

TOWN OF WAYLAND - TOWN CLERK'S OFFICE
NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS

Posted in accordance with the provisions of the Open Meeting Law

www.mass.gov/ago/openmeeting

PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: Board of Public Works

FILED BY: Dan Cabral

DATE OF MEETING: June 27, 2017

TIME OF MEETING: 7:00 PM

PLACE OF MEETING: DPW Facility – 66 River Road

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

Board of Public Works - MEETING AGENDA

- 7:00 Announcements
- 7:01 Public Comment
- 7:05 Public Water Rate Hearing
- 7:30 Discussion and Board Vote to Set Water Rates
- 8:00 Discussion of Remote-Read Meter Options with Tata & Howard
- 8:30 Discussion of Dylan's Circle and Summer Lane Takings
- 8:40 Discussion of Letter Received from Representative of 8 Glezen Lane
- 8:45 Discussion of DPW Position Regarding Verizon Cell Tower Installation
- 8:50 DPW Director's Operational Report
- 9:00 Board Members' Reports, Concerns, and Updates
- 9:20 Topics not Reasonably Anticipated by the Chair 48 Hours Prior to Posting, if any
- 9:25 Review and Approve Minutes (Delivered in Advance of the Meeting)
- 9:30 Adjourn

NOTE: Per changes to the Open Meeting Law, notice of any meeting of a public body shall include "A listing of topics that the chair reasonably anticipates will be discussed at the meeting". AG's Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed. Please list those topics on the above agenda

NOTE: Times are approximate and the Agenda Items may not be discussed in the exact order listed

BoPW Meeting 6/27/2017

Public Water Rate Hearing

Board of Public Works

June 27, 2017

Water Rate Hearing

Paul Brinkman, Town Engineer



Agenda

- Review of Enterprise Fund – Fiscal Year 2013 - 2018
 - Expenditures
 - Revenues
 - Fund Balance (Retained Earnings)
- Recommended Rate Changes

Water Enterprise Fund

DPW Water Enterprise Fund

6/19/2017
Paul Brinkman

Costs

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Calculated	FY 2018 Budget
Salaries	\$ 659,201	\$ 658,359	\$ 655,094	\$ 675,805	\$ 778,470	\$ 719,600
Expenses	\$ 1,205,400	\$ 1,306,762	\$ 1,266,113	\$ 1,397,457	\$ 1,564,617	\$ 1,569,617
Indirect Costs	\$ 273,000	\$ 448,213	\$ 502,989	\$ 335,292	\$ 343,258	\$ 381,660
Direct Capital*	\$ 910,000	\$ 1,095,000	\$ 1,075,000	\$ 310,000	\$ 450,000	\$ -
Debt Service	\$ 1,215,021	\$ 1,167,749	\$ 1,046,453	\$ 1,064,627	\$ 1,109,727	\$ 1,311,130
Total	\$ 4,262,622	\$ 4,676,083	\$ 4,545,649	\$ 3,783,181	\$ 4,246,072	\$ 3,982,007

Revenues

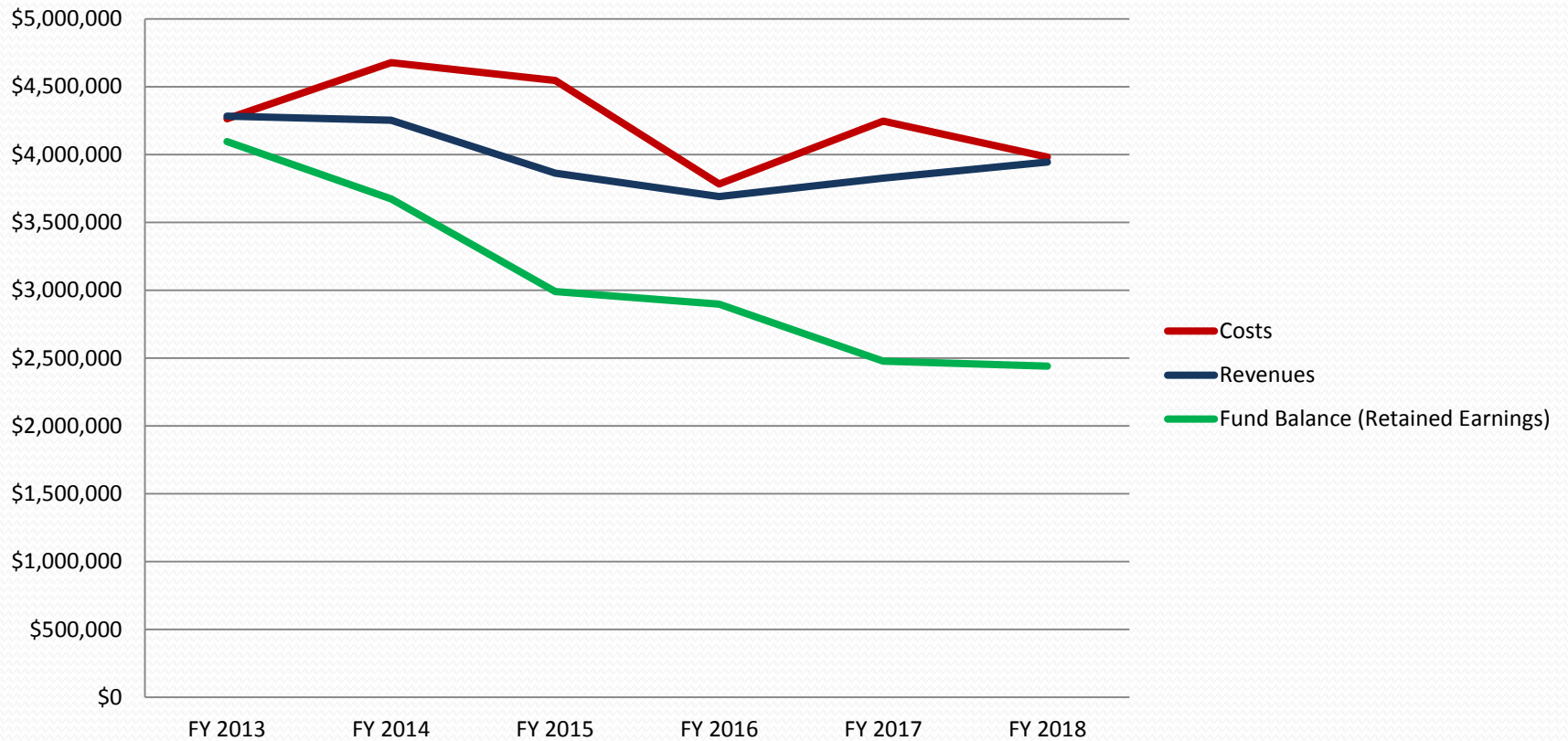
Water Usage Charges	\$ 3,544,490	\$ 3,353,696	\$ 3,268,487	\$ 3,161,787	\$ 3,062,663	\$ 3,387,768
Service Fee (Admin fee)	\$ 242,986	\$ 251,100	\$ 295,966	\$ 304,738	\$ 252,905	\$ 365,680
Misc Revenue	\$ 202,273	\$ 48,088	\$ 110,700	\$ 42,541	\$ 25,425	\$ 25,425
Service Order	\$ 31,504	\$ 16,289	\$ 23,595	\$ 28,269	\$ 49,117	\$ 49,117
Penalties and Interest	\$ 26,555	\$ 22,136	\$ 23,290	\$ 24,809	\$ 21,936	\$ 21,936
Liens	\$ 139,228	\$ 123,820	\$ 133,088	\$ 122,452	\$ 85,538	\$ 85,538
Capital Improvement	\$ 1,262	\$ 370	\$ -	\$ -	\$ -	\$ -
Interest of Savings	\$ 11,964	\$ 7,980	\$ 6,925	\$ 6,728	\$ 10,000	\$ 10,000
Transfers from Water Capital	\$ 82,757	\$ 429,597	\$ -	\$ -	\$ -	\$ -
Total Revenue	\$ 4,283,019	\$ 4,253,074	\$ 3,862,051	\$ 3,691,325	\$ 3,826,455	\$ 3,945,464

Surplus / Deficit	\$ 20,397	\$ (423,009)	\$ (683,598)	\$ (91,856)	\$ (419,617)	\$ (36,543)
-------------------	-----------	--------------	--------------	-------------	--------------	-------------

Fund Balance (Retained Earnings)	\$ 4,075,597	\$ 4,095,994	\$ 3,672,985	\$ 2,989,387	\$ 2,897,531	\$ 2,477,914	\$ 2,441,371
----------------------------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------

Fund Balance

Water Enterprise Fund



Fund Balance (Retained Earnings)

- Retain Current Balance
- Several Needs Identified
 - Reserves for unanticipated changes in use
 - Catastrophic emergency reserve / failure of critical infrastructure
 - Membrane Replacement (\$1 to \$1.5M)
 - Meter Replacement (\$0.5M)
 - Other Large Consumable Items

Recommended Rate Changes

Class / Tier (Ccf)	Current (FY 17)	Proposed (FY 18)
Residential - Retail		
0 to 15	\$5.15	\$5.36
15 to 30	\$6.67	\$6.94
30 to 80	\$7.63	\$7.94
>80	\$12.63	\$13.14
Commercial - Retail		
0 to 7.5	\$5.15	\$5.36
7.5 to 30	\$6.67	\$6.94
30 to 100	\$7.63	\$7.94
>100	\$12.63	\$13.14

4% Increase
in all tiers

Recommended Fee Changes

Class	Current (FY 17)	Proposed (FY 18)
Residential		
Semi-Annual	\$30	\$35
Commercial		
Quarterly	\$15	\$17.50

\$10 per
annum
increase

Impact to Customers

- Average User at 8200 cubic feet per year
- Current Bill is \$582.46 per year
- Bill after rate Increase \$613.69 per year
- Increase is \$ 31.22
- New cost of water is
\$0.01 per gallon

Water Cost Comparison

Community	Cost for 82 Ccf* (one year of use)
Sudbury	\$246.72
Weston (MWRA)	\$160.08
Framingham (MWRA)	\$505.42
Lincoln	\$396.06
Concord	\$423.12
Wayland (proposed)	\$623.68

*Average Annual Use for Wayland Residential Customer

Reasons for Differences in Cost of Water	
Levels of Capital Investment	Tier Structures
Meter Age (unmetered water use)	UnAccounted for Water
Level of Water Treatment	MWRA

BoPW Meeting 6/27/2017

Discussion and Board Vote to Set Water Rates

BoPW Meeting 6/27/2017

**Discussion of Remote-Read Meter Options with Tata &
Howard**

BoPW Meeting 6/27/2017

Discussion of Dylan's Circle and Summer Lane Takings



TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358 7701
FAX: (508) 358-3627

July 25, 2002

BY HAND

Joseph T. Laydon
Town Planner
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

RE: Acceptance of Subdivision Streets as Town Ways

Dear Joe:

You have asked me to briefly describe the steps in the road lay out and acceptance process for subdivision streets. The following actions are required by law in order to lay out and accept subdivision streets as town ways, after the Planning Board has determined that the road has been completely constructed in accordance with the approved subdivision plan.

1. Road Lay Out Plan

A plan must be prepared by a registered land surveyor or civil engineer showing the road layout (boundaries). If the road is accurately shown on a recorded subdivision plan or an as built plan, no new plan need be prepared.

2. Notice of Intention to Lay Out a Town Way

At least seven days prior to the Board of Road Commissioner's ("BORC") vote to lay out a way, the BORC must give notice, by in hand delivery (Constable) to the persons whose land will be taken or otherwise acquired for such purpose. The notice should state the date, time and place of the BORC's meeting at which the road lay out will be discussed and voted on. A public hearing is not required, but is recommended. M.G.L. c. 82, §22.

3. Lay Out Vote

The road lay out is accomplished by a vote of the BORC to lay out the road as shown on the layout plan. M.G.L. c. 82, §21.

4. Planning Board Recommendation

All proposed lay outs of town ways must be referred to the Planning Board for a recommendation. The lay out cannot take effect until the Planning Board renders its report or forty-five days have elapsed without a report. M.G.L. c. 41, §81H or §81I.

5. Filing of Layout Plan and Report

The lay out plan must be filed in the Office of the Town Clerk along with a report of specifying the manner in which the way is laid out with a description of the location and the bounds of the way. M.G.L. c. 82, §23.

6. Town Meeting Vote of Acceptance

Not less than seven days after the lay out plan is filed in the Office of the Town Clerk, the way must be accepted as a town way by majority vote of a town meeting. M.G.L. c. 82, §23.

7. Acquisition

If the land comprising the accepted town way is going to be acquired by an eminent domain taking or deed(s) (purchase or gift), the order of taking or deed(s) must be recorded with the registry of deeds within 120 days after the termination of the town meeting at which the lay out was accepted. M.G.L. c. 82, §24.

8. Permanent Bounds

The BORC must cause permanent bounds to be erected at the termini and angles of all ways laid out by them. The developer's installation these bounds as required by the Planning Board's Subdivision Rules and Regulations (Page 32) satisfies this requirement. M.G.L. c. 86, §1.

If you have any questions about the foregoing procedures, do not hesitate to contact me at (978) 369-9100 or e-mail me at mjlanza@attbi.com.

Sincerely yours,

Mark J. Lanza

Mark J. Lanza
Town Counsel

MJL/ms
cc Board of Road Comm'rs

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Town of Wayland

ORDER OF TAKING

At a regularly convened meeting of the Board of Public Works of the Town of Wayland, held this 27th day of June, 2017, it was voted and ordered:

The Board of Public Works of the Town of Wayland, duly elected, qualified, and acting as such on behalf of the Town by virtue of and in accordance with the vote taken under Article 13 of the April 2, 2017 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, and the authority of the provisions of Chapter 82, Sections 21-24, and Chapter 79 of the General Laws, as amended, and any and every other power and authority that is hereunto enabling, does hereby take, on behalf of the Town, a permanent easement, for all purposes for which public ways are used in the Town of Wayland, together with the attendant customary uses, including, but not limited to the construction, operation, maintenance, repair, replacement and relocation of rights of way, drainage and utilities in, over, under, through, across, upon and along a road shown as "Summer Lane" (the "Easement Premises"), on a plan entitled "'Summer Lane' Wayland, MA Definitive Subdivision of Land Dated September 6, 2011," prepared by Snelling & Hamel Associates, Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 28 of 2012 (the "Plan").

The Town shall have the right of entry upon and passage over the Easement Premises from time to time by foot and motor vehicles, including heavy equipment, for the purposes set forth herein and all uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items in, on, under, and upon the Easement Premises.

Said Easement Premises are owned or supposed to be owned and/or formerly owned by the parties listed on Schedule A, which parties are hereinafter collectively referred to as Owners.

If in any instance the name of any Owner or Owners is not correctly stated in this Order of Taking, it is understood that in such instance said parcel of land is owned by an Owner or Owners unknown to us, and the property interest is taken against said Owner or Owners.

It has been determined that no damages are owed to the Owners listed herein, and we therefore award no damages to those persons for the herein taking.

No betterments are to be assessed under this taking.

[Signature Page Follows]

585624/WAYL/0056

IN WITNESS WHEREOF, we, the duly elected and qualified Board of Public Works, have hereunto set our hands and seals on this 27th day of June, 2017.

TOWN OF WAYLAND,
By its Board of Public Works

Prescott W. Baston, Jr.

Michael Lowery

Thomas J. Abdella

Jonathan I. Mishara

Michael B. Wegerbauer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 27th day of June, 2017, before me, the undersigned notary public, personally appeared _____, member of the Wayland Board of Public Works, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Wayland.

Notary Public
My Commission Expires:

585624/WAYL/0056

Schedule A

Name: Darren Martin and Michelle Martin

Mailing Address: 6 Summer Lane, Wayland, MA 01778

Property Address: 6 Summer Lane, Wayland, Massachusetts

Interest Taken: Road Easement

Deed Reference: Middlesex South Registry of Deeds, Book 63322, Page 213

Name: Jeffrey J. Vecchio and April A. Vecchio

Mailing Address: 10 Summer Lane, Wayland, MA 01778

Property Address: 10 Summer Lane, Wayland, Massachusetts

Interest Taken: Road Easement

Deed Reference: Middlesex South Registry of Deeds, Book 65799, Page 387

Name: Oxbow Development Group, LLC

Mailing Address: 187 Oxbow Road, Wayland, MA 01778

Property Address: Summer Lane, Wayland, Massachusetts

Interest Taken: Road Easement

Deed Reference: Middlesex South Registry of Deeds, Book 58715, Page 332

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Town of Wayland

ORDER OF TAKING

At a regularly convened meeting of the Board of Public Works of the Town of Wayland, held this 27th day of June, 2017, it was voted and ordered:

The Board of Public Works of the Town of Wayland, duly elected, qualified, and acting as such on behalf of the Town by virtue of and in accordance with the vote taken under Article 13 of the April 2, 2017 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, and the authority of the provisions of Chapter 82, Sections 21-24, and Chapter 79 of the General Laws, as amended, and any and every other power and authority that is hereunto enabling, does hereby take, on behalf of the Town, a permanent easement, for all purposes for which public ways are used in the Town of Wayland, together with the attendant customary uses, including, but not limited to the construction, operation, maintenance, repair, replacement and relocation of rights of way, drainage and utilities in, over, under, through, across, upon and along a road shown as “Dylans Circle a/k/a Dylan’s Circle” (the “Road”), on a plan entitled “Definitive Subdivision Plan ‘Field Stone Estates’ Wayland, Massachusetts,” dated February 12, 2003, revised through August 24, 2003, prepared by Seltec Engineering, Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 382 of 2004 (the “Plan”).

Together with permanent easements for the purpose of constructing, reconstructing, improving, inspecting, repairing, replacing, and forever maintaining or abandoning in place drainage infrastructure in, over, under, through, across, upon and along portions of the parcels of land shown as Lots 1, 3 and 4 on the Plan (together with the Road, the “Easement Premises”).

The Town shall have the right of entry upon and passage over the Easement Premises from time to time by foot and motor vehicles, including heavy equipment, for the purposes set forth herein and all uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items in, on, under, and upon the Easement Premises.

The taking does not include any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises, but the Town shall have the right to remove the same whenever their removal shall be necessary or convenient to exercise the rights taken hereunder, without the obligation to replace the same.

Said Easement Premises are owned or supposed to be owned and/or formerly owned by the parties listed on Schedule A, which parties are hereinafter collectively referred to as Owners.

If in any instance the name of any Owner or Owners is not correctly stated in this Order of Taking, it is understood that in such instance said parcel of land is owned by an Owner or Owners unknown to us, and the property interest is taken against said Owner or Owners.

It has been determined that no damages are owed to the Owners listed herein, and we therefore award no damages to those persons for the herein taking.

No betterments are to be assessed under this taking.

[Signature Page Follows]

IN WITNESS WHEREOF, we, the duly elected and qualified Board of Public Works, have hereunto set our hands and seals on this 27th day of June, 2017.

TOWN OF WAYLAND,
By its Board of Public Works

Prescott W. Baston, Jr.

Michael Lowery

Thomas J. Abdella

Jonathan I. Mishara

Michael B. Wegerbauer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 27th day of June, 2017, before me, the undersigned notary public, personally appeared _____, member of the Wayland Board of Public Works, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Wayland.

Notary Public
My Commission Expires:

585506/WAYL/0055

Schedule A

Name: Matthew DiRoberto and Erica DiRoberto
Mailing Address: 4 Dylan's Circle, Wayland, MA 01778
Property Address: 4 Dylan's Circle, Wayland, Massachusetts
Interest Taken: Road Easement and Drainage Easement (Lot 1 on Plan)
Deed Reference: Middlesex South Registry of Deeds, Book 59909, Page 210

Name: Scott Burgess and Risa Burgess
Mailing Address: 6 Dylan's Circle, Wayland, MA 01778
Property Address: 6 Dylan's Circle, Wayland, Massachusetts
Interest Taken: Road Easement (Lot 2 on Plan)
Deed Reference: Middlesex South Registry of Deeds, Book 62900, Page 366

Name: Raja Anwar Aziz and Sofia Aziz
Mailing Address: 3 Dylan's Circle, Wayland, MA 01778
Property Address: 3 Dylan's Circle, Wayland, Massachusetts
Interest Taken: Road Easement (Lot 5 on Plan)
Deed Reference: Middlesex South Registry of Deeds, Book 65369, Page 174

Name: Raymond J. Ciccolo, Trustee of Concord Road Realty Trust
Mailing Address: _____
Property Address: 5 Dylan's Circle and 8 Dylan's Circle, Wayland, Massachusetts
Interest Taken: Road Easement and Drainage Easements (Lots 3 and 4 on Plan)
Deed Reference: Middlesex South Registry of Deeds, Book 36780, Page 10

BoPW Meeting 6/27/2017

**Discussion of Letter Received from Representative of 8 Glezen
Lane**

ALPHEN & SANTOS, P.C.

Attorneys and Counselors at Law
200 Littleton Road, Westford, Massachusetts 01886
(978) 692-3107 palphen@alphensantos.com

March 9, 2017

Health Department
Town of Wayland
dmaccaughey@wayland.ma.us

Board of Public Works
Town of Wayland
mlindeman@wayland.ma.us

Water Department
Town of Wayland
dmillette@wayland.ma.us

RE: 8 Glezen Lane

Ladies and Gentlemen:

This office represents Karen and Frank Chase regarding the decision of the Board of Public Works not to proceed with the purchase of 8 Glezen Lane. If the subsurface septic disposal system is replaced pursuant to the most recent design (relocated outside of Well Zone 1), my clients have been advised that the additional cost of design and construction of the system would be \$32,000.00; which sum is over and above the costs that would be incurred to repair or replace the existing system.

It is my understand that Mr. Chase discussed with the Board the fundamental unfairness of the imposition of additional regulations, limitations and costs applicable to his property as a consequence of the action by the Town to establish a new well zone. The purpose of this letter is to follow up on the discussions with Mr. Chase regarding the Board's willingness to consider reimbursement to Mr. Chase of the additional expenses he will incur as a result of your actions.

We look forward to hearing from you. Thank you for your attention to this matter.

Very truly yours,
Alphen & Santos, P.C.



Paul F. Alphen, Esquire

ALPHEN & SANTOS, P.C.

Attorneys and Counselors at Law
200 Littleton Road, Westford, Massachusetts 01886
(978) 692-3107 palphen@alphensantos.com

June 14, 2017

Board of Public Works
Town of Wayland
tholder@wayland.ma.us

Water Department
Town of Wayland
dmillette@wayland.ma.us

RE: 8 Glezen Lane

Ladies and Gentlemen:

This office represents Karen and Frank Chase. Having received no response to our letter dated March 9, 2017, please accept this as a request for reimbursement of the additional costs incurred by our clients as a consequence of the Water Department's decision to cause our client's home to be located inside a Well Zone 1. As reported previously, our clients had been advised that the additional cost of design and construction of the system would be \$32,000.00; which sum is over and above the costs that would be incurred to repair or replace the existing system. Enclosed, please find invoices from Wayland Excavating LLC and Drake Engineering showing total expenses in the amount of \$70,955.00.

Mr. Chase discussed with the Board the fundamental unfairness of the imposition of additional regulations, limitations and costs applicable to his property as a consequence of the action by the Town to establish a new well zone. The purpose of this letter is to follow up on the discussions with Mr. Chase regarding the Board's willingness to consider reimbursement to Mr. Chase of the additional expenses he will incur as a result of your actions. Please accept this as request for copies of the policies established by the Board of Public Works and/or the Water Department for compensating the property owners now located in Zone 1 for the additional costs they have incurred or may incur in the future as a consequence of the placement of the new well.

We look forward to hearing from you. Thank you for your attention to this matter.

Very truly yours,
Alphen & Santos, P.C.


Paul F. Alphen, Esquire

Drake Associates Inc.
25 Wellesley Avenue
Wellesley Ma 02482
Civil Engineers Land Surveyors
508 877-0848 Fax 781 416 1865

Clay Chase
8 Glezen In
Wayland Ma 01778

May 16, 2107

Invoice for Engineering Services
Replacement Septic System Design
Backhoe Charges
Layout & As built

\$ 3,000
\$ 800
\$ 900

TOTAL

\$ 4,700

Wayland Excavating LLC
PO Box 5222
19 Winter Street
Wayland MA 01778
Waylandexcavating2@gmail.com
508 653 2621

March 31, 2017

Submitted to:

Frank & Karen Chase
8 Glezen Lane
Wayland MA 01778

Site location:

same

We shall:

- Installation of septic system according to plan
- Top soils saved and replaced to machine grade
- Excess fill materials hauled from site
- Electric for pump installation providing the existing panel can accommodate the new service and there is easy access to the existing panel
- Rake and seed with onsite materials to disturbed area only

We shall not:

- Excavation and disposal of rock and/or ledge larger than ½ cubic yards
- Permits, inspection fees, bonds and police details
- Engineering
- Transplanting and additional top soils
- Pump out and disposal of any sewer – billed direct (John Regan Ent., Inc.)
- Conservation issues
- Changes to inside plumbing
- Abandonment of any underground structures not indicated on plan
- Relocation of gas and/or water services
- Repairs nor replacement of underground nor overhead utilities not clearly marked by Dig Safe and its affiliates to include those considered on private property; such as but not limited to: cable, telephone, gas, water, sewer, electric, wiring to lamp posts, wiring to sheds and pools, gas lines to outside grills, etc.
- Repairs nor replacement of property improvements such as but not limited to: lawns, trees, bushes, walkways, driveways, patios, sheds, play sets, fences of any kind, walls of any kind, fixtures, beds (mulch, plantings, ground covers, etc.), stoops, irrigation systems, drainage systems, etc.
- Remove and dispose of trees and/or stumps
- Settlement
- De watering
- Erosion control removal

Chase
8 Glezen
Wayland

Total: \$66,255.00 (sixty six thousand two hundred fifty five dollars)

Terms of payment: \$22,085.00 (twenty two thousand eighty five dollars) the day work begins.
\$22,085.00 (twenty two thousand eighty five dollars) 2nd installment
The balance is due upon completion. Final paperwork submitted to local agents upon payment of balance.

Signed:

Daniel J Regan
Daniel J Regan

Acceptance:


Frank and/or Karen Chase



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

June 16, 2017

Paul F. Alphen, Esquire
Alphen & Santos, P.C.
200 Littleton Road
Westford, MA 01886

Re: Public Records Request Dated June 14, 2017

Dear Mr. Alphen:

On June 14, 2017 you wrote to the Wayland Board of Public Works and the Wayland Water Department regarding 8 Glezen Lane. In your letter you included a request for policies. As I am the Records Access Officer for Wayland, a copy of your correspondence was forwarded to me.

Summary of Request

In your letter, you requested the following:

"...request for copies of the policies established by the Board of Publics Works and/or the Water Department for compensating the property owners now located in Zone 1 for the additional costs they have incurred or may incur in the future as a consequence of the placement of the new well."

Please be advised that the Town's duty to respond to records requests extends only to records that are in existence and in the custody of the Town, and the Town is under no obligation to create records in response to your request. Furthermore, the Town is not required to answer questions in response to a public records request. See "A Guide to the Massachusetts Public Records Law," January, 2017, published by the Secretary of the Commonwealth, at page three.

Records Response

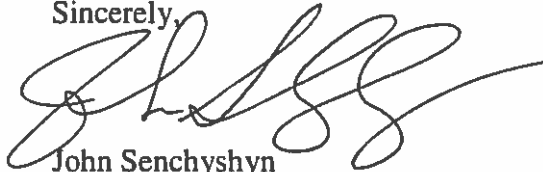
I have reviewed your request with Wayland's DPW Director, and based upon that review, I have been advised that no such policies exist.

Statement of Appeal Rights

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of

your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, §10A(c).

Sincerely,

A handwritten signature in black ink, appearing to read 'John Senchyshyn', written over the printed name.

John Senchyshyn
Records Access Officer

Cc: Wayland Board of Public Works
T. Holder, DPW Director

BoPW Meeting 6/27/2017

**Discussion of DPW Position Regarding Verizon Cell Tower
Installation**



RECEIVED

JUN -5 2017

Board of Selectmen
Town of Wayland

CHRISTOPHER A. SWINIARSKI
Admitted in MA and NH

McLane Middleton, Professional Association

45 School Street, 6th Floor
Boston, MA 02108

900 Elm Street
Manchester, NH 03105

Email: christopher.swiniarski@mcclane.com

May 31, 2017

Via certified mail, return receipt requested

Nan Balmer
Office of the Board of
Selectmen
41 Cochituate Road
Wayland, MA 01778

Kenneth "Ben" Keefe
Facilities Department, 2nd Floor
41 Cochituate Road
Wayland, MA 01778

Sarkis Sarkisian, Town Planner
41 Cochituate Road
Wayland, MA 01778

Dr. Paul Stein
Superintendent of Schools
41 Cochituate Road
Wayland, MA 01778

Geoffrey Larsen
Building Commissioner
41 Cochituate Road
Wayland, MA 01778

RE: Proposed Wireless Communication Facility – Wayland Locations

Hello Ms. Balmer:

Thank you for your correspondence dated May 19, 2017, in response to our inquiry as to whether the Town of Wayland would have an interest in offering town owned sites as viable alternatives for a telecommunications facility to be proposed by Cellco Partnership, d/b/a Verizon Wireless. I am a bit surprised that the town was not aware of our interest in the 8 locations referenced in my letter, as we have communicated our interest to the town on at least 17 occasions, as set forth in the table of my May 12, 2017 letter to you. Indeed, 2 of those communications were directly to you via email on February 25, 2015 and June 29, 2016.

We also arranged a meeting with Mr. Ben Keefe on September 22, 2016, where several interested town officials cancelled on the day of the meeting. We did however attend that meeting with Mr. Keefe and provided him with a great deal of information.

Nevertheless, it seems that paths of communication may not have previously proceeded as intended, but I very much appreciate your response at this time. We can be very flexible in our facility designs, and our location of facilities very much depends on the locations of other surrounding facilities. We would be happy to work with preferred locations of the town, and to open a dialogue that could ultimately lead to a comprehensive network design that meets the town's objectives as well.

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

EXHIBIT A

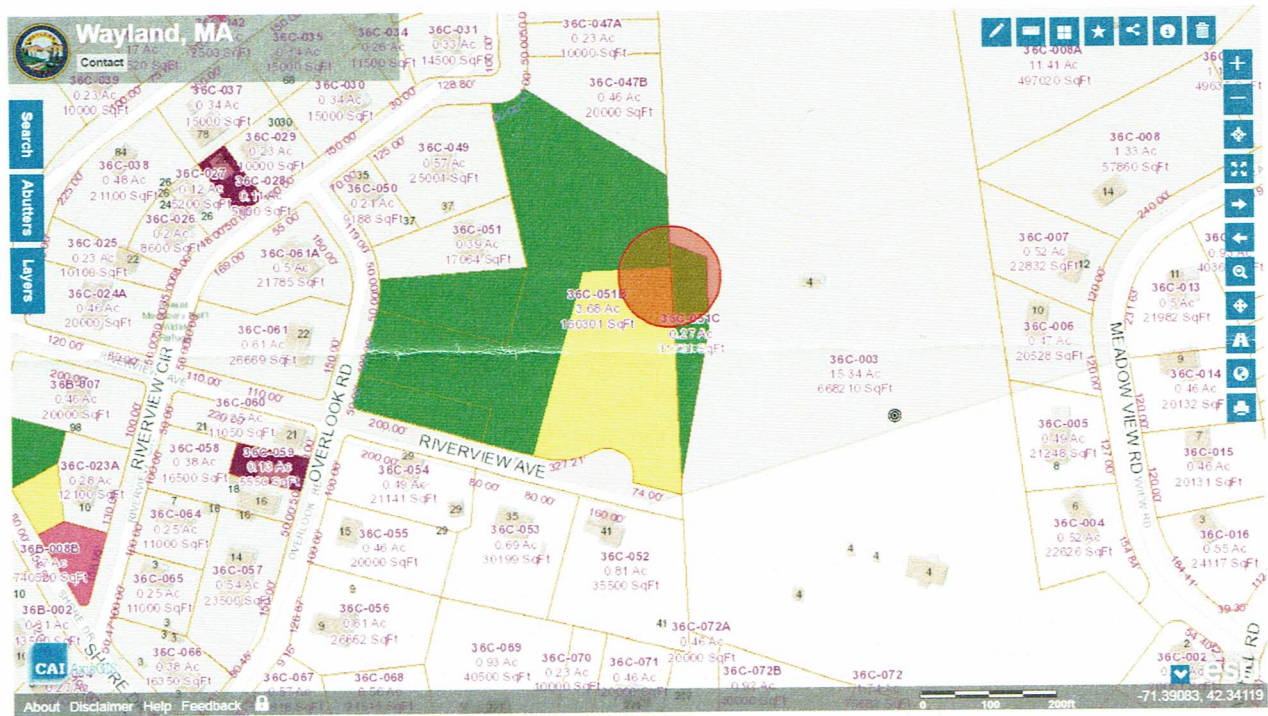
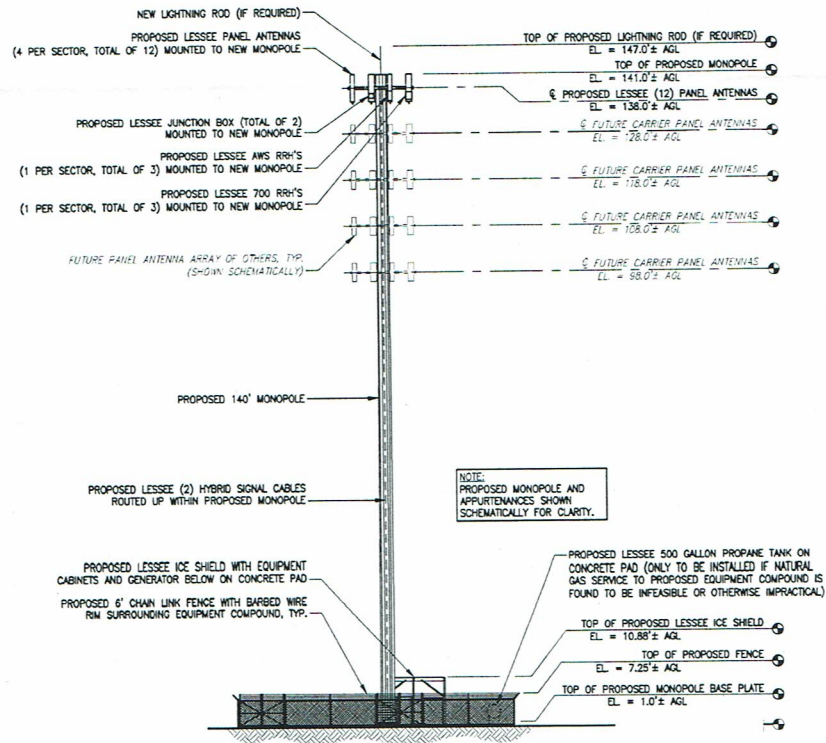


EXHIBIT B EXAMPLE OF TYPICAL INSTALLATION



MCLANE
MIDDLETON

RECEIVED

MAY 15 2017

**Board of Selectmen
Town of Wayland**

NPA

8

CHRISTOPHER A. SWINIARSKI
Admitted in MA and NH

McLane Middleton, Professional Association

45 School Street, 6th Floor
Boston, MA 02108

900 Elm Street
Manchester, NH 03105

Email: christopher.swiniarski@mcclane.com

May 12, 2017

Via certified mail, return receipt requested

Nan Balmer
Office of the Board of
Selectmen
41 Cochituate Road
Wayland, MA 01778

Kenneth "Ben" Keefe
Facilities Department, 2nd Floor
41 Cochituate Road
Wayland, MA 01778

Board of Public Works
41 Cochituate Road
Wayland, MA 01778

Sarkis Sarkisian, Town Planner
41 Cochituate Road
Wayland, MA 01778

Dr. Paul Stein
Superintendent of Schools
41 Cochituate Road
Wayland, MA 01778

Geoffrey Larsen
Building Commissioner
41 Cochituate Road
Wayland, MA 01778

RE: Proposed Wireless Communication Facility – Wayland Locations

Ladies and Gentlemen:

This firm represents Cellco Partnership, d/b/a Verizon Wireless ("Verizon") in connection with developing wireless communications facilities in various areas of the country. Verizon currently has several gaps in coverage in the Town of Wayland that it is trying to address and remedy. Verizon has been searching diligently for the most viable alternative to address the aforementioned gaps in coverage, and that search includes, among other things, contacting various departments of municipal officials in Wayland to locate a facility on a property owned by the town or on a property preferred by the town. A table of the attempted communications made by Verizon to work with the town in siting facilities is attached hereto as Exhibit A.

From our numerous attempts to gain input from the town regarding siting locations to address our gaps in coverage, it appears to us that the town does not have an interest in offering input or suggestions to our siting locations. Nevertheless, we are sending you this communication as a final request and attempt to confirm the same. Specifically, we would be interested in siting facilities at the town owned sites set forth on Exhibit B, and would welcome your input on any other locations, municipal or private, that would be preferable to the town. We would greatly appreciate a meeting to discuss these matters with any of you, or any input that you may want to share.

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

We are moving forward with the permitting process on the first of our privately owned locations, and hope to hear from you with any input. Thank you for your attention, and please feel free to contact me at the email address set forth above with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CS' or similar initials, written in a cursive style.

Christopher Swiniarski
Attorney for Verizon Wireless

EXHIBIT A
Table of Attempted Communications with Town of Wayland Officials

Type	Date	Sent From	Sent to	Purpose
Email	2/25/2015	David Tivnan	Nan Balmer	Inquire about RFP for town land
Email	6/29/2016	Chris Swiniarski	Sarkis Sarkisian; Nan Balmer	Introduction to set up time to meet
Phone	8/31/2016	Chris Swiniarski	Ben Keefe	Coordinate meeting with town
Email	8/31/2016	Chris Swiniarski	Ben Keefe	Follow-up on phone call
Email	9/7/2016	Chris Swiniarski	Ben Keefe	Set-up dates to meet to discuss proposal
Phone	9/8/2016	Ben Keefe	Chris Swiniarski	Set-up dates to meet to discuss proposal
Email	9/8/2016	Chris Swiniarski	Ben Keefe	Confirm meeting date & time
Phone	9/19/2016	Ben Keefe	Chris Swiniarski	Request for materials prior to meeting with Town
Meeting	9/22/2016	n/a	n/a	Chris Swiniarski and Dave Tivnan meet with Ben Keefe regarding proposal - all other officials cancelled day of meeting
Email	10/4/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Phone	10/21/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Phone	11/21/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Email	11/28/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Email	1/16/2017	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Phone	3/27/2017	Tyler Haynes	Sarkis Sarkisian	Introduction re proposal and to set up time to meet
Phone	3/29/2017	Sarkis Sarkisian	Tyler Haynes	Introduction re proposal and to set up time to meet
Email	4/3/2017	Tyler Haynes	Sarkis Sarkisian	Confirm moving forward with location and attempt to set up meeting
Phone	4/6/2017	Sarkis Sarkisian	Tyler Haynes	Returning call; stated "not worth meeting with town"
Phone	4/23/2017	Tyler Haynes	Geoffrey Larsen	Call per Mr. Sarkisian's suggestion
Phone	4/23/2017	Geoffrey Larsen	Tyler Haynes	Returning call
Phone	4/24/2017	Tyler Haynes	Geoffrey Larsen	Call per Mr. Sarkisian's suggestion to discuss application

EXHIBIT B

Municipally Owned Properties where Verizon has Interest in Siting Facilities

1. Northern side of Wayland high School Campus – Baseball Field Area
2. Southern side of Wayland high School Campus – South or Southeast of Soccer Fields
3. Pod Meadow fields and Surrounding Areas
4. Wayland Middle School – Lands surrounding Campus
5. Town Owned Land South of Sandy Burr Country Club and East of Sudbury River
6. Town Owned Land South of Sandy Burr Country Club and West of Sudbury River
7. Town Owned Land South of Sandy Burr Country Club and South of Sudbury River
8. Town owned parcels surroundings Clay Pit Hill Road and Glezen Lane Area
9. Any Other Town Owned Land Preferable to the Town

BoPW Meeting 6/27/2017

DPW Director's Operational Report

DPW Director's Report

June 27, 2017

Water Division

Treatment

- 2 pneumatic valves were replaced on Treatment Skid 2 due to failures
- Rebuilt 1 side of the Sand Filter beds at Water Treatment Plant
- Monthly Chlorine day tank cleaning completed at all stations
- Monthly Ozone Monitoring equipment maintenance
- Monthly Chemical usage reports completed and sent to DEP

Distribution

- Gate valve boxes were replaced ahead of Summer Paving on Main Street, Shawmut, Harrison
- Assisted Prowler Leak Detection Services with pinpointing several leaks discovered during their survey
- Repaired Water Main Break on Rice Spring Lane (found during Leak Detection)
- Repaired Water Service Leak at 24 Fuller Road (found during Leak Detection)
- Repaired Water Service Leak at 49 Fuller Road (found during Leak Detection)
- Distribution Crew assisted Treatment Staff with Cleaning of Ozone Contact Tank and associated piping in plant.
- Assisted Treatment Staff with cleaning and re-building sand filter beds

Highway & Park Division

- 62 Service Requests Completed
- Berm installed and all structures raised on Main St, Damon St, Bradford St, Harrison St, and Shawmut Ave.
- Conducted 10 Burial Interments
- Responded to 7 Sign requests
- Responded to 10 pothole complaints
- Dug and poured headstone foundations
- Prepared Town Beach for season opening
- Assist with Memorial Day preparations
- Responded to 4 police call-ins for down trees

Transfer Station Division

- In FY2017, 1936 Full Stickers were sold. Of those, 1345 were paid by check (69%), 475 were paid by credit card on-site (25%), and 116 were purchased online (6%). In FY2016, 2083 stickers were sold (7% decrease).
- In FY2017, 197 Recycle-Only Stickers were sold. Of those, 156 were paid by check (79%) and 41 were paid by credit card on-site (21%). In FY2016, 207 were sold (5% decrease).

BoPW Meeting 6/27/2017

Board Members' Reports, Concerns, and Updates



WAYLAND BOARD OF PUBLIC WORKS

TOWN OF WAYLAND

66 River Road, Wayland, Massachusetts 01778-2697

(508) 358-3672 • FAX (508) 358-4082

W. Prescott Baston, Chair

Michael Lowery, Vice Chair

Thomas Abdella

John Mishara

Michael Wegerbauer

June 16, 2017

To: Wayland Planning Board
From: Wayland Board of Public Works

Subject: Suggested policy regarding return of bond held for street construction

The Board of Public Works requests that the Planning Board vote to adopt a policy stating that:

The Planning Board shall not consider the return of funds held for road construction until after the Board of Public Works as Road Commissioners have adopted an Order of Layout and filed the layout with the Town Clerk. (See attached memo from Mark Lanza dated July 25, 2002).

Or you may wish to consider a more stringent policy which would wait until Town Meeting had accepted the road.

Thank you for your consideration.

Wayland Board of Public Works

W. Prescott Baston, chair

(Board of Public Works voted 3-0-0 on 6/13/17)

cc: Geoff Larsen, Building Department
Nan Balmer, Town Administrator
Zoning Board of Appeals

Enclosure (1): July 25, 2002 Street Acceptance Procedure



TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358 7701
FAX: (508) 358-3627

July 25, 2002

BY HAND

Joseph T. Laydon
Town Planner
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

RE: Acceptance of Subdivision Streets as Town Ways

Dear Joe:

You have asked me to briefly describe the steps in the road lay out and acceptance process for subdivision streets. The following actions are required by law in order to lay out and accept subdivision streets as town ways, after the Planning Board has determined that the road has been completely constructed in accordance with the approved subdivision plan.

1. Road Lay Out Plan

A plan must be prepared by a registered land surveyor or civil engineer showing the road layout (boundaries). If the road is accurately shown on a recorded subdivision plan or an as built plan, no new plan need be prepared.

2. Notice of Intention to Lay Out a Town Way

At least seven days prior to the Board of Road Commissioner's ("BORC") vote to lay out a way, the BORC must give notice, by in hand delivery (Constable) to the persons whose land will be taken or otherwise acquired for such purpose. The notice should state the date, time and place of the BORC's meeting at which the road lay out will be discussed and voted on. A public hearing is not required, but is recommended. M.G.L. c. 82, §22.

3. Lay Out Vote

The road lay out is accomplished by a vote of the BORC to lay out the road as shown on the layout plan. M.G.L. c. 82, §21.

4. Planning Board Recommendation

All proposed lay outs of town ways must be referred to the Planning Board for a recommendation. The lay out cannot take effect until the Planning Board renders its report or forty-five days have elapsed without a report. M.G.L. c. 41, §81H or §81I.

5. Filing of Layout Plan and Report

The lay out plan must be filed in the Office of the Town Clerk along with a report of specifying the manner in which the way is laid out with a description of the location and the bounds of the way. M.G.L. c. 82, §23.

6. Town Meeting Vote of Acceptance

Not less than seven days after the lay out plan is filed in the Office of the Town Clerk, the way must be accepted as a town way by majority vote of a town meeting. M.G.L. c. 82, §23.

7. Acquisition

If the land comprising the accepted town way is going to be acquired by an eminent domain taking or deed(s) (purchase or gift), the order of taking or deed(s) must be recorded with the registry of deeds within 120 days after the termination of the town meeting at which the lay out was accepted. M.G.L. c. 82, §24.

8. Permanent Bounds

The BORC must cause permanent bounds to be erected at the termini and angles of all ways laid out by them. The developer's installation these bounds as required by the Planning Board's Subdivision Rules and Regulations (Page 32) satisfies this requirement. M.G.L. c. 86, §1.

If you have any questions about the foregoing procedures, do not hesitate to contact me at (978) 369-9100 or e-mail me at mjlanza@attbi.com.

Sincerely yours,

Mark J. Lanza

Mark J. Lanza
Town Counsel

MJL/ms
cc Board of Road Comm'rs

BoPW Meeting 6/27/2017

**Topics Not Reasonably Anticipated by the Chair 48 Hours Prior
to Posting**

BoPW Meeting 6/27/2017

Review and Approve the Minutes of the 6/13/2017 Meeting

WAYLAND BOARD OF PUBLIC WORKS

DPW Facility
66 River Road
Wayland, MA 01778
June 13, 2017

MEETING MINUTES DRAFT

Present: W. Baston (Chair), M. Lowery, J. Mishara, M. Wegerbauer, T. Holder (DPW Director)

Absent: T. Abdella

Meeting opened at 7:00 PM

Baston announced that the meeting is being recorded.

Baston reviewed the agenda.

Baston asked for public comment.

Public Comment

Judy Currier of 22 Algonquin Path appeared before the Board to support the use of the Route 20 South Landfill for bus parking.

Sheila Carel of 18 Joyce Road spoke in support of the comments made by Correa.

Irrigation Application Review – 8 Dylan’s Circle

Steve Breitmaier of 8 Dylan’s Circle appeared before the Board to discuss the irrigation application for 8 Dylan’s Circle.

Lowery urged Breitmaier consider the installation of a subsurface drip irrigation system.

Mishara made a motion to approve the irrigation permit for 8 Dylan’s Circle as submitted.

Lowery 2nd.

Baston and Mishara in favor, Lowery opposed.

Items Included in the Packet for Discussion
- 8 Dylan’s Circle Irrigation Application

Items Distributed for Discussion
- Dylan’s Circle As-Built Plans

Irrigation Application Review – 51 Maiden Lane

Lowery noted that the review of the irrigation application for 51 Maiden Lane will be delayed until a future meeting.

Items Included in the Packet for Discussion

- 51 Maiden Lane Irrigation Application

Review of Letter to Planning Board Regarding the Release of Bonds

Mishara suggested the first paragraph of the letter to the Planning Board be eliminated.

The Board noted typographical corrections to the letter.

Lowery made a motion to accept the draft of the letter to the Planning Board as amended, and requested that the amended letter be sent to the Planning Board.

Mishara 2nd, all in favor.

Items Included in the Packet for Discussion

- Draft letter to Planning Board from Board of Public Works re: Suggested policy regarding return of bond held for street construction

Discussion on the Incorporation of the Scope of Service Provided by the School Dept for Inclusion in the Weston & Sampson Study of the Route 20 South Landfill Site

Holder discussed the nature of the proposal by Weston & Sampson as well as the request by the School Department to supplement the proposal.

Baston suggested that the needs of the DPW be examined separately from the needs of the School Department.

Lowery suggested changes to the language of the proposal to clarify that the proposal is asking for permitting for both uses.

The Board discussed the timeframe for the completion of the study, as well as permitting and construction, noting that the process will likely be lengthy.

Lowery requested that the School Committee update the Board on the status of their 4/2015 letter concerning the protection of the Happy Hollow Wells.

Lowery made a motion that the Board approves the Weston & Sampson proposal with the revisions noted.

Mishara 2nd, all in favor.

Items Included in the Packet for Discussion

- 6/7/17 Weston & Sampson Proposal for Engineering Services

Discussion of Board Policy Concerning the Purchase of Properties within the Zone 1

Holder noted that the DPW was approached by the owner of 24 Glezen to inquire if the Board had an interest in purchasing the property.

Lowery requested that the Health Department be asked to confirm that the septic system on the property is satisfactory.

Lowery suggested that the construction of a small wastewater treatment plant be considered for homes whose septic systems are currently within the zone 1.

Baston suggested that a letter to Board of Health be drafted regarding the concern for septic systems located in Zone 1 areas.

DPW Director's Financial Report

Holder reviewed the operating budget.

Holder discussed the FY2018 operating budget, noting pending expenses related to storm water management.

Holder suggested that the Board consider a Fall Town Meeting article concerning MS4 permitting.

Items Included in the Packet for Discussion
- 6/9/2017 DPW Financial Report

Review and Approve the Minutes of the 5/23/17 Meeting

Baston noted that Jane Capasso also attended the WWMDC Oversight Meeting.

Lowery noted a typographical correction on page 5.

Lowery made a motion to accept the minutes of the 5/23/17 meeting as amended.

Mishara 2nd, all in favor.

Items Included in the Packet for Discussion
- 5/23/2017 BOPW Meeting Minutes Draft

Water Rate Discussion with David Fox

Holder noted that Fox was unable to attend, and the decision was made to continue the rate evaluation in-house with Town Engineer Paul Brinkman.

Brinkman presented a Power Point water rate discussion to the Board.

Carol Martin and George Uveges, members of the Finance Committee, attended the water rate presentation and discussion.

[Wegerbauer arrived at 8:38 PM]

The Board discussed the status municipal water usage and billing.

Holder discussed with the Board additional information that may be needed prior to setting rates at the next meeting.

Items Distributed for Discussion

- 6/13/2017 Water Rate Discussion Power Point Presentation

Board Member's Reports, Concerns, and Updates

Lowery noted that he and Baston attended a recent Community Preservation Committee (CPC) meeting to seek funding to restore the Castle Gate Pillars.

Baston noted that the CPC will seek a warrant article for Fall Town Meeting to designate CPC funds to restore the pillars.

Lowery expressed his concern for signs placed at the Transfer Station, and noted that there is currently no policy in place concerning their placement there.

Lowery asked about the status of a malfunctioning catch basin at the library.

Holder discussed the issue, noting that it involved a part of the pre-existing drainage system, not the recently-completed work.

Lowery expressed his desire for Stone's Bridge to be transferred from the custody of the Highway Department to Park Department.

[Mishara departed at 9:23 PM]

Wegerbauer asked about the status of the Parkland and Charles intersection.

Doucette noted that the road has been marked and cut, and signage is scheduled to arrive shortly.

Baston noted that a Bow Road resident has asked for consideration of a 4th speed bump.

Holder replied that he does not recommend that a 4th speed bump be considered.

Wegerbauer asked about the status of the easement needed for the Happy Hollow Access Road.

Holder noted that the Habitat for Humanity is currently working to complete the easement.

Baston asked the Board to consider additions for the proposed Board Policy Book.

Items Distributed for Discussion

- *Wayland Community Preservation Act Project Application for the Restoration and Preservation of Castle Gate Stone Pillars*
- *DPW Policy Book Draft*

Executive Session to Review and Approve the Executive Session Minutes of the 5/23/17 Meeting

Baston made a motion that the Board of Public Works enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to review and approve the executive session minutes of the 5/23/2017 meeting.

Lowery 2nd.

Roll Call Vote: Lowery – aye, Baston – aye, Wegerbauer – aye.

Baston invited attendance by DPW employees Dan Cabral, Joe Doucette, and Tom Holder.

Baston noted that the Board will reconvene in open session in approximately five minutes for the purpose of adjourning.

The Board entered into executive session at 9:41 PM

The Board reconvened in open session at 9:45PM

Wegerbauer made a motion to adjourn.

Lowery 2nd, all in favor.

Meeting adjourned at 9:46 PM.

Respectfully submitted,
Daniel Cabral
DPW Office Coordinator-Administrator

BoPW Meeting 6/27/2017

Action Items

FOR FUTURE DISCUSSION

Irrigation Application Review – 51 Maiden Lane

Joint Meeting with Recreation Commission (July)

Discussion and Vote on Cemetery Rates and Fees (TBD)

Discussion of Historical Water Pumping Data (TBD)

Cellular-Read Meters public hearing (TBD)

Discussion of Town Temporary Sign Policy (TBD)

Heard Road traffic calming public hearing (TBD following consultation with Town Counsel and Conservation Commission)

Discussion of irrigation application process / irrigation system information sheet (TBD)

Review of the Water Abatement Policy (TBD)

Consideration of Articles for Fall Town Meeting (TBD)

FOR STAFF

Research status of cemetery fee deposits / allotment

Consider / research cemetery consultants

Explore Paper Shredding Day at Transfer Station

Parkland & Charles Intersection

MWRA Connection Study

Status of Happy Hollow Access Road easement

Wayland Country Club Material Storage