures plan for the review and approval of the Fire Chief or his designee.
- 24) The Applicant shall comply with all fire suppression systems requirements of the Fire Chief as stated in his November 4, 2019 memo to the Town Planner, which requirements are incorporated into these Conditions.
- 25) The location of all fire hydrants on the Property shall be subject to the review and approval of the Wayland Fire Department.
- 26) The Applicant shall work with the Board of Selectmen to design and install DPW-approved signage and pavement markings to control vehicular and pedestrian traffic on the Transfer Station Access Road.
- 27) The Applicant shall comply with all environmental legal obligations pursuant to the Massachusetts Contingency Plan and General Laws Chapter 21E. Prior to issuance of building permit, Applicant shall obtain all required easements for site access, drainage, grading, demolition, construction work and any other eventuality. Prior to the issuance of any occupancy permits, the Applicant shall convey any easements that are contemplated on the Plans or that were negotiated by the Town of Wayland.
- 28) Following the completion of all construction related activities, there shall be no exterior dumpsters at the Property. Trash and recyclable collection shall be managed inside the buildings.

29) All aspects of the Project shall be and shall remain private, including but not limited to:

- All driveways, sidewalks and parking area;
- Storm water management facilities
- Snow Plowing
- On-site landscaping and irrigation
- Trash removal
- Street and site lighting
- Building repair and maintenance
- On-site water main and water services
- On-site septic treatment plant or septic system/leach field
- Drainage structures
- Wastewater Treatment Plant

30) The Applicant shall be responsible for the installation and maintenance of all aspects of the common or private facilities in the Project. The Applicant shall provide the contact information of the management company to the Town Planner upon first occupancy of the Project. The Applicant shall inform the Board and Town Planner of any changes to the management company.

31) The Applicant shall pay all fees typically imposed by the Town of Wayland for new residential construction projects unless otherwise expressly waived in this Decision.

32) As security for the completion of the infrastructure related to the Project as shown on the Plans, including, but not limited to, the binder coat of the driveway, sidewalks, parking areas and common areas, drainage facilities, utilities, landscaping, and any other specific infrastructure shown on the plans (the "Infrastructure"), the release of occupancy permits for all housing units and the sale of all housing units in the Project shall be subject to the following restrictions:

- a. No occupancy permit for a unit in any building shall be issued, and no lease of any unit shall be permitted, until: (1) the base coat and all stormwater management infrastructure serving the entire Project has been installed; (2) the base and binder course for the Project's main driveway and parking areas shown on the Approved Plans associated with said building has been installed; and (3) all infrastructure for the specific building for which an occupancy permit is sought as described herein and as shown on the Plan shall be constructed or installed so as to adequately serve said building
- b. No more than half of the occupancy permits for the Project shall be issued before all the Infrastructure shown on the Approved Plan (except the final coat of pavement on the driveways) is fully installed.

- c. If, in Applicant's reasonable judgment, weather circumstances preclude the installation of plantings to complete landscaping before the issuance of occupancy permits, the Applicant shall post a bond or a deposit with the ZBA an amount equivalent to 1.5 times the reasonably expected cost of the plantings to ensure completion by the Applicant as soon as weather allows, and in no event later than the first growing season following the issuance of the Certificate of Occupancy.
- 33) Prior to the commencement of Construction Activities (i.e., demolition and site clearing), and prior to the Planning Board and Zoning Board of Appeals' review of the final plans, the Applicant shall post a bond or enter into a Tri-Party Agreement with its construction lender to provide surety to the Town in the event that the Property is disturbed, cleared, grubbed, etc. and abandoned in a state with insufficient erosion control, site stabilization or interim stormwater management. Said surety shall be in an amount determined by the Planning Board's Consultant Engineer to cover the cost of permanently stabilizing the site with vegetative (grass) cover and ancillary work.
- 34) The Applicant and its successors and assigns shall be responsible for the maintenance of all landscaped open space. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Landscaped materials shall survive for a minimum of two complete growing seasons following installation. In the event any plant material dies within such two-year period it shall be replaced as soon as practical. An additional two-year period for survival shall apply to such replacement plant.
- 35) Before the occupancy or use of the final dwelling unit constituting a part of the Project, the Applicant shall submit to the Planning Board an "As-Built Plan" in paper and CAD format, showing all pavement, buildings, stormwater management structures and other infrastructure as they exist on the Site, above and below grade, including appropriate grades and elevations. The plans shall be signed by a registered land surveyor and civil engineer, certifying that the Project as built conforms and complies with the conditions of this Approval. Said "as built" plan shall be suitable for locating all infrastructure required by this decision, both above and below ground. Said plan shall include sufficient elevations, tied to the NGVD Datum, so that the Town can verify that all infrastructures will perform as designed and approved. Said plan shall clearly indicate all deviations from the approved Plan. No material deviations from the approved Plan shall be allowed or commenced without prior written approval from the Planning Board. All such material deviations shall be requested in writing, clearly citing justifications for said deviations.
- 36) If there is insufficient area on the Property to store snow in the event of a snowstorm, the Applicant shall truck any excess snow off site. The Applicant shall conduct winter weather management operations in a manner that will not place snow or other spoils onto the Transfer Station Access Road ("TSAR").
- 37) The Project will require the installation of utilities on the TSAR. The Applicant shall manage the utility installation in a manner that will minimize impacts to patrons of the

Transfer Station.

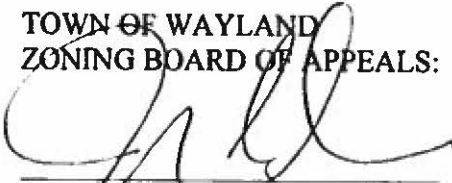
- 38) The Project proposes to use the TSAR for access to the Property during construction and after the Project is complete and in use as a residential housing development. The Applicant shall coordinate construction access with the DPW to minimize impacts to users of the TSAR.
- 39) The use of the TSAR by the Project will require the relocation of the Transfer Station access gate, to a spot approximately 300 feet north of its current location. The Applicant shall relocate and install the gate at a location to be determined by the Director of Public Works.
- 40) Post construction, the Applicant shall not restrict vehicular access through the Property by Transfer Station patrons who may need to reverse direction when the Transfer Station is closed.
- 41) In 2019 the DPW completed a roadway restoration to a major portion of the TSAR. The Applicant shall mill and pave the TSAR to DPW specifications from Boston Post Road to the location of the new gate at the Transfer Station.
- 42) Any proposed modifications to the Approved Site Plan shall be submitted to the Building Commissioner, who will review the modification to determine whether the modification is material or not. If the Building Commissioner determines that the modification is not material, the Building Commissioner may approve the modification and advise the Zoning Board of Appeals of same. If the Building Commissioner determines that the proposed modification is material, then the modification shall be forwarded to the Planning Board and Zoning Board of Appeals. The Planning Board shall submit a report and/or recommendations regarding said modification to the Zoning Board of Appeals. Said plans must be approved by the Zoning Board of Appeals following a public hearing on the proposed modification. Any change to the form of tenure from rental to ownership or any change in the number of dwelling units shall be deemed a material modification of this Decision. Any modifications altering the variances granted herein shall require a new variance from the Zoning Board of Appeals. Following the initial development authorized by this Decision, redevelopment of more than 25% of the existing buildout shall require a special permit from the Planning Board pursuant to §198-2504.2 of the REHOD By-law.

DECISION GRANTING SITE PLAN APPROVAL

On a motion duly made and seconded, the Board voted, with 5 in favor and 0 opposed to grant Site Plan Approval subject to the conditions stated herein and in accordance with the plans submitted revised through the dates reflected herein.

Any appeal of the Site Plan Approval shall be made pursuant to §198-604.9.1 of the Zoning By-laws.

TOWN OF WAYLAND
ZONING BOARD OF APPEALS:



James Grumbach, Chairman

Date of Board's Vote: December 17, 2019

Date Decision Filed with Town Clerk: 12-30-19

2019 DEC 30 PM 1:44

707742/WAYL/0103

2020
ANNUAL TOWN ELECTION/ANNUAL TOWN MEETING
SCHEDULE/SPECIAL TOWN MEETING SCHEDULE

Last updated July 13, 2020; text in gray has been completed. Text in red is DRAFT.

2019

Mon Dec 9	Board of Selectmen votes to open warrants for the Annual Town Meeting and Town Election.
Mon Dec 9	Planning Board has preliminary meeting with Board of Selectman on Zoning and Planning Board articles, if required.
Wed Dec 11	Notice of the opening of the warrant shall be sent to the Town Clerk and all Town boards and committees. Per Town Code 36-2 and 36-3, notice of the closing date of the warrant will be posted at the Town Building and at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School.
Mon Dec 16	Pursuant to Town Code 36-1, the Selectmen shall cause notice of the time and place of the Annual Town Meeting and Election to be published in a newspaper of general circulation no later than the date fixed by them for closing the warrant pursuant to Town Code 36-3.

2020

Mon Jan 6	Petitioners' Workshop with Selectmen
Tues Jan 7	Nomination papers are available from the Town Clerk for the Town Election.
Mon Jan 13	Selectmen vote to submit any remaining warrant articles it will propose.
Wed Jan 15	Deadline for submission of warrant articles at 4:30 p.m. to the Board of Selectmen through the Town Administrator's Office. (per Town Code Sec. 36-3) Articles will be stamped with date and time of receipt. No article, other than one submitted by the Moderator, Town Clerk, or the requisite number of petitioners, shall be inserted in the warrant for any Town Meeting unless so voted and submitted by a board, commission, committee, or other governmental body of the Town of Wayland by 4:30 p.m. on the date fixed by the Board of Selectmen for closing of the warrant for such meeting. (Town Code 36-3C)
Thurs Jan 16	Articles are draft ordered by Town Administrator and distributed to Moderator, each member of the Finance Committee, Selectmen, Town Counsel and Town Clerk. Town Counsel reviews text of articles.
Mon Jan 20	Martin Luther King Jr, Day
Tues Jan 21	The Finance Committee and other boards and committees are asked to make written requests to the Board of Selectmen to approve placement of a Proposition 2 ½ Ballot Question on the Election Warrant at least two weeks prior to the Board's vote. The Board will consider the requests at its January 27, 2020 meeting.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

It is the Selectmen's policy that the Board of Selectmen request the Finance Committee's recommendation on whether to place any Proposition 2 ½ Questions on the ballot. The Finance Committee's recommendation and its presentation will be made at the Selectmen's meeting on January 27, 2020. (Earliest date of action – Last legal date for Selectmen to vote on ballot questions is Monday, February 24, 2020.)

- Wed Jan 22 Finance Committee ATM Article Workshop. The Workshop fulfills Town Code 19-3
- Mon Jan 27 Selectmen meet with Planning Board on Town Meeting articles, if necessary. (See MGL 40 A Section, 5)
- Mon Jan 27 Finance Committee makes presentation to Board of Selectmen on all Proposition 2 ½ questions. (See Board Policy for Finance Committee presentation requirements).
- Mon Jan 27 Finance Committee decides the articles for which it will make a report in the warrant to include comments, and the pros and cons. The Finance Committee will communicate its decision to the article sponsors and petitioners who may respond by February 10th with a "Sponsor's Report" not to exceed 150 words in length. Town Code § 5 B.
- Mon Feb 3 Board considers opening of STM Warrant (within Annual Town Meeting) for the period Tuesday, February 4 through Tuesday, February 11 at 4:30 pm and sets all related STM dates at that time. Last date to set STM within ATM is 45 days before ATM or TBD. The warrant for any Special Town Meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town Meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in Town Code § 36-2.
- Mon Feb 3 Board of Selectmen votes to place Proposition 2 ½ Override or Exclusion Question on Election Ballot. Under MGL 54, 42 C, the Town Clerk must receive the written notice of the question being placed on the ballot 35 days before the Election or by Tuesday, February 25, 2020. Following a vote to approve a Proposition 2 ½ Question, the Selectmen and Finance Committee will provide public notice and convene a meeting for public comment on proposed Proposition 2 ½ Question(s).
- Mon Feb 10 Selectmen determine the final order of ATM warrant articles.
- Mon Feb 10 Selectmen accept public comment, discuss wording and vote on ballot questions. (If any)
- Mon Feb 10 By this date, any changes that an article sponsor or petitioner requests to make to the article text (excluding the comments and pros and cons which are the responsibility of the Finance Committee) shall be submitted to the Town Administrator for approval by Town Counsel after which they will be forwarded back to the article sponsor or petitioner, and also to the the Chair of the Board of Selectmen and the Chair of the Finance Committee for distribution to the members
- Mon Feb 10 Deadline for article sponsors and petitioners for which the Finance Committee will make a report in the warrant to submit a "Sponsor's Report" not to exceed 150 words in length. (Town Code § 36-5 B)

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

Tues Feb 11	Last day for submission by 5:00 pm of nomination papers to the Board of Registrars for Town Election (49 days before Election) GL c53, sec. 7 <i>(Town has not accepted MGL C. 53, sec 9A.)</i>
Fri Feb 14	Articles are put in final form by Town Counsel. Town Counsel provides comments on by-law changes consistent with Town Code chapter 36, Section 5 B.
Mon Feb 17-21	President's Day and School Vacation week
Tues Feb 18	Last date for Planning Board to discuss and vote Planning Board Reports on zoning articles (may be earlier). See MGL 40 A Section 5.
Tues Feb 25	Last day for Selectmen to submit ballot question to Town Clerk by 5:00 pm. (35 days before election) MGL 54, sec 10; MGL C 54, sec 42c
Tues Feb 25	Last day for filing certified nomination papers with Town Clerk (35 days before election.) MGL 53 section 10.
Tues Feb 25	Deadline: Finance Committee article comments (with supporting charts and appendices), Finance Committee report, and Planning Board articles due to Executive Assistant by 10:00 a.m. - <u>No changes accepted after this date.</u>
Thurs Feb 27	Town Clerk sends ballot to printer.
Thurs Feb 27	Last day to object to nomination papers, to withdraw nomination or object to petitions for local ballot questions for Town Election. GL c. 53, sec. 11; GL c. 55B sec. 7 February 27 or later: Town Clerk sends ballot to printer if no objections filed. GL 55 B, sec. 7 March 5 or later: Town Clerk sends ballot to printer if objections filed. GL 55 B, sec. 7
Mon March 2	Compilation of warrant completed, and all changes made. Warrant is sent to printer.
Thurs March 5	CANDIDATES' NIGHT - LEAGUE OF WOMEN VOTERS
Wed March 11	Last day to register to vote prior to Town Election / Town Meeting; 8:00pm. (20 days prior) GL c 39 sec 26, 28
Fri March 13	Postal delivery of warrants (Town Code 36-2A, MGL c. 39, s10)
Mon March 16	Motions for articles completed by Town Counsel and provided to Moderator and Town Clerk; Pre-Town Meeting review this week.
Mon March 16	Sponsors and Petitioners submit any illustrative slides under Moderator's Rules to Executive Assistant by this date.
Mon March 16	Final copy of warrant delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

Mon March 16 Selectmen vote and sign warrants for posting.

Fri March 20 Town Clerk post warrants for Town Meeting and Election at the Town Building and at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School per Town Code Sec. 36-2A, MGL c. 39, s10 (at least 7 days prior to Annual Town Meeting or Annual or Special Election and at least 14 days prior to Special Town Meeting).

~~Thurs March 19 ISSUES FORUM – LEAGUE OF WOMEN VOTERS~~

~~TBD Moderator’s Forum~~

Tues June 9 ANNUAL TOWN ELECTION

ANNUAL TOWN MEETING RESCHEDULED TO **SEPTEMBER 12, 2020**

Mon July 27 Board votes rescheduled date of Annual Town Meeting

Mon July 27 VOTE TO CALL SPECIAL TOWN MEETING AND OPEN WARRANT: Board considers voting to call a Special Town Meeting for **Date (September 12, 2020)** and opening of STM Warrant (within Annual Town Meeting) for the period Tuesday, July 28 at 8:30 am through Tuesday, August 4 at 4:30 pm. The Board sets all related STM dates at that time. Last date to set STM within ATM is 45 days before ATM. The warrant for any Special Town Meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town Meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in Town Code § 36-2.

Mon July 27 PETITIONERS’ STM WORKSHOP: The Board of Selectmen will conduct an information session for individuals considering submission of petitioned articles. Please see separate information sheet on the warrant article process for petitioners.

Tues July 28 STM WARRANT OPENING: Warrant opens **Tuesday, July 28, 2020** at 8:30 a.m. and closes **Tuesday, July 28** at 4:30 p.m. Articles must be submitted in complete form with all exhibits to the Office of the Board of Selectmen and will be stamped with the date and time received. Articles must be signed by the chair of the sponsoring board or committee or its designee, as authorized by a vote of each public body. (Please refer to additional information for submission and preparation of articles by public bodies of the town and by petitioners.)

Mon Aug 3 BOARD VOTE ON ARTICLES: Date by which the Board of Selectmen will vote to approve and submit any STM articles it wishes to sponsor.

Tues Aug 4 WARRANT CLOSING: Last day at 4:30 pm for article sponsors and petitioners to submit articles to the Board of Selectmen’s Office for Special Town Meeting.

Wed Aug 5
OR
Thurs Aug 6 FINANCE COMMITTEE SPECIAL TOWN MEETING ARTICLE WORKSHOP: Per Town Code, Chapter 19 – 3, the Finance Committee meets with all parties proposing or commenting on all Special Town Meeting articles. The Chair of the Finance

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

Committee will contact the Board of Selectmen's Office to arrange for public notice of this meeting.

- Thurs Aug 6 SPONSOR'S REPORT DEADLINE (12:00PM): Date by which any governmental body or lead petitioner sponsoring an article may submit to the Office of the Board of Selectmen a 150-word report which will be included in the STM Warrant only if the Finance Committee also provides comment.
- Mon Aug 10 SELECTMEN BEGIN ARTICLE REVIEW AND VOTE TO INCLUDE ARTICLES IN STM WARRANT: The Board of Selectmen will: 1) include discussion about proposed articles on every agenda, 2) vote on whether to include articles in the warrant, 3) vote on the order the articles will appear in the Warrant, and 4) consider a vote on the Board's position on each article.
- Mon Aug 10 TOWN COUNSEL REVIEW OF ARTICLE TEXT: Approximate date by which Town Counsel completes review of submitted STM articles and any re-drafting of the text of each article, providing the article text in final form. Article text is then transmitted in PDF by the Town Administrator to each Article Sponsor and to the Chairs of the Board of Selectmen and Finance Committee for distribution as appropriate.
- Tues Aug 11 FINANCE COMMITTEE DEADLINE (12:30 PM) FOR SUBMISSION, THROUGH ITS CHAIR, TO THE BOARD OF SELECTMEN'S OFFICE ALL FINANCE COMMITTEE REPORTS ON SPECIAL TOWN MEETING ARTICLES - No changes will be accepted after this date.
- Thurs Aug 13 WARRANT COMPLETED: Date by which the compilation of the STM warrant is completed. The final Warrant is scanned, posted on the website and delivered to the members of the Board of Selectmen, the Moderator, the Chair of the Finance Committee, the Town Clerk, Town Counsel and the Finance Director. **Warrant sent to printer. Drop dead date for cover to printer 8/14/20. Drop dead date for warrant to printer 8/19/20.**
- Fri Aug 14 MOTIONS COMPLETED AND POSTED (ATM and STM): A motion on each article is drafted by the Town Administrator and reviewed and finalized by this date by Town Counsel and provided to the Chair of the Board of Selectmen who will distribute to the Town Clerk, Moderator, Finance Committee Chair and article sponsors. Draft motions provided by Town Counsel must be posted on the website for public review and marked with the date of the draft. Draft motions for articles are posted at Town Building and Library
- Mon Aug 17 Town Clerk advertises in a newspaper of general circulation and posts notice of the time and place of Annual Town Meeting and Special Town Meeting per Town Code Sec. 36-1 on town sign boards no later than 2 weeks before Town Meeting
- Wed Aug 19 PRE-HEARING PLANNING: On or about this date, the Chair of the Board of Selectmen meets with Town Counsel, the Town Administrator, the Moderator, and the Town Clerk to review motions on each ATM/STM article before the **September 8, 2020** Warrant hearing.
- Fri Aug 21 Selectmen provide notice for ATM and STM Warrant Article Hearing.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

- Fri Aug 21 WARRANT SIGNED: The Board of Selectmen will meet to vote to sign the STM Warrant.
- WARRANT POSTED: Date by which the STM Warrant will be posted at locations listed above and deadline for mailing of the STM Warrants to all households. (Town Code 36-2A, MGL c. 39, s. 10 – No later than 14 days before STM)
- Fri Aug 31 Last date for vehicle descriptions (valued at least \$10,000 from Parks, Recreation, Highway and Water only) prepared by procurement officer to be filed with Town Clerk per Town Code Sec. 19-7 (at least 7 days prior to Annual Town Meeting and 14 days prior to Special Town Meeting).
- Tues Sep 1 State Primary Election 7:00 am to 8:00 pm
- Mon Sep 7 Labor Day – HOLIDAY
- Tues Sep 8 WARRANT HEARING: The Board of Selectmen will convene a hearing to review the ATM and STM Warrant and each article. In addition to the general public, Article Sponsors, the Moderator, Town Counsel and the Town Clerk are invited to participate. The Board of Selectmen will also review motions on each article. The Office of the Board of Selectmen will provide at least 10 days advance notice of the Warrant Hearing to the public.
- Tues Sep 8 DEADLINE FOR SUBMISSION OF SLIDES: Any illustrative slides will be submitted to the Assistant Town Administrator who will submit them to the Moderator for approval to show at Town Meeting. (See Town Moderator’s requirements for slides)
- Tues Sep 8 Last day for Selectmen to review proposed motions and vote positions on Annual and Special Town Meeting warrant articles.
- Thurs Sep 10 FINAL PREPARATIONS: Moderator’s instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk. Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution.
- Fri Sep 11 ATM and STM Warrants and lists delivered to Town Meeting site. List of non-resident employees provided to Moderator and Town Clerk.
- Sat Sep 12 **ANNUAL TOWN MEETING Saturday, September 12, 12:30pm; SPECIAL TOWN MEETING (if voted) Saturday, September 12, 1:00pm**
- Sun Sep 13 Adjourned sessions of Annual and Special Town Meeting, (**Sunday, September 13 at 1:00 pm**).

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

Memorandum

To: All Boards, Committees, Commissions, Departments and Staff
From: Board of Selectmen
Date: July 27, 2020
Re: 2020 Special Town Meeting

The Board of Selectmen voted on Monday, July 27, 2020, to open the Warrant for a Special Town Meeting to begin on Saturday, September 12, 2020 at 1:00pm at the Wayland High School. The warrant for said Special Town Meeting will be open from Tuesday, July 28, 2020, at 8:30 a.m., through Tuesday, August 4, 2020, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30p.m. on Tuesday, August 4, 2020.

Cherry Karlson, Chair

Doug Levine, Vice Chair

Lea Anderson

Mary Antes

Thomas Fay



TOWN OF WAYLAND

Draft

TO: Board of Selectmen, Boards and Committees
FROM: Louise Miller, Town Administrator
DATE: July 27, 2020
RE: STM Warrant Opening: Announcement for Board and Committees and Article Form

ANNOUNCEMENT: OPENING OF THE SPECIAL TOWN MEETING WARRANT

1. Warrant opening and closing: The Special Town Meeting Warrant opens Tuesday, July 28, 2020 at 8:30 am and closes Tuesday, August 4, 2020 at 4:30 pm. Please refer to the 2020 STM Schedule on the Town's website (under the Town Meeting tab).
2. Article submission form: Attached is the 2020 form for submission of a warrant article for Special Town Meeting. Please feel free to use additional pages.
3. Submission procedure: Please submit the article form in hard copy to the Town Administrator's Office, signed by the Chair, or designee, after a vote of the public body, no later than Tuesday, August 4, 2020 at 4:30 pm. The article form must also be submitted via email in Microsoft Word to thegarty@wayland.ma.us.

Each article will be assigned to a liaison from the Board of Selectmen and Finance Committee.

4. Article description: The article description should contain a description and scope of the request. It should not be in legal form, but instead define the request. After submission of the article, Town Counsel will put the request in legal form and may make any required edits.
5. Background information: Finance Committee asks that you complete this section of the form as a *draft* for its consideration in preparing its report and recommendation for the Warrant. Please explain the intent of the article, why it should be supported now, as well as known reasons for opposing the intent or timing of the article. The Finance Committee will finalize its comments for the Warrant.
6. Proposing body's comments: Article Proposers, may, at their discretion, submit comments of up to 150 words that will be included if the Finance Committee includes a report. In most cases, these comments can be incorporated into the Finance Committee's comments.
7. Finance Committee STM Warrant Workshop: Article proposers must attend the Finance Committee's STM Article Workshop on Wednesday, August 5, 2020 to make a brief presentation. Please be in touch with the Finance Committee liaison to discuss your article following the Workshop. As new information becomes available about the article, you may be asked to attend additional meetings with the Finance Committee and/or the Board of Selectmen.
8. Maps, exhibits: Maps and exhibits may be provided whenever appropriate and should be submitted as soon as possible. While the final due date is Tuesday, August 4, 2020, please note, the Finance Committee does not intend to issue a report and recommendation if the information provided, including maps and exhibits, is materially modified after submission. Please contact Teri Hegarty in the Town Administrator's Office if you require assistance from Town staff to create a map. Preparation of maps and exhibits are the responsibility of the Article Proposer and should be legible for printing in the Warrant and viewing on the screen at Town Meeting. All maps and exhibits must be provided as separate documents

Please feel free to call me any time for assistance.

Louise Miller, Town Administrator
O: (508) 358-3620
C: (781) 697-6018



TOWN OF WAYLAND
SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING
Attach extra pages if necessary

Article Title: _____ **Estimated Cost:** _____

Article Description (final language to be provided by Town Counsel based on description provided):

Background Information (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Proposer's Comments (if needed, 150-word limit per Town Code):

Contact Information for Publication in Warrant

Contact Person Name: _____ **Contact Person Phone:** _____

Contact Person Town Email: _____

Proposing Board Information

Board Name: _____

Vote (Quantum) to Submit Article _____ **Date of Board Vote:** _____

Signature of Board Chairperson: _____ **Date:** _____



TOWN OF WAYLAND

DRAFT

WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town Meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted in accordance with the law on or before January 15 or such time as may be fixed by the Board of Selectmen, and all such articles for Special Town Meeting must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

The Board of Selectmen and the Finance Committee encourage citizens to work with appropriate Town boards to achieve their goals whenever possible before submitting petitioners' articles. Please review the 2020 STM Schedule online.

ATM Timeline and Process

Table with 3 columns: Date, Action, and Responsibility. It details the timeline from August 3 to September 12, 2020, for the Annual Town Meeting (ATM) process, including steps like attending workshops, submitting articles, and final presentations.



TOWN OF WAYLAND
PETITIONERS' ARTICLE FOR SPECIAL TOWN MEETING
100 signatures required; Attach extra pages as necessary

Article Title: _____ **Estimated Cost:** _____

Article Text for Warrant: To determine if the town will vote to:

#	Print Name Legibly	Signature	Print Street Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			



TOWN OF WAYLAND
PETITIONERS' ARTICLE FOR SPECIAL TOWN MEETING
100 signatures required; Attach extra pages as necessary

Article Title: _____ **Estimated Cost:** _____

Background Information (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Petitioners' Comments (150-word limit per Town Code):

Lead Petitioner's Contact Information*

Name (for publication in warrant): _____

Phone (for discussing article): _____

Email (for publication in warrant): _____

Signature of Lead Petitioner: _____ **Date:** _____

** The lead petitioner will serve as spokesperson for the article and will be the contact person for the Finance Committee, Board of Selectmen, and Planning Board, if the petition is a zoning issue.*

HEALTH INSURANCE INCENTIVE WAIVER PROGRAM

GUIDELINES

July 1, 2019 – June 30, 2022

- Employees participating in Town sponsored family and individual health insurance plans have the option to drop their health insurance coverage and participate in a Health Insurance Incentive Waiver program.
- To be eligible to participate in the Health Insurance Incentive Waiver program, current employees must have been enrolled as a subscriber in a Town sponsored health insurance plan within the previous 12-month period prior to applying for the waiver payment. Employees enrolling in a Town sponsored health plan as of July 1, 2019 must be enrolled for a period of 12 months before applying for the incentive waiver.
- Employees who were approved for the 2016-2019 waiver plan are required to re-enroll in the 2019-2022 waiver program. Such employees will be bound by the terms and conditions of the 2019-2022 plan.
- In order to participate in the HIW program, newly enrolled employees must complete the attached Health Insurance Waiver Incentive application and provide proof of health insurance from another provider within 30 days of the application date, otherwise enrollment approval and waiver payments may be delayed.
- Employees who opt-out of Town sponsored health insurance and who provide proof of coverage will be eligible to receive a waiver incentive as follows:

An employee subscriber with a Family Plan will receive an incentive of four thousand dollars (\$4,000) per year paid as follows:

- ❖ Town Employees (Bi-weekly 12 mo) – 24 installments of \$166.67
- ❖ School Employees (Bi-weekly 12 mo) – 24 installments of \$166.67
- ❖ School Employees (Bi-weekly 10 mo) – 20 installments of \$200.00

An employee subscriber with an Individual Plan will receive an incentive of eighteen hundred dollars (\$1,800) per year as follows:

- ❖ Town Employees (Bi-weekly 12 mo) – 24 installments of \$75.00
- ❖ School Employees (Bi-weekly 12 mo) – 24 installments of \$75.00
- ❖ School Employees (Bi-weekly 10 mo) – 20 installments of \$90.00

Employees applying for the waiver after July 1, 2019 will be eligible for a pro-rated waiver amount based upon their date of acceptance.

This waiver incentive is subject to taxes and regular withholdings as required by law.

The first waiver installment will be paid with the first pay period of Fiscal 20. Installments will continue until such time as the program concludes or until an employee re-enrolls in a Town sponsored health insurance plan due to a qualifying

event (see below). Employees who re-enroll in a Town sponsored health insurance plan due to a qualifying event as described below, will not receive any further incentive installments following re-enrollment in a Town sponsored health insurance plan for the remainder of the program.

- Where spouses are employed by the Town and/or the School Department and where both spouses are eligible for family health insurance coverage, only one spouse shall be eligible to participate in the incentive waiver program for the family plan incentive.
- Employees who apply for an incentive waiver after July 1, 2019 will be considered for acceptance at the discretion of the Town Administrator.
- Employees who choose to participate in the waiver program may re-enroll in a Town sponsored health insurance plan only if the employee has a qualifying event as recognized in the plans' underwriting rules. The qualifying events are as follows:
 - 1) Marriage or divorce
 - 2) Birth or adoption of a child
 - 3) Death of a family member
 - 4) Loss of coverage through no fault of the employee or subscriber
 - 5) Change in hours which results in a change of employment status.

In order to re-enroll in a Town sponsored health insurance plan, an employee must notify the Benefits Manager within 30 days of the qualifying event(s) and provide written documentation of the same. When an employee re-enrolls in a Town sponsored health insurance plan, all waiver incentive installments shall cease. Annual open enrollment periods are considered to be a qualifying event.*

- An employee who opts to participate in the program is not eligible for a waiver incentive payment until his/her health insurance account balance is settled. (*proposed language*)
- The Health Insurance Incentive Waiver program is intended to reduce the Town's health insurance costs. If the program does not generate sufficient cost-savings, the program may be terminated at the sole discretion of the Town. Participating employees shall be given notice of such termination in order to permit participating employees sufficient time to elect coverage through a Town sponsored plan during the Town's open enrollment period.
- The Town will make reasonable rules and regulations required to implement and administer the program. The Town reserves the right to make additional reasonable rules and regulations to maintain the program. This Health Insurance Incentive Waiver program shall comply with all applicable state and federal laws pertaining to health insurance.
- Any issues or disputes that arise regarding enrollment periods or rules and regulations relating to implementation of the program shall be reviewed by the Town Administrator. His/her determination shall be final and binding.

*This change was made as an accommodation during the COVID-19 public health crisis.

Updated May 1, 2020

**Town of Wayland
Board/Committee Appointments
Status as of July 14, 2020**

Volunteers interested in serving on one of the committees or boards listed below, please send your information to the Board of Selectmen c/o Teri Hegarty at thegarty@wayland.ma.us. All positions are appointed by the Board of Selectmen unless otherwise noted.

Committee	Term Ending Date
Audit Committee (2 positions)	June 30, 2023
Cable Advisory Committee	open ended
Community Preservation Committee (3 positions)	
Board of Public Works	June 30, 2023
Conservation Commission	June 30, 2023
Recreation Commission	June 30, 2023
Conservation Commission (3 positions)	June 30, 2023
Cultural Council (multiple vacancies)	3-year terms
Economic Development Committee (2 positions)	June 30, 2023
Energy and Climate Committee (2 positions)	June 30, 2023
Finance Committee (3 positions)	June 30, 2023
Historical Commission	June 30, 2023
Municipal Affordable Housing Trust Fund Board	
Selectmen (Real Estate Law Specialist)	June 30, 2022
Public Ceremonies Committee	June 30, 2023
Moderator	
Senior Tax Relief Committee	
Council on Aging	June 30, 2023
Surface Water Quality Committee	June 30, 2023
Wastewater Management District Commission	June 30, 2023
Wayland Housing Partnership (2 positions)	
Conservation Commission	June 30, 2023
School Committee	June 30, 2023
Zoning Board of Appeals (3 positions)	June 30, 2023

Jane Purser

Wayland, MA 01778

June 30, 2020

Dear Wayland Selectmen:

I am writing asking for your support in my request to join the Wayland Cultural Council. I would welcome being part of this group, helping to bring art, music and other cultural events to Wayland. I believe this is important for our community, something I whole heartedly support and look forward to working on with others.

I've lived in Wayland for 16 years and have been active in many areas of our community.

I hope you will support my interest in joining the Wayland Cultural Council.

Thank you!

Kind regards,

-Jane

Jane Purser

Jane Dickson Purser

- Wayland, MA 01778

SUMMARY

Dedicated to developing partnerships between business and non-profit worlds. Build bridges between different organizations to foster mutual understanding, trust, and collaboration.

Community Relations professional with excellent interpersonal and organizational skills, detail oriented, works independently and/or within a group, poised and resourceful.

PROFESSIONAL EXPERIENCE

Wayland **Cares**, Wayland, MA

Program Coordinator (19 hours) 2015-2020

- Plan and implement various community events including prevention guest speakers, middle school social nights, recreational marijuana policy, prescription take-back day.
- Coordinate monthly coalition meetings with school administrators, community members, parents, local officials, staff and clergy.
- Increase visibility of Wayland **Cares** programming by writing all community news, Facebook posts, newspaper articles and managing website.
- Implement annual prevention campaigns with elementary, middle and high schools
- Co-chair MetroWest Substance Alliance Prevention coalition, meeting monthly to collaborate on prevention programming across ___ communities.
- Lead Middle School Youth leadership group, meeting weekly with middle school students to develop leadership roles within the school and teach substance prevention.

The Parmenter Foundation, Sudbury, MA

Public Relations Coordinator (Part-time) 2013-2015

- Promoted activities and services of The Parmenter Foundation including Camp Erin Boston, HEARTplay, Home Care, Hospice and Community programs through electronic media: Constant Contact (bi-monthly), electronic news sites, Facebook, local non-profit partners, local school community news and company website.
- Wrote and placed articles in local newspapers on regular basis to increase the visibility of The Foundation and promote their programs and value in the community.
- Worked with others to create, organize and promote multiple fundraising events.

Parmenter Community Health Care, Wayland, MA

Volunteer Coordinator (Volunteer) 2009-2011

- Identified need and created database of over 160 volunteers. Supported and recruited volunteers for staff-created opportunities and needs.

State Street (Formerly Investors Bank & Trust), Boston, MA

Community Relations Manager 2006-2007

- Designed and implemented Investors Corporate Community Relations Program including: program overview, corporate giving and funding criteria, employee volunteerism, matching employee charitable donations, community relations committee and a calendar of events.
- Organized major Employee Appreciation week event 3 months after joining the company. Delivered a panel of Red Sox players and developed the first social at Westin Hotel for 2,000 employees increasing employee morale and inter-department relations.

- Managed 2006 United Way campaign, raising employee participation from 8% to 41%, and employee giving to 43%. Awarded United Way of Massachusetts Bay Manager of the year.
- Increased corporate visibility in the community and employee participation through managing blood drives, company newsletter, bring your child to work, volunteer days, special fund raising events, and corporate partnerships.
- Liaison to not-for-profit partner organizations such as Jr. Achievement, Operation Hope, R.F.K. Children's Action Corp., and Big Sister Boston.
- Taught *Banking on our Future* principles to high school students at inner city schools.

Barnes & Noble, Prudential Center, Boston, MA

Community Relations Manager/Corporate Sales 2003-2006

- Developed a regional holiday book drive program, partnering with the wives of the Red Sox players and NSTAR, raising over \$125,000 towards educational programs and books for Children's Hospital Boston.
- Executed over 120 author events including: Bill Clinton, Bono, Jack Welch, Johnny Damon, and Julie Andrews.
- Cultivated traditional and non-traditional partnerships with organizations such as the Boston Public Library, Massachusetts General Hospital, Read Boston, Red Sox Foundation, Children's Hospital and many other Boston based companies and organizations.
- Inspired and managed the creation of *Fenway Park, 1 2 3* a children's book illustrated and written by the wives of the Red Sox players.
- Fostered media contact to promote Boston area Barnes & Noble events. Appeared on UPN38 Morning Show promoting summer book suggestions.
- Increased corporate and institutional sales from \$30K to \$350K.

Diamond Packaging, Rochester, NY/Boston, MA

New England Account Manager, Boston, MA 1995-2002

- Grew sales from \$1 million to over \$15 million while managing New England territory.
- Influenced decision makers and interfaced with over 100 contacts within Gillette organization, overseeing and communicating project details delivering on-time product launches and streamlining the process.

Marketing/Customer Service Manager, Rochester, NY 1991-1995

Mobil Chemical Company, Rochester, NY

Packaging Engineer 1988-1991

EDUCATION

Rochester Institute of Technology, College of Applied Science and Technology
Bachelor of Science: Major in Packaging Design

COMMUNITY SERVICE highlights

Wayland Youth Advisory Council, Wayland Community Fund, Outreach committee

SKILLS

Constant Contact, Microsoft Office, Publisher, Google Documents



TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL: (508) 358-3630
(508) 358-3631
WWW.WAYLAND.MA.US

TOWN CLERK
LOIS M. TOOMBS, CMC
LTOOMBS@WAYLAND.MA.US

ASSISTANT TOWN CLERK
KATHLEEN H. SIRACUSA
KSIRACUSA@WAYLAND.MA.US

**ANNUAL TOWN MEETING
VOTE CERTIFICATE**

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 7, 2011
the following business was transacted under Article 24:

**ARTICLE 24: AMEND YOUTH ADVISORY COMMITTEE MEMBERSHIP AND LENGTH AND
EFFECTIVE DATES OF TERMS**

Voted that the Town amend its prior votes relative to the composition of the Youth Advisory Committee and the terms of its members by establishing a Youth Advisory Committee consisting of seven members, who shall not receive compensation, and shall be appointed by July 1 each year, to serve for terms of two consecutive years as follows: one member to be appointed by the Wayland Clergy Association; two members by the Board of Selectmen, two members by the School Committee; one member by the Chief of Police; and one member by the Board of Health.

VOTED:

UNANIMOUSLY

A true copy, Attest:

Lois M. Toombs, CMC
Town Clerk

DRAFT 3

7/20/2020

The Wayland Board of Selectmen acknowledges that the ongoing demonstrations by thousands of Americans throughout our country after the death of George Floyd, as well as so many other Black lives unnecessarily taken, has stripped away any doubt that racism is rampant in our country. It is imperative that we, as community leaders, recognize our country's legacy of racism and work towards eradicating it in all its forms.

We acknowledge that regardless of one's own race or ethnicity, individuals are at various points along an anti-racist journey. We understand that bias can be unconscious or unintentional, and that racism is the combination of social and institutional power plus racial prejudice. However, as we endeavor to be an anti-racist and ethnically unbiased community, we will purposefully strive to identify, discuss, and challenge issues of race, color, ethnicity, and the impacts they have on our community, residents, employees, and volunteers.

The Wayland Board of Selectmen commits to

Listening

- To voices of Blacks, Indigenous, and People of Color that inform us of the injustices they have long endured
- by remaining quiet during moments of discomfort, when their stories challenge the ideas we believed to be true
- throughout conversations about racism that require humility, courage, respect, and empathy

Understanding

- the history of racism in America and the world, and how it continues to operate today
- how implicit bias and systemic racism affects our own ideology and actions as well as the policies, programs, and practices in every sector of public and private life
- white privilege and the inequities and disparities that give white people material advantages over People of Color

Taking Action

- by opposing and challenging racism in the world and the community around us
- by promoting cultural diversity, equity, and inclusion in all aspects of life
- by implementing strategies and best-practices to dismantle racism and oppression
- by supporting organizations that fight policies that create racial disparities
- by posting accurate information on social media and promoting organization that help the causes and advances the rights of Blacks, Indigenous, and People of Color



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

DRAFT Meeting Minutes **BOARD OF SELECTMEN**

Tuesday, July 7, 2020

5:00 p.m.

Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

Note: In compliance with the March 12, 2020 Massachusetts Office of the Governor's Order Suspending Certain Provisions of the Open Meeting Law M.G.L. Chapter 30A, Section 20, this meeting of the Board of Selectmen was livestreamed on local broadcast on the WayCAM Government channel and available for public teleconference participation via Zoom. Public Comment was received by telephone and Zoom during the time designated for Public Comment.

Attendance: Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, Douglas A. Levine (M. Antes, T. Fay and D. Levine participated remotely by tele-videoconferencing; C. Karlson and L. Anderson participated by tele-videoconferencing and were also present at Town Building.)

Also Present: Town Administrator, Louise Miller; Assistant Town Administrator, Elizabeth Doucette; Management Analyst, Seath Crandall; Finance Director, Brian Keveny; IT Director, Michael McCann; Public Buildings Director, Kenneth (Ben) Keefe

Remote participation by tele-videoconferencing: Selectman Elect/Finance Committee Member, David Watkins; Board of Public Works member, Mike Wegerbauer; Town Moderator, Dennis J. Berry; Electronic Voting Implementation Subcommittee (ELVIS) Chair, David Bernstein; Eversource Energy representative, Christine Crosby

A1. Call to Order by Chair, Review the Agenda for the Public C. Karlson called the meeting of the Board of Selectmen to order at 5:09 p.m. when a quorum was available and noted that the meeting would be broadcast live and recorded for later broadcast by WayCAM and open on Zoom. C. Karlson announced that members of the Board would participate remotely to maintain social distance. C. Karlson announced a phone number (508-358-6812) for the public to call to offer comments and reviewed for the public how to participate via Zoom. C. Karlson reviewed the agenda for the public. T. Fay joined the meeting at 5:12 p.m.

A2. Announcements and Public Comment C. Karlson announced that Public Comment was open.

Stan Robinson, Wheelock Road, commented by telephone on the agenda item regarding Automated Meter Reading (AMR). He recommended that the Board question the contract; he informed the Board that it is not legally required to sign the contract today. S. Robinson requested that the Board postpone the decision until he reviews all the proposals submitted to the Town. S. Robinson suggested that the Board deliberate about the Town's slow response to public records requests and uncorrected defects in the Annual Town Meeting (ATM) procedures.

Margaret Patton, Plain Road, telephoned to comment regarding Article 12 in the 2019 ATM Warrant (Automatic Water Meter Reading) and noted that there was no mention of privacy. She asked if a hard-wired option would be investigated.

Margo Melnicove, Lakeshore Drive, participated via Zoom. She commented as a high-risk resident and recommended that the Board hold ATM outside on a Sunday afternoon. She reported that she would feel disenfranchised if the meeting were held indoors.

George Harris, Holiday Road, offered two comments by telephone; the first regarded transparency concerning the draft of the Governor's bill to seat the newly elected Selectman, Dave Watkins. G. Harris felt strongly that the information should be in the packet. C. Karlson clarified that the information was on page 8 of the packet. G. Harris echoed previous comments made by S. Robinson requesting access to the winning proposal for AMR.

A3. Restaurants: review, discuss outdoor service license for the following restaurant(s): 1. The Dudley Chateau, 20 Crest Road, Wayland L. Miller reported that the Police Department had confirmed that there had been no reports of complaints with respect to the Dudley Chateau restaurant and on several occasions the restaurant closed prior to the scheduled closing time.

A4. Town Administrator Update: 1. COVID-19 update and review of Response Plan; 2. Board of Health Update; 3. Open Meeting Law Guidance; 4. Signs; 5. Project Updates: a. Oxbow Field, b. Route 27 Bridge; 6. School Bus Parking

A4.1. COVID-19 update and review of Response Plan There was no additional information.

A4.2. Board of Health Update L. Miller reported that the next Board of Health Update will be released July 8.

A4.3. Open Meeting Law Guidance L. Miller reported that the state had issued updated guidance regarding outdoor meetings. L. Miller reported that the Town has established an area outside Town Building that is handicap accessible and could be used to hold outdoor public meetings. L. Miller added that it is unclear if outdoor meetings would be broadcast or recorded by WayCAM, but added that they would be open for the public to physically attend.

A4.4. Signs L. Miller wanted to start a discussion with the Board regarding the sign policy and recommended that the Board review and update the existing policy. L. Miller noted that the Town had received a number of complaints in recent months of the size of signs, the length of time they remain in place, and where the authority to remove signs that are placed in the right-of-way rests. The Board discussed the history of the previous discussion, the scope of the policies, and agreed to revive the discussion.

A4.5. Projects Update:

a. Oxbow Field L. Miller reported that the Town was meeting with the contractor July 8 and that the site conditions have improved. L. Miller noted that the field was projected to be ready for use in September. L. Miller noted that she had received some communication from the neighbors in regard to the settlement agreement and would be working through some of the issues.

b. Route 27 Bridge L. Miller reported that the Route 27 bridge work is projected to be completed this year and the project is currently before the Conservation Commission for permitting. Massachusetts Department of Transportation (DOT) should complete their portion of the work regardless of the status of the Town's portion of the work.

A4.6. School Bus Parking L. Miller reported that the DOT had previously selected three properties located in Weston, Natick, and Lincoln that could serve as locations to park Wayland school buses. L. Miller and Town Planner Sarkis Sarkisian visited the three sites. The property that was closest and most accessible in Weston is not ready for bus parking and would require paving. The Natick and Lincoln properties could be pursued. The Town has received comments previously that the buses should not be parked on Wayland school properties. The Town's preference is to have a property in Wayland to park school buses, potentially the Town Building or the old Whole Foods parking lot. T. Fay recommended that the Town consider using multiple smaller locations which may be easier to locate. The School Department Transportation Coordinator and Town Planner will continue to work to select the location.

A5. Seating of Elected Officials: review language from town counsel for a potential Governor's Bill; discuss and vote intent to fill School Committee vacancy, set date for joint meeting with School Committee; discuss and vote of intent to fill Board of Public Works vacancy, set date for joint meeting with Board of Public Works

C. Karlson updated the Board on two recent resignations from seats on the School Committee and Board of Public Works (BoPW). The School Committee vacancy was posted on July 2, 2020 and the School Committee voted on July 6, 2020 the intent to fill the vacancy. C. Karlson noted that there was one applicant for the vacant seat and the Board intended to meet jointly with the School Committee on July 13, 2020. The Board of Public Works received a resignation on July 7, 2020 and the vacancy was posted on the same day. The Board could meet jointly with the BoPW on Monday, July 13, 2020 to appoint an applicant to the seat.

L. Anderson moved, seconded by D. Levine that the Board vote the intent to fill the School Committee vacancy and set a date for a joint meeting with the School Committee on July 13, 2020. Roll Call Vote: YEA: L.

Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

D. Levine moved, seconded by M. Antes, that the Board vote to follow the appropriate process to fill the current vacancy on the Board of Public Works and set a date for a joint meeting with the Board of Public Works for July 13, 2020. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson asked the Board to review the draft language from Town Counsel for a potential Governor's Bill. The draft includes three proposed approaches to the issue. The first refers only to the 2020 election, has no specific date for a delayed ATM, and does not refer to a state of emergency. The second option refers to a state of emergency in 2020 and any other Annual Town Election that delays the date of ATM past June 30. The third option refers to ATM held after June 15. The Board discussed the advantages and disadvantages of each of the approaches. D. Levine suggested that the proposed option two was most practical; T. Fay concurred. L. Anderson felt that option two could also have higher probability to pass the state legislature. D. Watkins expressed preference for option 3.

M. Antes moved, seconded by L. Anderson, that the Board vote to request Town Counsel submit the option two proposal as a potential Governor's Bill as presented in the packet. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Automated Meter Reading: discuss and potential vote to award the Advanced Metering

Infrastructure contract to Everett J. Prescott, Inc. for \$669,533.50 C. Karlson invited Board of Public Works member Mike Wegerbauer to the discussion regarding the Automated Meter Reading contract. M. Wegerbauer, Assistant Town Administrator E. Doucette, and Information Technology Director M. McCann were all part of the evaluation team and present to answer the Board's questions. C. Karlson reviewed the previous public comments with M. Wegerbauer. L. Miller summarized the process for the selection of the vendor; the process started with an RFP pursuant to M.G.L. Chapter 30B, which had five (5) responses. An evaluation committee met several times, reviewed and ranked the technical proposals without price information. The highest ranked technical proposal also had the lowest price proposal and met the Town's requirements. There was a subgroup of the evaluation committee that reviewed the cybersecurity requirements. The evaluation team decided that Everett J. Prescott was the most advantageous contract for the Town and recommended the Board vote to award the contract.

T. Fay asked L. Miller to opine on the public comments made by S. Robinson regarding the Freedom of Information Act, 5 U.S.C. § 552 (FOIA) requests. L. Miller confirmed that the Town Administrator's office received four separate requests by S. Robinson for copies of the proposals. L. Miller noted that pursuant to 30B Section 6 the proposals are to be kept confidential until the contract is awarded. E. Doucette worked with the Supervisor of Records at the Secretary of State's office and confirmed that the Town was not required to release the proposals in the evaluation stage. Proposals could be released to the requestor as soon as practicable after the contract was awarded. L. Anderson asked L. Miller to make the distinction between public information and confidential information. L. Anderson gave the example that the evaluation committee that was formed is not subject to Open Meeting Law regulations and therefore may not be required to keep meeting minutes in the same way required by other boards and committees. L. Miller concurred.

C. Karlson asked M. Wegerbauer to opine on the concern for privacy by residents. M. Wegerbauer noted that one proposal did not meet the technical specifications and one did not meet the security specification. They were not evaluated further. The three remaining proposals were evaluated for security. The proposal that was selected was one-hundred percent compliant with all the security requirements in the Town Meeting vote. The Town received a third-party certification, subject to NDA (non-disclosure agreement), from the selected vendor testifying to the security. D. Watkins and M. McCann discussed the privacy of information and how it is managed.

L. Anderson revisited a previous public comment about any health concerns that residents have. She asked if this type of system would ever be pulled back by regulators. M. Wegerbauer had reviewed the concerns about these types of transmission and compared the transmission to the sending of a text message outside the home. He said that there is no evidence that it is harmful. He noted that the signal is less powerful than residential Wi-Fi and mobile phone cell service. There is an opt-out choice for residents who can choose to keep the data collection as it is now. M. McCann noted that one of the specifications called for the battery to have a twenty

year warranty, which may help residents understand the energy required to transmit compared to a cell phone battery, which will last on average one day.

T. Fay moved, seconded by D. Levine, that the Board vote to award the Advanced Metering Infrastructure contract to Everett J. Prescott, Inc. for \$669,533.50. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Easements for Rivers Edge Development: Discussion and next steps L. Miller reported that the Rivers Edge developer, Wood Partners, submitted a proposal to DOT that included an entrance onto Boston Post Road (Route 20). DOT contacted the Town and required the developers to change the proposed entrance and egress from the property. DOT saw that the Town already had an access road to the Transfer Station adjacent to the Rivers Edge project and requested that the Town consent to grant the developers access rights from Route 20 using the Town's existing access road. The easement would need to be voted at Town Meeting. The property is under the jurisdiction of the Board of Public Works. C. Karlson noted that the information was last discussed by the Board on February 24 before the pandemic. This item will be discussed jointly with the Board of Public Works at the July 13, 2020 meeting.

A8. 2020 Annual Town Meeting: discuss potential dates and logistics with Public Buildings Director, potential vote to set date 1. Report of Liaisons on Articles 2. Town administrator update re: FY 21 Budget 3. Process to pass over articles

C. Karlson noted that two potential dates for ATM were under consideration, in August and September. The Board received public comment previously to avoid Saturdays to observe Jewish Sabbath. L. Anderson connected with the Wayland Interfaith Leaders Association (WILA) who had voiced that Sunday mornings would be problematic. L. Miller noted that ATM requires four days of set-up and breakdown. The Town Clerk also voiced preference for a date further from elections, but if needed the August dates were preferable.

L. Miller noted the concern for EEE to be a serious issue that would direct the time of an outdoor meeting. L. Miller noted that several locations are possible. The WHS Stadium would not be able to accommodate tents, but could accommodate chairs and stage set-up; a sound system exists at the Stadium. The Middle School and Town Building fields lack sound systems, which would incur rental costs, but would be able to accommodate tents. Restrooms, accessibility, parking and bus access issues would need to be addressed. L. Miller recommended the Field House as the only suitable indoor location, but capacity is restricted by social distancing. L. Miller noted that the expenses associated with this ATM are not budgeted in the FY 2021 budget. D. Levine suggested that the Board first determine indoor or outdoor location to help narrow down the locations. C. Karlson suggested that the Board determine the number of articles that drive the length of the meeting. D. Bernstein confirmed that the voting handsets would work outdoors and would be waterproofed. T. Fay asked about the budget for voting handsets. B. Keefe noted that the budget for handsets is dependent upon the attendance. Last Town Meeting spent \$63,000 for handsets. E. Doucette confirmed that the handset expense for a one-day meeting in 2018 was \$41,000. D. Bernstein noted that there would be costs to cover the check-in stations with tents and to supply power.

A8.1. Report of Liaisons on Articles C. Karlson reviewed the warrant articles that had been scheduled for the 2020 ATM and identified the specific articles that she would still recommend be heard at the postponed ATM. The Board confirmed eleven warrant articles (Articles 2, 4, 5, 6, 7, 8, 12, 25, 29, 30, and 31) which could be heard and proposed using the Abbreviated Presentation Procedure. CPA Articles 13, 14 and 15 should be heard, as they pertain to compliance issues. M. Antes noted that Article 13 could be controversial and should be separate from Article 15. L. Anderson reported that the School Committee chair recommended that Article 19 to replace the Loker School Roof be heard. T. Fay voiced the need to decide on Article 11. C. Karlson reported that Article 3 no longer needed to be voted at ATM. The Board indicated that eight articles (Articles: 10, 16, 17, 20, 21, 23, 24, and 26) could be tabled to a future 2021 Town Meeting. The Board identified five other articles (Articles 14, 18, 22, 27, 28) that still need to be decided by the Board or petitioners to be heard if time permits. T. Fay noted that Article 18, a petitioner's article should plan for a 25 minute debate.

T. Fay, moved, seconded by D. Levine, that the Town of Wayland hold the 2020 Annual Town Meeting on September 12, 2020 and September 13, 2020 from 12:30 p.m. to 5:00 p.m. located outdoors at the Wayland High School. In discussion, Moderator D. Berry confirmed his availability. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Article # and Name (Proposed Status)	Sponsor	BoS Assignee	ATM 2020?	ATM 2021?	PENDING DECISION
Article 1 Recognize Citizens and Employees for Service to the Town	BoS	Karlson	X		
* Article 2 Pay Previous Fiscal Year Unpaid Bills	BoS	Karlson	X		
* Article 3 Current Year Transfers	BoS	Karlson			n/a
* Article 4 OPEB Funding	BoS	Karlson	X		
* Article 5 Fiscal Year 2021 Revolving Fund Expenditure Limits	BoS	Karlson	X		
* Article 6 Compensation for Town Clerk	BoS	Karlson	X		
* Article 7 Personnel Bylaws and Wage & Classification Plan	BoS	Karlson	X		
* Article 8 Surface Water Quality Committee Budget	BoS	Anderson	X		
Article 9 Fiscal Year 2021 Omnibus Budget	FinCom	Karlson	X		
* Article 10 Capital Stabilization Fund	BoS	Karlson		X	
Article 11 Reallocate Previously Appropriated Funds for Comm Cent	BoS	Fay			X
* Article 12 CPA – Set Asides and Transfers	CPC	Antes	X		
Article 13 CPA – Accessibility Improvements for Playgrounds	CPC	Antes	X		
Article 14 CPA – Funding for Housing Consultants and Production Plan	CPC	Antes			X
Article 15 CPA – ADA Improvements at Free Public Library	CPC	Antes	X		
Article 16 CPA – Funds to Preserve Open Spaces’ Plants and Pollinator	CPC	Antes		X	
* Article 17 Allow Certain Contracts up to 5 Years	BoS	Levine		X	
Article 18 Change Election Date	Petitioner	Fay			X
Article 19 Roof Replacement – Loker Elementary School	SC	Anderson	X		
Article 20 Select Board/Town Manager Act	BoS	Anderson		X	
Article 21 Selectmen to Prepare Budget; Moderator Appointed by FinCom	Petitioner	Anderson		X	
Article 22 Finance Committee Participation in Collective Bargaining	Petitioner	Karlson			X
Article 23 Loker Turf Field	Rec	Fay		X	
Article 24 Community Choice Aggregation	BoS	Anderson		X	
* Article 25 Accept Massachusetts General Laws Chapter 200A, Sec 9A	BoS	Karlson	X		
Article 26 High School Athletic Field Complex Renovation – Part 3	SC	Antes		X	
Article 27 Repeal Chapter 193 of the Code of the Town of Wayland	Petitioner	Fay			X
Article 28 Spencer Circle Street Acceptance	BoPW	Levine			X
* Article 29 Choose Town Officers	BoS	Karlson	X		
* Article 30 Hear Reports	BoS	Karlson	X		
* Article 31 Sell or Trade Vehicles and Equipment	BoS	Karlson	X		

A8.2 Town administrator update re: FY 2021 Budget L. Miller noted that the FY 2021 budget may need to be amended for two reasons: revenue projections could be adjusted before September and there may be a new need for funds to re-open the school buildings. Finance Director, B. Keveny reviewed the FY 2021 budgets. He summarized the revenue, which includes \$86.1 million omnibus budget and other unappropriated budgets for a combined total of \$87.6 million. B. Keveny described the four revenue categories that fund that budget: taxation, state aid, local receipts, and transfers from other funds. FY 2021 taxation from real estate is budgeted for \$74.1 million that includes a \$3.2 million increase in taxation over last year. Within that \$3.2 million is \$1.0 million in brand new exempt taxation. The unused levy is projected to be \$5.8 million. He noted there was no risk to fund the taxation to support the \$74.1 million. B. Keveny also noted that there was \$6.5 million in state aid for FY 2020 and projected that the FY 2021 budget remains unchanged from FY 2020. The Town received all expected state aid in FY 2020. B. Keveny reviewed the third revenue category of local receipts and reported an estimated \$5.0 million in FY 2020. The Department of Revenue permits only a small increase year to year. In the current year, \$4.4 million in local aid was lower than projected due to lower meals tax as a consequence of COVID-19 and lower auto excise tax for reasons still to be analyzed. B. Keveny noted that when ATM occurs, the amount in the motion may need to be amended on ATM floor; however, he does not see any reason to reduce expected revenues at this point. L. Miller noted the concern about the shortfall related to re-opening the schools. C. Karlson noted this will be revisited at a future meeting.

A8.3. Process to pass over articles There was no discussion.

A9. Special Town Meeting: Potential vote to set date and open warrant 1. Discussion of potential Board articles C. Karlson noted that a Special Town Meeting would be required to address the Rivers Edge easement and also intended to enact a resolution toward anti-racism in Wayland. T. Fay noted he supported a Special Town Meeting.

A10. Eversource Grant of Location Hearing: Old Connecticut Path, Northwesterly side approximately 746± feet southwest of Nolan Farm Road; Install one (1) new pole # 19/104A a) Petitioners request permission to erect or construct of a new pole, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires to be located, substantially as shown on the plans made by A. Debenedictis dated November 21, 2018 and filled herewith upon, along and across the above or intersecting public ways, and b) Petitioners also request permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one Cross-arm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the town and used for municipal purposes. 1. Open Hearing and Read Announcement 2. Presentation and Recommendation 3. Public Comment 4. Board Discussion and Vote 5. Close Hearing

A10.1. Open Hearing and Read Announcement At 8:07 p.m., C. Karlson declared the hearing open for the purpose of considering the request from Eversource Energy for a grant of location for a utility pole in the Town right-of-way on Old Connecticut Path near the WHS tennis courts, approximately 746± feet southwest of Nolan Farm Road. C. Karlson read the legal notice that appeared in the Thursday June 25, 2020 issue of the Town Crier.

A10.2. Presentation and Recommendation Christine Crosby, representative from Eversource Energy, joined the meeting to present the application before the Board. C. Crosby summarized the purpose of the new pole at the location on Old Connecticut Path was to support lighting the new tennis courts at WHS, but the pole was physically located closer to the basketball courts. The request is to install one (1) new pole # 19/104A.

A10.3. Public Comment There was none.

A10.4. Board Discussion and Vote T. Fay asked if there were any underground alternatives. C. Crosby answered that the additional pole would support two adjacent above ground poles. D. Watkins asked if the intent of the application would be to extend permission to other locations on Old Connecticut Path. C. Crosby noted the intention for the underground lateral connections was only to reach the underground service to the control box as specified in the work order for this project and not any other purpose. L. Miller noted that members of the Historical Commission may contact C. Crosby with questions regarding the location of the pole. T. Fay

noted that the language of the motion would be specific to the application and the project, and not applicable to other locations on Old Connecticut Path.

A10.5. Close Hearing At 8:20 p.m., C. Karlson closed the hearing.

A10.4. Board Discussion and Vote (revisited) L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve the request from Eversource Energy for a grant of location for a utility pole in the Town right-of-way on Old Connecticut Path near the WHS tennis courts, approximately 746± feet southwest of Nolan Farm Road. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. FY 2020 Year-end line item transfers: Discussion on year end line item transfers; vote to approve line item transfer below: 1. Treasurers Expense a. Amount: \$30,000 b. Funding Sources: Employee Mitigation

T. Fay moved, seconded by L. Anderson that the Board vote to approve a line item transfer of \$30,000 from funding source Employee Mitigation line. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Planning for FY22: Budget process and 2021 Annual Town Meeting; discuss next steps D. Watkins summarized the progress to identify dates that are optimal for Annual Town Meeting for 2021. The Board will continue this discussion at future meetings.

A13. Shared Streets Grant: discussion and next steps with Town Planner This item was tabled to a future meeting because the Town Planner was unavailable.

A14. Board of Selectmen Statement on Racism: discuss draft statement, community-wide discussion forum and next steps; potential vote C. Karlson proposed tabling this item to a future meeting to give it the proper amount of time needed to discuss the issue. C. Karlson noted that the Board had a draft statement for review and some comments and revisions had already been recommended. M. Antes will revise and provide the updated draft at the next meeting.

A15. Committee Appointments: Discussion and potential vote to appoint the following position:

<u>Committee</u>	<u>Appointee</u>	<u>Term End Date</u>
Community Preservation Committee	Maureen Cavanaugh	June 30, 2023

M. Antes moved, seconded by T. Fay, that the Board appoint Maureen Cavanaugh to the Community Preservation Committee for a term ending June 30, 2023. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A16. Minutes: Review and vote to approve minutes of June 25, 2020 and July 1, 2020

L. Anderson moved, seconded by T. Fay, that the Board approve the Board of Selectmen meeting minutes of June 25, 2020 as amended and the minutes of July 1, 2020 as written. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A17. Consent: Review and vote to approve (see separate sheet)

1. Vote the question of designating and approving signing authority to Cherry Karlson, Chair, Board of Selectmen, on all items related to the Eversource Grant of Location, Old Connecticut Path, Northwesternly side approximately 746± feet southwest of Nolan Farm Road to install one (1) new pole # 19/104A
2. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
3. Vote the question of accepting with thanks two (2) donations totaling \$150.00 to the Wayland COVID-19 Relief Fund.

M. Antes moved, seconded by L. Anderson, that the Board vote to approve the Consent Calendar. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A18. Correspondence Review There was no correspondence in the Board Packet.

A19. Selectmen's reports and concerns M. Antes thanked the Vokes Theatre players and the contributors who donated and delivered 100 bags of food to the Parmenter Food Pantry. M. Antes also reported that the Wayland Public Library hosted a reading of a speech given by Fredrick Douglass and that it was a success. T. Fay announced that the proposer of a new scull storage project at the Town Beach requested the initiative be discussed at a future meeting. D. Watkins asked if there could be an opportunity for the Board to discuss the topic of a petition to Superior Court, submitted by himself as an individual, for action that would allow him to be seated earlier than ATM.

A20. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any There were none.

A21. Enter into Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176; II. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (3) to discuss strategy with respect to collective bargaining with Wayland Teachers Association regarding health insurance payroll deductions; and; III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of June 25, 2020. APPROVE AND HOLD: Executive Session minutes of June 25, 2020.

At 8:52 p.m. Chair C. Karlson moved, seconded by D. Levine, that the Board of Selectmen Enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176; pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (3) to discuss strategy with respect to collective bargaining with Wayland Teachers Association regarding health insurance payroll deductions; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of June 25, 2020 with the intent of approving and holding said executive session minutes.

C. Karlson declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating, or bargaining position of the Town. Roll call vote. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson invited attendance by Louise Miller, Town Administrator; School Committee member Kathy Steinberg; School Committee member Ellen Grieco; and Management Analyst Seath Crandall.

A22. Adjourn At 9:45 p.m. the Board adjourned from Executive Session and did not reconvene in open session.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 7, 2020

There were none.

Items included as part of the Agenda Packet for discussion during the Board of Selectmen Meeting of July 7, 2020

1. Guidance Spotlight: In-Person Meeting – This Month in the Division of Open Government, June 2020
2. Massachusetts Legislature, General Laws, Part 1, Title VII, Chapter 41 Section 11
3. Correspondence from Anna Ludwig, Town Clerk; to Louise Miller, Town Administrator, Cherry Karlson, Chair, Board of Selectmen; Jeanne Downs, Chair, School Committee; Nate Buffum, School Committee, dated July 2, 2020, re: Resignation of Nate Buffum (includes attachments of letter sent to Board of Selectmen by Town Clerk and Resignation of letter from Nate Buffum)
4. Board and Committee Vacancies as of July 2, 2020
5. An Act Related to Swearing In of Elected Officials in the Town of Wayland (Options 1, 2 and 3)
6. AMI Draft Contract 20-2030
7. Rivers Edge Access Road Permission
8. Board of Selectmen Policy on Annual Budget Process
9. FY 2021 Operating Budget Request Guideline
10. Correspondence from Richard Schifone, Rights and Permits Supervisor, Eversource Energy, to the Wayland Board of Selectmen, dated July 6, 2020, re: Hearing Required
11. Order for Locations for Poles, Town of Wayland, Massachusetts, WO#2295490

12. Correspondence from the Board of Public Works, to the Board of Selectmen, dated June 30, 2020, re: Eversource Energy Request – Grant of Location for Utility Pole (19/104A)
13. Fiscal 2020 Year End Transfers
14. Draft Board of Selectmen Statement on Racism
15. Draft of July 1, 2020 Board of Selectmen Minutes
16. Draft of June 25, 2020 Board of Selectmen Minutes
17. FY 2021 Budget Schedule and Process
18. Wayland Access Sign-off from Abutter – Plan
19. Draft dates of ATM
20. AMI Contract Award Memo to Board of Selectmen
21. Draft of Board of Selectmen Meeting Minutes held on 06-25-2020
22. Draft of Board of Selectmen Meeting Minutes held on 07-01-2020

CORRESPONDENCE

1. There was none.

PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM July 12, 2020 THROUGH AND INCLUDING July 19, 2020 OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR July 20, 2020

Items distributed to the Board of Selectmen –July 12, 2020 – July 19, 2020

(none)

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 13, 2020

1. Updated Shared Streets Grant PowerPoint Presentation provided by Town Planner
2. Correspondence from Town Counsel Carolyn Murray dated Friday July 10, 2020 re: Declaratory Judgement relative to Annual Town Election
3. Board of Selectmen Statement on Racism Draft 2 July 13, 2020
4. Draft dates and Redline Draft dates for Annual Town Meeting July 12, 2020

Items included as part of the Agenda Packet for discussion during the July 20, 2020 Board of Selectmen Meeting

1. Memorandum from Louise Miller, Town Administrator to School Committee dated July 15, 2020 re: Assessment of Ventilation Systems in School Buildings
2. Memorandum from Louise Miller, Town Administrator to Board of Selectmen dated July 16, 2020 re: 1/12th Budget – August 2020, September 2020
3. 1/12th Budget totals presented to Board of Selectmen on June 5, 2020
4. 1/12th budget total summary presented to Board of Selectmen on June 5, 2020
5. Updated 1/12th budget total for the months of August 2020 and September 2020
6. Memorandum from Elizabeth Doucette, Assistant Town Administrator to Board of Selectmen dated July 7, 2020 re: 2018 Special Town Meeting and 2019 Annual Town Meeting Expenses
7. Annual Town Meeting Article Worksheet for Postponed 2020 Annual Town Meeting
8. Highlighted Board of Selectmen's Policy on the Annual Budget Process
9. No Redline - Fiscal Year 2021 Budget Schedule and Process
10. Redlined draft of Fiscal Year 2021 Budget Schedule and Process
11. Information on Land Transfers: 2013 ATM vote & map and 2014 ATM vote & map
12. River's Edge Advisory Committee 2019 Annual Report
13. RFP #16-28 River's Edge pages 16-19
14. Planning Board recommendation to the ZBA, November 5, 2019
15. ZBA decision of December 17, 2019
16. Transfer Station Access Road supporting documents: 2014 Annual Town Meeting Article 16
17. Annual Town Meeting 2020 Schedule
18. 2020 Special Town Meeting Announcement
19. Warrant Opening Notice and Instructions for Special Town Meeting 2020
20. Proposing Board Article Submission for Special Town Meeting 2020
21. Petitioner's Article Process Special Town Meeting 2020
22. Petitioner's Article Submission Form Special Town Meeting 2020
23. Health Insurance Waiver Program Guidelines with proposed language
24. Board and Committee Vacancies as of July 14, 2020
25. Statement and Resume of Jane Purser for Wayland Cultural Council
26. 2011 Annual Town Meeting Vote Certificate for Article 24: Amend Youth Advisory Committee Membership and Length and Effective Dates of Terms
27. Board of Selectmen's Statement on Race Third Draft
28. Draft of July 7, 2020 Board of Selectmen Minutes

BOARD OF SELECTMEN
Monday, July 20, 2020
5:00 p.m.
Wayland Town Building
41 Cochituate Road, Wayland, MA

CONSENT CALENDAR

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving and signing invoice #126914 from KP Law, dated June 30, 2020 for professional services rendered through June 30, 2020 in the amount of \$9,903.00
4. Vote the question of approving and signing General Activities Special Use Permit from Great Meadows National Wildlife Refuge for the term July 1, 2020 to August 31, 2020 for the purpose of accessing Heard Pond for invasive species removal and for dewatering invasive species prior to removal
5. Vote the question of approving and signing contract # 21-1005 with Aquatic Vision, LLC, for Tapegrass Harvesting in Dudley Pond at a cost of \$12,500.00

KP LAW, P.C.
101 ARCH STREET
FLOOR 12
BOSTON, MA 02110

INVOICE NO: 126914

WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

June 30, 2020

June 30, 2020

TOTAL FEES:	\$5,510.00
TOTAL COSTS:	<u>\$4,393.00</u>
BALANCE DUE:	<u>\$9,903.00</u>



Great Meadows National Wildlife Refuge
General Activities
Special Use Permit
 (For Official Use Only)

Permit #: 53511-20-01

Permit Term:

From: To:

1) Permittee Name/Business:

2) Permit Activity Type:

Special Access

2) Permit Status: Approved *If approved, provide special conditions (if any) in the text box below.*
 Denied *If denied, provide justification in the text box below.*

3) Are there additional special conditions attached to the permit? Yes No N/A

4) Are other licenses/permits required, and have they been verified? Yes No N/A

5) Are Insurance and/or Certification(s) required, and have they been verified? Yes No N/A

6) Record of Payments: Full Partial Exempt

7) Is a surety bond or security deposit required? Yes No N/A

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied therein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on-hand so that it may be shown at any time to any refuge staff

8) Permit approved/issued by: (Signature and title)

9) Permit accepted by: (Signature of permittee)

Digitally signed by
LINH PHU
 Date: 2020.07.15
 Date: 19:03:58 -04'00'
 Refuge Complex Manager

 Date: _____

General Conditions and Requirements

- 1) **Responsibility of Permittee:** The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.
- 2) **Operating Rules and Laws:** The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.
- 3) **Use Limitations:** The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and allows the U.S. Fish and Wildlife Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the U.S. Fish and Wildlife Service; and (2) the management of wildlife and fish using the premises and other U.S. Fish and Wildlife Service lands.
- 4) **Transfer of Privileges:** This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the U.S. Fish and Wildlife Service and the permit shall not be used for speculative purposes.
- 5) **Compliance:** The U.S. Fish and Wildlife Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the U.S. Fish and Wildlife Service's right to thereafter enforce any of the permit's terms or conditions.
- 6) **Conditions of Permit not Fulfilled:** If the permittee fails to fulfill any of the conditions and requirements set forth herein, the U.S. Fish and Wildlife Service shall retain all money paid under this permit to be used to satisfy as much of the permittee's obligation as possible.
- 7) **Payments:** All payment shall be made on or before the due date to the local representative of the U.S. Fish and Wildlife Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
- 8) **Termination Policy:** At the termination of this permit the permittee shall immediately give up possession to the U.S. Fish and Wildlife Service representative, reserving, however, the rights specified in paragraph 11 below. If he/she fails to do so, he/she will pay the U.S. Fish and Wildlife Service, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11 below. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the U.S. Fish and Wildlife Service's right to terminate or cancel the permit for the breach of any specified condition or requirement.
- 9) **Revocation Policy:** The Regional Director of the U.S. Fish and Wildlife Service may revoke this permit without notice for noncompliance with the terms hereof, or for violation of general and/or specific laws or regulations governing national wildlife refuges, or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the U.S. Fish and Wildlife Service, by and through any authorized representative, may take possession of said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.
- 10) **Damages:** The U.S. Fish and Wildlife Service shall not be responsible for: any loss or damage to property including but not limited to crops, animals, and machinery; injury to the permittee or his/her relatives or to the officers, agents, employees, or any other(s) who are on the premises from instructions; the sufferance from wildlife or employees or representatives of the U.S. Fish and Wildlife Service carrying out their official responsibilities. The permittee agrees to hold the U.S. Fish and Wildlife Service harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.
- 11) **Removal of Permittee's Property:** Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the U.S. Fish and Wildlife Service have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the U.S. Fish and Wildlife Service official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc., from the premises for which he/she is responsible. Within this period the permittee also must remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the U.S. Fish and Wildlife Service.

Special Conditions for SUP 53511-20-01
Wayland Surface Water Committee, Town of Wayland
Special Access through Great Meadows National Wildlife Refuge (NWR) to Heard Pond

Summary of Activity: The Town of Wayland Surface Water Committee is requesting permission to use a portion of Great Meadows NWR for the purpose of accessing Heard Pond to invasive species removal and for dewatering invasive species prior to removal. This permit would allow members of the Wayland Surface Water Committee, Wayland town staff, volunteers, and hired contractors to use a small area US Fish and Wildlife Service owned land in the northwest portion of the pond off Pelham Island Road. This area has been used as a pond access area by boaters and recreationalists but is not maintained for that particular use. Special considerations include:

1. The Town representative will provide FWS Complex Refuge Manager Linh Phu (Linh_Phu@fws.gov, 571-423-6698) notice of when work will commence and information regarding the nature of the work (i.e. "two weeks of mechanical hand pulling" or "1 week of chemical treatment")
2. The Refuge Manager will relay the information to Federal Wildlife Officers on patrol and other refuge staff that may be working in the area.
3. Access for other users must NOT be blocked.
4. All invasive species and other biomass must be removed from FWS property within 10 days (or notification must be provided to Refuge Manager with plans for removal beyond 10 days)
5. All equipment including boats, trailers, booms, etc must be cleaned and free of debris, mud, and invasive species BEFORE entering refuge property and after leaving to prevent the spread of invasive species.
6. Permittees and their contractors are aware of other permitted uses on the refuge and including hunting, fishing, outdoor education, interpretation, wildlife observation, and photography and shall not interfere with other uses.
7. Permits must be secured with the appropriate entities for the actual collection and treatment of invasive species on Heard Pond. The pond itself is not under the Jurisdiction of the US FWS. Please see Mass. Gen. Laws ch. 131, § 45 and 310 CMR 9.01(2) <https://malegislature.gov/laws/generallaws/parti/titlexix/chapter131/section45>
8. Copies of all permits must be submitted to the Refuge Manager in advance of work each year.

**TOWN OF WAYLAND, MASSACHUSETTS
AGREEMENT**

**CONTRACT NO. 21-1005
AQUATIC VISION, LLC**

THIS AGREEMENT made this _____ day of _____, 2020 by and between the TOWN of Wayland, a municipal corporation duly organized under the laws of Massachusetts and having a usual place of business at 41 Cochituate Road, Wayland, Massachusetts, hereinafter referred to as the “TOWN”, and **Aquatic Vision, LLC**, having a usual place of business at **36 Osgood Road, Sterling, MA 01564**, hereinafter referred to as the “CONTRACTOR”.

WITNESSETH:

WHEREAS, the TOWN invited the submission of proposals for the provision of **2020 Hand Pulling and Mechanical Harvesting of Tapegrass at Dudley Pond, Wayland, Massachusetts**, hereinafter “the Project”; and

WHEREAS, the CONTRACTOR submitted a Proposal, **dated July 12, 2020**, to perform the work required to complete the Project; and

WHEREAS, the TOWN has decided to award the contract therefor to the CONTRACTOR.

NOW, THEREFORE, the TOWN and the CONTRACTOR agree as follows:

1. CONTRACT DOCUMENTS. The Contract Documents consist of this Agreement, the CONTRACTOR’s Proposal and the **MassDEP File #322-0859 amended Order of Conditions, dated July 11, 2019 and Chapter 194 Permit**. The Contract Documents constitute the entire Agreement between the parties concerning the work, and all are as fully a part of this Agreement as if attached hereto.
2. THE WORK. The Work consists of **2020 hand pulling and mechanical harvesting of tapegrass at Dudley Pond in Wayland, Massachusetts**, as more fully described in the Contract Documents as defined above.
3. TERM OF CONTRACT. This Agreement shall be in effect from the above date of agreement and shall expire on **December 31, 2020**, unless terminated earlier pursuant to the terms hereof.
4. COMPENSATION.
 - A. **The TOWN shall pay the CONTRACTOR for the performance of the actual services performed, in strict accordance with the proposal dated July 12, 2020, for a total estimated contract price not to exceed \$12,500 as listed below, unless authorized to do so by the Town.**

As specified in the proposal, five (5) days of services for a total cost of \$6,250 will be performed. Following the initial 5 days of service the Town will assess the project and determine if additional days of service are warranted and, if so, may request up to five (5) additional days of services. The request for additional days will be in writing to Aquatic Vision, LLC.

\$6,250 5 days @ \$1,250 / day for
Diver hand pulling and diver assisted suction harvesting (DASH)
to be completed.

At the discretion of the Town up to 5 additional days of service
may be requested in writing. The Town will only pay for the
services provided.

\$6,250 Up to an additional 5 days @ \$1,250 / day for
Diver hand pulling and diver assisted suction harvesting (DASH),
if requested in writing by the Town

\$12,500.00 TOTAL ESTIMATE

- B. The acceptance by the CONTRACTOR of final payment for items and/or services provided shall be deemed a release of the TOWN from any and all claims and liabilities under this Agreement.
- C. Neither the TOWN's review, approval or acceptance of, nor payment for any of the items and/or services provided shall be construed to operate as a waiver of any rights of the TOWN under the Agreement or any cause of action arising out of the performance of the Agreement.
- D. The TOWN shall cancel this Agreement if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the current fiscal year as required by G.L. c. 30B, 12(c)(3).
- 5. PAYMENT OF COMPENSATION. The TOWN shall make payments within thirty (30) days after its receipt of Invoice.
- 6. LIABILITY OF THE TOWN. The TOWN's liability hereunder shall be to make all payments when they shall become due, and the TOWN shall be under no further obligation or liability. Nothing in this Agreement shall be construed to render the TOWN or any elected or appointed official or employee of the TOWN, or their successors in office, personally liable for any obligation under this Agreement.
- 7. INDEPENDENT CONTRACTOR. The CONTRACTOR acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement, and shall not be considered an employee or agent of the TOWN for any purpose.

8. INDEMNIFICATION. The CONTRACTOR shall indemnify, defend, and hold the TOWN harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorney's fees, arising out of the CONTRACTOR's breach of this Agreement or the negligence or misconduct of the CONTRACTOR, or the CONTRACTOR's agents or employees.

9. INSURANCE.

A. The CONTRACTOR shall obtain and maintain in full force and effect during the term of this Agreement the insurance coverage in companies licensed to do business in the Commonwealth of Massachusetts, and acceptable to the TOWN, as set forth below:

General Liability

Bodily Injury Liability	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Automobile Liability

Bodily Injury Liability	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Workers' Compensation Insurance

Coverage for all employees in accordance with Massachusetts General Laws

Professional Liability Insurance

Minimum Coverage	\$1,000,000 per occurrence
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B. All policies shall identify the TOWN as an additional insured (except Workers' Compensation) and shall provide that the TOWN shall receive written notification at least 30 days prior to the effective date of any amendment or cancellation. Certificates evidencing all such coverages shall be provided to the TOWN upon the execution of this Agreement. Each such certificate shall specifically refer to this Agreement and shall state that such insurance is as required by this Agreement. Failure to provide or to continue in force such insurance shall be deemed a material breach of this Agreement and shall be grounds for immediate termination.

10. ASSIGNMENT. The CONTRACTOR shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the TOWN, and shall not assign any of the moneys payable under this Agreement, except by and with the written consent of the TOWN.

11. TERMINATION. A. Termination for Cause. If at any time during the term of this Agreement the TOWN determines that the CONTRACTOR has breached the terms of this Agreement by negligently or incompetently performing the work, or any part thereof, or by failing to perform the work in a timely fashion, or by failing to perform the work to the satisfaction of the TOWN, or by not complying with the direction of

the TOWN or its agents, or by otherwise failing to perform this Agreement in accordance with all of its terms and provisions, the TOWN shall notify the CONTRACTOR in writing stating therein the nature of the alleged breach and directing the CONTRACTOR to cure such breach within ten (10) days. The CONTRACTOR specifically agrees that it shall indemnify and hold the TOWN harmless from any loss, damage, cost, charge, expense or claim arising out of or resulting from such breach regardless of its knowledge or authorization of the actions resulting in the breach. If the CONTRACTOR fails to cure said breach within ten (10) days, the TOWN may, at its election at any time after the expiration of said ten (10) days, terminate this Agreement by giving written notice thereof to the CONTRACTOR specifying the effective date of the termination. Upon receipt of said notice, the CONTRACTOR shall cease to incur additional expenses in connection with this Agreement. Upon the date specified in said notice, this Agreement shall terminate. Such termination shall not prejudice or waive any rights or action which the TOWN may have against the CONTRACTOR up to the date of such termination, and the CONTRACTOR shall be liable to the TOWN for any amount which it may be required to pay in excess of the compensation provided herein in order to complete the work specified herein in a timely manner. Upon such termination, the CONTRACTOR shall be entitled to compensation for all satisfactory work completed prior to the termination date, as determined by the TOWN.

B. Termination for Convenience. The TOWN may terminate this Agreement at any time for convenience by providing the CONTRACTOR written notice specifying therein the termination date which shall not be sooner than ten days from the issuance of said notice. Upon receipt of said notice, the CONTRACTOR shall cease to incur additional expenses in connection with this Agreement. Upon such termination, the CONTRACTOR shall be entitled to compensation for all satisfactory work completed prior to the termination date, as determined by the TOWN, such payment not to exceed the fair value of the services provided hereunder.

12. INSPECTION AND REPORTS. The TOWN shall have the right at any time to inspect the work of the CONTRACTOR, including the right to enter upon any property owned or occupied by CONTRACTOR, whether situated within or beyond the limits of the TOWN. Whenever requested, CONTRACTOR shall immediately furnish to the TOWN full and complete written reports of his operation under this Contract in such detail and with such information as the TOWN may request.
13. ROYALTIES AND PATENTS. The CONTRACTOR shall pay all applicable royalties and license fees. In addition, the CONTRACTOR hereby represents that it is duly authorized to use any process or other intellectual property rights held by third parties in the performance of this Agreement, it shall defend all suits or claims for infringement of any patent or other intellectual property rights and shall indemnify and hold the TOWN harmless from loss on account thereof.
14. SUCCESSOR AND ASSIGNS. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the TOWN nor the

CONTRACTOR shall assign or transfer any interest in the Agreement without the written consent of the other.

15. COMPLIANCE WITH LAWS. The CONTRACTOR shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the work provided pursuant to this Agreement, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the performance of such work.
16. NOTICE. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
17. SEVERABILITY. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
18. GOVERNING LAW. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the CONTRACTOR submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.
19. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

CONTRACT NO. 21-1005
2020 Hand Pulling & Mechanical Harvesting of Tapegrass at Dudley Pond

IN WITNESS WHEREOF, the parties hereto have executed this Agreement. All portions of the Contract Documents have been signed or identified by Owner and Contractor or by Engineer on their behalf.

This Agreement will be effective on the date indicated above.

AGREED:

TOWN OF WAYLAND, MASSACHUSETTS
(Owner)

_____ Date: _____
Louise L. E. Miller, Town Administrator

CONTRACTOR: Aquatic Vision, LLC

By _____ Date: _____

(Name)

(Title)

(Address)

(City and State)

(email address)

Approved as Project Manager:

By _____ Date: _____
Linda Hansen, Conservation Administrator

Approved as to Form:

By _____ Date: _____
KP Law, P.C., Town Counsel

In accordance with G.L. c.44, Section 31C, this is to certify that an appropriation in the amount of this contract is available therefor and that the Town Administrator has been authorized to execute the contract and approve all requisitions and change orders.

By _____ Date: _____
Brian, Keveny, Director of Finance

Appropriation No.: 10194002-52141 PO No.: _____

BOARD OF SELECTMEN
Monday, July 20, 2020
5:00 pm
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

CORRESPONDENCE

1. Correspondence from Mike Lowery, Board of Public Works Chair to Linda Hansen, Conservation Director dated July 14, 2020 re: Natural Heritage & endangered Species areas near old dump site on Rt 20.
2. Flyer and application from MCO Housing Services sent July 16, 2020 re: Michael Road Subdivision housing opportunity and lottery notice.