

## Cover Letter to DRAFT report #1-12-15-14

December 15, 2014

To: Board of Selectmen, Town of Wayland MA  
From: Council-on-Aging/Community Center Advisory Committee  
Subject: Our Response to Your Charge

The members of the committee recommend that the BOS submit an article to the 2015 Annual Town Meeting to request the funding required to perform the environmental testing and programming/design needed to create a plan for a combined CoA & Community Center on the site known as “the municipal pad” at the town center.

Appearing below are our responses to specific action items listed in our committee charge.

- Review space allocation for the existing structure and determine if it can be sufficiently re-configured for a COA/Community Center, and,
- Evaluate the need and feasibility of a second structure to supplement the existing structure if needed.

The committee finds that the existing 10,250 SF building on the site appears to be structurally sound and while undersized, well designed to serve as a CoA/community center. The original “classroom” space design can be easily modified to create offices, meeting rooms, lounge areas, classrooms, & exercise space; and, the footprint of the kitchen is adjacent to an area that can be easily converted into a large multi-purpose dining hall/auditorium that can be subdivided into two activity rooms. This offers greater flexibility for programming different activities of different sizes throughout the day.

The Massachusetts State Council on Aging recommends that communities build 5 to 6 sq. ft. of space to serve each member of the senior population. Using this recommendation, the optimal size for a facility in Wayland is 18,260 to 21,912 SF. . Therefore, the existing building at 10,250 SF is smaller than the recommended size for Wayland’s current senior population and will very likely need to expand to meet the needs of the senior population that continue to grow will peak in 2030. Because of these size constraints, the existing building will offer programming space for the Recreation Department after regular hours of CoA operations.. So, it is further recommended that an addition, or closely adjacent building, of approx. 10,000 SF be built. A facility of this size will not only meet the needs of seniors well, but, through cooperative planning & scheduling between the CoA and Recreation directors, will provide interior space for recreational programming designed to serve all age groups. This additional building could be built with second floor expansion capacity built into the structure for future needs.

It is worth mentioning that the site is a superior location, offering beautiful views of the river, proximity to the services of the town center, adjacency to the new Town Green, and easy handicapped access from a flat site.

- Review existing structure and materials to determine the level of renovations required,

Exterior materials appear to be sound. The interior was not completed and interior walls, floors, ceilings, HVAC, electric, security, fire suppression will all need to be completed. Assuming that the proposed new kitchen is a full commercial kitchen, not just a warming kitchen, the estimated cost to gut and rehabilitate the building and related site work is \$300 per SF.

- Work with COA and Recreation departments to maximize programming space

Meetings/Interviews were held with the directors of both departments. They are eager to cooperate in order to use any and all new space to meet the needs of the entire community. Regarding space design, other than the needed offices, a dedicated art studio, a dance/yoga studio, and the kitchen and dining area, most of the space should be flexible, multi-purpose space that can be adapted to multiple uses. It is important that storage space be supplied with each program space so that equipment, furniture, mats, etc., can be stored easily and moved from storage to use easily. Actual programming and design should be done by professionals.

- Work with Town resources and departments to accurately identify project goals and objectives,

Committee members met/spoke with the Building Inspector, the Conservation Commission, the Director of CoA, the Director of Recreation, the Historical Commission and advocates for a community boat house.

- Evaluate the cost and financing for Phase 1 (See attached cost estimate)
- Evaluate the possibility of generating income from room/facility rental.

The public rents privately owned spaces such as churches and temples in town for special activities. The most popular rental space is the Sandy Burr Golf Club, which can seat 110 people for a meal with presentation format. The Club charges \$800.00 for five hours. This space is used for fund-raising events, wedding receptions, anniversary parties, sweet 16 parties, and other celebrations.

An interview with the director of recreation in Natick revealed that high demand for

rental space in their building had become a problem for their staff because so many of their rooms are rented frequently. It appears that their rental rates should be raised. They rent activity space for events like children's birthday parties, and meeting space for outside organizations. The success of their rental program suggests a similar success may be attained in the Wayland Community Center.

In conclusion, the committee strongly encourages the BOS to finish the vision of the Town Center concept for this area, the vision being an active municipal building that will serve all Wayland residents in perpetuity. The town has never had a town center ever since parting with Sudbury. Engaging architectural and engineering services to take this concept to the bid phase will create for the town a classic New England Town Center of its own perched on the edge of the Sudbury River.

Attachments:

1. L-1-Construction/project development cost
2. L-2-Report on Committee Meetings, Discussions, and Analyses
3. L-3-Draft of Warrant Article

1/6/2015

Re: 5400.58-8-Study Fee for Wayland Community Center

Detailed professional studies will be required to determine whether it is feasible to locate a new Community Center including a parking lot for 100 vehicles at the Town Center site. Alterations to the existing building and a new addition would result in a Wayland Community Center that would accommodate the needs of the COA and the Recreation Department as well as the Historical Commission and the Veterans administration office. The study will include program review of all the user groups and a schematic design of the proposed building and site development sufficient for Conservation Commission (Con.Com.) review. The gross area of the existing building is 10,250 SF and proposed new construction is 11,285 SF, totaling 21,535 SF. Renovation of the existing building may be as low as \$150 to \$200/SF. More conservatively, at average costs of \$320/SF, the combined building construction budget would be \$6,891,200. An estimated inflation rate of 4% per year will increase the budget to \$7,442,496 for bidding in 2016.

#### FEE SUMMARY

The following is a breakdown of fees that may be anticipated for the architectural and engineering studies of the new Community Center in Wayland, focusing on conservation issues, site utilities and environmental constraints.

|   |                    |
|---|--------------------|
| Architectural & Engineering Study fee     | \$ 75,000.         |
| HAZMAT testing/reporting                  | \$ 4,500.          |
| 21 E Report                               | \$ 8,000.          |
| Additional provision for Con.Com. Review: |                    |
| • Survey with botanist                    | \$ 8,000.          |
| • Civil engineering and landscape design  | \$ 25,000.         |
| • Soil testing for drainage               | \$ 1,000.          |
| • Alternatives analysis                   | \$ 5,000.          |
| • Septic Layout                           | \$ 1,000.          |
| Expenses for Printing, etc.               | \$ 12,500.         |
| Contingency                               | \$ 10,000.         |
| <b>Subtotal</b>                           | <b>\$ 150,000.</b> |

Memo

12/12/14

To: Bill Sterling

From Jean Milburn

Subject: Public Letters to CoA/CC Committee

The CoA/CCAC invited public comment via an article in the Town Crier, notices sent home in the backpacks of school children and outreach to the Wayland Children and Parents Assoc. As of 12/11/2014, 33 letters have been received, 30 from citizens, 2 from the Director of Recreation and One from the Coordinator of the Community Partnerships for Children & Families. There were many suggestions made. Fully half of the letters seem to be from the parents of young children seeking indoor group space for gatherings.

It is notable that we received NO negative letter opposing a community center or an improved CoA facility. The most frequently mentioned theme was "Build community center space for use by all ages as well as seniors."

This is a brief summary describing the letters to this date, 11/29/14.

- Letters from Wayland residents: 30
- Letters from Wayland employees: 2(Recreation Director)(See separately, may details)
- Letter from Coordinator of the Community Partnerships for Children & Families program, position & program funded by a grant

Notable Themes appearing in Letters from Members of Public:

1. No anti-Senior-Center sentiment
2. Most frequent theme: "Let everyone benefit from and participate in a community center, not just the seniors."
3. Two persons wrote encouraging environmental testing/ due diligence.
4. Create indoor play spaces for young children & their parents.

List of desired spaces mentioned:

- Space for Parenting Workshops
- For-rent, incubator business office space
- Large Gathering Room for Events including Dances, Fund-raisers.
- Art Studio – natural lighting, sinks, storage, display space
- Pre-school play space with matts on floor
- Room with Tabletop Games Room – Ping-Pong, etc. (mentioned for seniors, youth, and days when there is no school for all ages)

- Youth Lounge for Hanging Out and playing games.
- A place for teens to congregate in the evening
- Quiet Space for Tutoring
- Kitchen suitable for food preparation and cooking classes
- Indoor Playground like “Jam Time or My Little Gym”
- Dance Studio with wood floor, mirrors, bar, for Pilates, yoga, ballet, aerobics
- Room with good acoustics for music classes and performances, could double as a AV presentation room for lectures and movies, and as space for theater classes. Small, not a full theater.
- Meeting space for clubs and community groups, in which they can organize.
- Rental Space for Party Functions.
- Gross Motor Space: Basketball court, Running Track , Pickleball, Squash, Racketball
- Meeting Rooms / Classrooms
- “Open, indoor space in which families can congregate”
- Space designed for young children
- Rehearsal space for Golden Tones
- Space & Programming to bring Youth and Seniors together.
- Greeting area w/reception desk, chairs, tables with lamps, literature stands
- Small food pantry for Seniors
- Hallways used for art exhibits
- Lots of Parking

#### Outdoors:

- Vegetable Gardening space elevated for seniors with wheelchair access
- Composting Space near kitchen recycling space.
- Space for outdoor gatherings of all kinds.
- Playground with swings and structures
- Picnic Area that doubles as outdoor classroom

#### Other Topics Raised

- Writer recommended that the schools make their space more available for public events
- .Letter from Doug Leard suggesting that the center be designed as a public shelter for use in severe emergency. Local Emergency Planning Committee (LEPC) Chair

## Article for Annual Town Meeting

Sponsor: Board of Selectmen

Date Received: January 12, 2015(rev)

Contact Person: Nan Balmer

Board Vote:

Date of Vote:

Title: Appropriate Funds for Due Diligence and Feasibility Design for a Proposed Council on Aging / Community Center at Wayland Town Center

Cost: \$150,000.

TEXT: To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Selectmen for the purpose of confirming program requirements, conducting review of site conditions, identifying permitting needs, and creating conceptual/schematic designs for a Council on Aging/Community Center building on the "municipal pad", the parcels of land located on and off Boston Post Road (Route 20) and Andrew Avenue in Wayland Massachusetts shown as Lot 4-1, Parcel R-20-1, Parcel R-21 and Lot 8-1 on a plan entitled "Plan of Land in Wayland, MA", dated December 12, 2013 prepared by Hancock Associates and recorded with the Middlesex South Registry of Deeds as Plan No. 1008 of 2013, a copy of which plan is on file in the Office of the Town Clerk. And, to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise, and to authorize the Town Administrator with the approval by the voters of the Town of Wayland to take any action necessary to carry out this program.

### **BACKGROUND:**

The "municipal pad" site at Town Center is due to be conveyed to the Town of Wayland as one of the last pieces of the development of Town Center. The site currently contains [40,000] sf of land and a [10,250] sf building. The building has a fully built structure and exterior, and partially finished "shell" interior (with metal studs only and no finishes). At the Board of Selectmen's direction two years ago, the existing building was left standing by Town Center developers, until such time as a use was identified for it, with the logic that a future use could most likely be integrated into the site at a significantly lower cost than building a new structure. If not, it could be easily demolished.

Now that the bulk of Town Center has been built out, the site is at an attractive location at the entrance of Town Center, with nearby shops and restaurants as well as the pending Town Green, hiking trails, and bike path. An initial review of the building has shown that the existing "shell" has a good, efficient internal layout and excellent reprogramming potential for town use.

### **PLANNING USE OF THE SITE:**

The initial concept for use of the municipal pad centered on tearing down the building, and building an all-new combined Senior Center and Library on the site. However, this proposed 40,000 sf facility, at a cost of approximately \$320/sf including design, construction and furnishings, would cost in the neighborhood of \$12.8 million. This would be a huge undertaking for a Town which has recently

undertaken a new \$45 million high school and \$12 million DPW building, and additionally was judged to be, with the parking requirements, too large for the site.

Since then, the Library has stepped away from this site and begun to examine alternate locations for a building of the size that they wish to propose, and the Council on Aging stepped forward, since the existing building could suffice for a large piece of COA's needs as a stand-alone structure. Recent efforts, research and discussion have revealed that many needs of the Recreation Department can be addressed by a space-sharing arrangement with the CoA, maximizing use of these new resources for all ages, so the goal has become to create a multi-generational senior/community center for the good of all residents in Wayland.

### **COUNCIL ON AGING / COMMUNITY CENTER ADVISORY COMMITTEE**

The Board of Selectmen created the Council on Aging/Community Center Advisory Committee (CoA/CCAC) on Nov. 17, 2014 and charged this advisory group with reviewing space needs and potential for reuse and use of the municipal pad, to determine:

1. if the existing building could be reconfigured to create a CoA/Community Center;
2. if a second supplementary structure was needed and feasible;
3. the level of renovations required;
4. how programming space for the COA and Recreation Departments can be maximized (in consultation with the departments);
5. project Goals in cooperation with Town resources and departments;
6. costs and Financing information available;
7. if the Town can generate income through room rentals.

The CoA/CCAC submitted a draft report to the BoS on Dec. 15, 2014 recommending that the existing building be renovated and that an addition be constructed to bring the total square footage up to 21,500 sf, the size recommended by the Massachusetts State Council on Aging for a senior population of the size living in the Town of Wayland. These buildings are to be designed to create space for:

- Council on Aging: Offices and Activity Rooms
- Recreation Department: Offices and Activity Rooms
- Veteran's Services
- Display of Wayland Historic Documents, Images & Objects (in entrances, hallways and meeting areas)

It is expected that the shared activity spaces could include:

- Room(s) for physical activities: dance, yoga, Pilates, martial arts, etc.
- Room(s) suitable for play and activities by young children
- Art studio space suitable for ceramics, painting, etc. (Potentially replacing the small art space at Fire station #2, releasing that space to meet fire department needs)
- Meeting rooms



- A 350-seat “great room” for events, shows and gatherings of all kinds with a commercial kitchen supporting the space, as well as suitable for cooking and nutrition classes. This space would be designed so that it could be rented by residents for private events, generating income. This space should be designed with sound-proof, moveable walls to divide the space for multiple uses.
- Drop-in areas for informal social interaction

The CoA/CCAC recommends that various programming, design and engineering “Due Diligence and Feasibility Design” efforts be performed to determine whether and how the site and building can be planned for the intended use. This article is to approve expending funds to complete these Due Diligence and Feasibility Design Efforts necessary to plan for this project, as described above. A future Town Meeting vote would be required to approve full design and construction of the project.

### **PROPOSED DUE DILIGENCE AND FEASIBILITY DESIGN EFFORTS**

Due Diligence and Feasibility Design will be conducted by third-party professionals as managed by BoS or their designees. Funds will be recommended for payment by BoS with actual payment of funds to be administered by the Board of Selectmen. The projected costs of such studies, as set forth herein, are based upon good faith estimates and working budgets based on market research for subsequent tasks. BoS or their designees will secure multiple bids from third-party contractors as required by law.

Due Diligence and Feasibility Design Efforts include the following tasks:

|   |            |
|---|------------|
| HAZMAT testing/reporting                                  | \$ 4,500.  |
| 21 E Report   | \$ 8,000.  |
| Additional provision for <a href="#">Con.Com.</a> Review: |            |
| • Survey with botanist                                    | \$ 8,000.  |
| • Civil eng., arch. and landscape site design             | \$ 25,000. |
| • Soil testing for drainage                               | \$ 1,000.  |
| • Alternatives analysis                                   | \$ 5,000.  |
| • Sewerage Layout   | \$ 1,000.  |

*Upon approval of Site Design only:*

Architectural & Engineering Study fee

|                              |                  |
|------------------------------|------------------|
| Space Programming            | \$15,000.        |
| Conceptual Design            | \$ 20,000.       |
| Expenses, Printing, etc.     | \$12,500.        |
| Schematic Design for pricing | <u>\$40,000.</u> |

|             |           |
|-------------|-----------|
| Contingency | \$10,000. |
|-------------|-----------|

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|                 |                    |
|-----------------|--------------------|
| <b>Subtotal</b> | <b>\$ 150,000.</b> |
|-----------------|--------------------|

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At the conclusion of these efforts, the Town of Wayland will have a program, and probably alternative programs, which will be fully analyzed, schematically designed, and can be preliminarily priced for construction, so that the Town can collectively make an informed decision at a future Town Meeting as to the scope and costs of any proposed project, and whether and how to proceed with the undertaking. Alternative programs could include a plan to demolish the existing building, if there are compelling reasons to do so, and build entirely new structures.

### **LAND JURISDICTION & USE LIMITATIONS**

The property subject to the due diligence in this proposal consists of the parcels of land located on and off Boston Post Road (Route 20) and Andrew Avenue in Wayland Massachusetts shown as Lot 4-1, Parcel R-20-1, Parcel R-21 and Lot 8-1 on a plan entitled "Plan of Land in Wayland, MA", dated December 12, 2013 prepared by Hancock Associates and recorded with the Middlesex South Registry of Deeds as Plan No. 1008 of 2013, a copy of which plan is on file in the Office of the Town Clerk. At the time that this article was written, this parcel was owned by Twenty Wayland. Agreements between the Town of Wayland and Twenty Wayland provide for a municipal pad of 40,000 sq. ft. to be made available to the Town. The BoS will complete legal control of the parcel before any construction begins.

This municipal pad site is subject to an environmental Activities and Use Limitation (AUL) based on the site cleanup prior to Town Center. Detailed information about the condition of the site and mediation efforts are found at: Raytheon Remediation of the Former Raytheon Facility in Wayland MA <http://raytheon.erm.com/home.htm>

Any and all uses on site would be planned and designed to be in compliance with relevant Massachusetts Department of Environmental Protection standards.

The site abuts the Sudbury River and associated wetlands. Any design and usage will be reviewed with the Wayland Conservation Commission for compliance with DEP standards, and funds are included in the Due Diligence Efforts to complete this review.

### **COMMUNITY OUTREACH**

The CoA/CCAC have reviewed the concept with representatives of the Council on Aging, the Recreation Department, the Planning Board, the Historical Commission, the Conservation Commission, the Finance Committee and several community groups, with positive feedback. The CoA/CCAC will continue to coordinate with these groups and other interested parties in planning for this site on an on-going basis, as requested by the BoS, to ensure that concerns are addressed and mitigated, and that community feedback is integrated into the project design.

### **FUTURE FUNDING OF THE PROJECT**

If the existing building alone were to be renovated, the potential cost to fully design, construct and furnish the partial senior/community center is estimated be in the neighborhood of \$1.5 – 2 million (but this is subject to design and further investigation, which is the primary purpose of this design and due diligence effort, to confirm this number with more certainty. If any addition were to be added to the existing structure, at perhaps [11.5k sf @ \$320/sf = \$3.68 million], this would bring the facility up to the recommended state standards, still at a cost well below that of a new facility. The scope of any addition would be carefully studied and designed to meet Wayland's specific senior/community uses in a cost-sensitive manner. The construction of such an addition or an entirely new building will be subject to

future Town Meeting vote, and the efforts herein will provide the information needed for voters to make any such decision.

#### **ARGUMENTS IN FAVOR:**

- The existing building at the municipal pad represents a unique opportunity for the Town of Wayland. Since it is built and readily adaptable, many costs typically undertaken by a town to create a senior or community center are already paid. For less than the typical cost of a new building, this existing building can be finished for new uses for Wayland's future.
- Since 2006, the plan for the Town Center development has included this benefit of a municipal building pad gift. The Town Center project is approaching complete build-out, and the BoS is negotiating for transfer of the site. The timing is right to move forward with specific planning for Wayland uses on the site.
- The proposed funding will provide all the meaningful information needed to evaluate the scope and cost of a potential senior/community center, so that at a future Town Meeting voters can be fully informed as they decide whether and how to proceed with any center at the municipal pad.
- Twenty-five percent of Wayland residents are 60+ years old and eligible for local, state, and federal programs and services. These seniors are underserved by inadequate facilities, squeezed into 2500 sf space at Town Building and a patchwork of other scattered resources. State guidelines recommend [18,000-21,000] sf for a senior center, and surrounding towns are well ahead of Wayland in providing these resources. Wayland's senior population is growing and is expected to peak at 30% of the town population in 2030 before declining, and this site represents an optimal, well-located, cost-effective way to meet this essential need.
- This facility can be designed as flexible space that will serve citizens of all ages by managing program schedules. Relocating the staff of the recreation department to this new building will allow close coordination of shared space and resources, so that the rooms and spaces are used to their full potential and services can be streamlined.
- Existing offices used by Recreation and CoA staff make inadequate provision for resident privacy when disclosing issues related to personal financial information, health information, disabilities, and mental health issues. Better office space will provide privacy and dignity for residents.
- New indoor recreation space will create play space for young children sought by the Wayland Parent and Children's Association.
- Locating the senior/community center at the municipal pad increases its visibility & places it in a walkable community so that residents can walk to shops, restaurants, housing, health club, medical offices without having to drive between these uses.
- Parking at Town Building is full to overflowing during many senior events, with the population of users only growing. Adequate parking can be provided at the municipal

pad, with overflow parking readily available in the nearby Town Center lots and on-street parking for peak events.

- Even if the proposed senior/community center is not passed at Town Meeting, the due diligence on the municipal pad and the programming for future senior/community uses information will still be useful, as both issues must be addressed eventually.

#### ARGUMENTS AGAINST

- Some may feel that providing better facilities for seniors is not a priority at this time.
- Some may feel that providing better indoor facilities for recreation is not a priority at this time.
- If an addition were to be contemplated, although the overall costs are well below other towns' new costs, some still fear that any increased debt could affect the Town's credit rating by Moody's.
- Some fear that the site selected may have environmental issues or be too close to the Sudbury River.
- Property taxes may increase.
- Some fear that the Town will be expending \$150,000 without having control of the land yet.
- Some may feel that alternative sites with better potential have not been adequately explored.

#### **Exhibits**

1. Map of the entire Town Center Property – highlighted relevant plot
2. Detailed map of relevant plot
3. Exterior Photo of Existing Building. Photo of site location for addition.
4. List of links to relevant websites:
  - a. Council on Aging-[www.wayland.ma.us/Pages/WaylandMA\\_COA/index](http://www.wayland.ma.us/Pages/WaylandMA_COA/index)
  - b. CoA/CCACCommittee-[http://www.wayland.ma.us/Pages/WaylandMA\\_bcomm/COA-CCAC/index](http://www.wayland.ma.us/Pages/WaylandMA_bcomm/COA-CCAC/index)
  - c. Recreation Department [www.wayland.ma.us/Pages/WaylandMA\\_Recreation/index](http://www.wayland.ma.us/Pages/WaylandMA_Recreation/index)
  - d. Raytheon Remediation of the Former Raytheon Facility in Wayland MA  
<http://raytheon.erm.com/home.htm>
5. List of other towns' senior and community center facilities – size
6. Exhibit: Capacity Issues in Wayland's CoA and Recreation Programs vs. Activity Spaces



# Town of Wayland Massachusetts

## **Council on Aging / Community Center Advisory Committee**

Frank Krasin, Co-Chair

Steven Correia

Ken Isaacson

Ben Keefe, ex officio

Carol Martin

Jean Milburn

Andrew Reck

Julie Secord, ex officio

William Sterling, Co-Chair

## Council on Aging/Community Center Advisory Committee (CoA/CCAC)

### Capital Improvement Report

December 15, 2014 (revised 01/16/2015)

The CoA-CCAC recommends that the Board of Selectmen (BOS) proceed with an article in the town warrant to request funding to design a community center suitable for the town center municipal pad and to obtain all required environmental reviews of the site. A community center that is 18,000 SF to 22,000 SF with a combination of both dedicated senior space and shared activity rooms for recreation by folks of all ages seems appropriate. This center should be designed to improve the indoor venues for services offered by both the CoA and the Recreation Dept.

The BOS faces three basic options:

- a. Renovate the existing building (10,200 SF) and add related parking (100 spaces).
- b. Same as “option a” plus added space for expanded programs (up to about 20,000 SF due to site capacity limitations).
- c. Demolish the existing building and build a new one (up to about 30,000 SF due to site capacity limitations) outside the river setback line and related parking (100 spaces minimum).

It is anticipated that the design and a proposal to build the community center could be brought to a future town meeting no later than Spring 2016.

The Long-Range Planning Working Group has considered the following criteria for prioritizing capital projects. Seeing the benefit of such clearly defined categories for discussion, the CoA-CCAC has adopted these criteria as a framework for presenting our arguments supporting the Community Center project.

### I. Consistency with community goals and plans

- a. The proposed CoA-Community Center completes the Planning Board’s original vision of placing an active municipal facility at the new town center, an action intended to elevate the development from a “shopping center” to a place that citizens congregate for many life activities.
- b. Adding a Recreation Department arts center at this location allows for the removal of the present art center at Fire Station #2, freeing up that space for other planned town use; and helping meet the needs of the community for adequate space to run new programs such as painting, drawing, pottery, etc.
- c. Adding trails that connect the municipal pad site to a proposed new boat house on the river and to existing trails to the north completes the concept of creating an “emerald bracelet” in Wayland’s



# Town of Wayland Massachusetts

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river front. It also connects to the Rail Trail, a bicycle path that is planned to come to the town center along the nearby abandoned railroad right of way.

d. Wayland has never had a true Town Center in the traditional sense of most other New England towns. Adding a central indoor and outdoor gathering place for the community at large that is close to other amenities, a town green is a desirable goal that this proposed project could achieve.

## II. Public Health/Safety

- a. The CoA offers a variety of public health services, including: A collaboration with BayPath Elder Services and Wayland Council On Aging enables home Delivered Meals to be provided to nutritionally jeopardized elders as well as a social connection for Wayland recipients on a daily basis. Other public health and safety initiatives through the Wayland COA include: ongoing education programs for emergency preparedness, private nutrition counseling, demonstration workshops, fitness programs (aerobics, tai chi, better balance, zumba, etc). COA also coordinates with Board of Health for administration of flu shots, shingles vaccine, blood pressure clinics; programs addressing prevalent scams and fraud prevention; provision and distribution of "File of Life" packets for the community; collaboration with Fire Department for installation of smoke detectors, carbon monoxide alarms and house numbers as needed for Wayland seniors. The CoA also coordinates with Springwell Protective Services in cases of elder abuse.
- b. The Recreation Department could offer fitness programs that are aimed at reducing childhood obesity and other health and fitness issues, and could allow for other important programs and events such as teen events, child events, and much more; all of which is important for the mental health of community members, by enabling residents to connect and engage with each other in a community center setting.
- c. Community boating, trails and boardwalks may make programs possible that educate the general public on environmental and boating safety.

## III. Mandates/ Legal Requirements/ Recommendations

- a. There is a federal mandate that every community offer services to aid the senior population. In response to that mandate, the MA Council on Aging recommends that every community in the Commonwealth provide a facility that ranges between 5 SF to 6 SF per senior resident. With Wayland's senior population (over 60) at 3,652, the recommended senior center size is therefore 18,260 SF to 21,912 SF. The current CoA facility is 2,500 SF, but makes use of about 7,500 SF of various other spaces in the town building as well as rental space at the Trinitarian church in order to offer the variety of activities required for the 3,652 senior residents in Wayland. Seniors are now over 25% of the town's total population. With the continued rise in aging "Baby Boomer" generation, that figure is expected to approach 30% of Wayland's population in the next ten years. This suggests it is prudent for the town



# Town of Wayland Massachusetts

## **Council on Aging / Community Center Advisory Committee**

|                        |                          |                            |
|------------------------|--------------------------|----------------------------|
| Frank Krasin, Co-Chair | Steven Correia           | Ken Isaacson               |
| Ben Keefe, ex officio  | Carol Martin             | Jean Milburn               |
| Andrew Reck            | Julie Secord, ex officio | William Sterling, Co-Chair |

to anticipate expanded senior programs and increased senior participation for the next decade.

- b. Although there are no legal mandates for the town to provide recreational facilities and services, there are comparisons with other towns of similar demographics that suggest Wayland Recreation Department offers a lower quality and quantity of facilities and services than offered elsewhere. (See Gale Report, dated 2010). For example, the undersized gym in the town building (6,875 SF) is overbooked. (See the attached letter from the Recreation Department regarding inadequate gym facilities.) In addition a pent-up demand for programs and related spaces that promote the arts and other community gatherings is evident from the letters that have come from the community. The present arts center at Fire Station #2 is comprised of two classrooms and a kiln (1,319 SF). Moving the arts center to the town center municipal site as part of the new community center offers the opportunity to expand the arts facility to include new recreation department programs in the visual and performing arts . Therefore, a community center that is in the range of 18,000 to 22,000 SF with a combination of both dedicated senior space and shared recreation department activity rooms for folks of all ages seems appropriate. Staggered hours of programming for citizens of all ages will make the facility useful up to 12 hours a day, seven days a week.
- c. The river front trails are required to be connected with new trails constructed by 20 Wayland in the original development agreement with the town.

## IV. Maintains/Improves standard of service (See attached list of community requests.)

- a. At its current location, the CoA staff has struggled to maintain its standard of service as the senior population grew 47% in the last nine years. Not only are residents aging in place without moving away, but new retiree residents are moving into Mainstone and other retirement oriented condominiums. Demographic projections are for the senior population to continue to grow and approach 30% of the town in the next 10 years. The national senior population will grow until 2030 when the last of the Baby Boomers turn 65. The Council on Aging is inundated daily with calls from the families of older adults aged from 60 to their late 80's who are unable to maintain their independence, financially or medically. Even in a well-to-do suburb like Wayland there are many older adults who rely on fuel assistance, food stamps and free cell phones while trying to live alone with chronic medical conditions. Of particular concern about the present CoA offices is the lack of private office space for confidential client meetings about dementia, health care, and financial matters. The proposed new design addresses that concern by providing additional closed meeting space for staff to use when discussing confidential matters.
- b. The Recreation Department Director has submitted a long list of requests for interior space and equipment for programming. Presently, much of the Town's recreation programming is





# Town of Wayland Massachusetts

## **Council on Aging / Community Center Advisory Committee**

|                        |                          |                            |
|------------------------|--------------------------|----------------------------|
| Frank Krasin, Co-Chair | Steven Correia           | Ken Isaacson               |
| Ben Keefe, ex officio  | Carol Martin             | Jean Milburn               |
| Andrew Reck            | Julie Secord, ex officio | William Sterling, Co-Chair |

directed to private for-profit vendors in Wayland and adjacent towns when no suitable facility is available. (See attached letter from Recreation Department dated Nov. 6, 2014.)

- c. Improved access to the river for passive recreation, educational opportunities and historical/archeological display and demonstration would be highly desirable along the river front, providing greater access to the Great Meadows Wildlife Sanctuary. Trails, boardwalks and a boathouse for storage of canoes and kayaks would greatly improve Wayland's standard of service to the community.
- d. Wayland no longer has a VFW building or any dedicated veterans' space. The current VA office is a shared space within the current CoA. Adding a VA office in the new community center will fill the need for serving our veterans in a place that has a warm and inviting social atmosphere.

## V. Extent of Benefit

- a. With the proposed community center, the CoA would be able to offer a variety of public health services, expanded health and fitness programs, art classes and continuing education to the senior population.
- b. With cooperative scheduling, the recreation department will be able to use the new space to offer programming to persons of all ages. With potential expansion to the existing building the Recreation Department would be able to offer larger classes in painting and pottery to residents of all ages in after school, evening and week-end programs. Adding a full-size gym or large recreation space would offer great benefits and options for growth.
- c. Outdoor trails and river access would be expanded and open to all citizens of all ages.

## VI. Related to Other Projects

- a. Moving the CoA to the town center site frees up space in the present town building for other uses.
- b. The Recreation Department could expand its offerings to the community to include performance art classes, dance, musical programs, movies and teen dances.
- c. The Historical Commission's inadequate storage and display space for valuable pre-Columbian artifacts and Colonial era materials could be remedied by incorporating their program needs into the new community center. Archeological artifacts that are discovered in the proposed development area may delay the project and increase the cost of construction if special demands are imposed by such discoveries. The Historical Society is also interested in displaying their collections at this facility.

## VII. Public Perception of Need

- a. The current CoA space is known to be an undersized facility with only one activity space in a public hallway under its control. As a result CoA programs are often cancelled or relocated to inferior space due to last minute scheduling pressures from other departments. There is





# Town of Wayland Massachusetts

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limited access to the existing gym - only one program per week, even though the demand exists to use it every day for larger classes, expanded health and fitness programs.

- b. There may be a greater actual need for recreation improvements than the general public perception of its needs. The Recreation Department serves the athletic programs well, but due to a lack of physical spaces to offer programs in the arts, it is dependent on the availability of school facilities for after school and summer programs. Some public perception among parents of young children is that there is an un-met demand for programs in the arts for children during after school hours and for adults.
- c. Though there has been an effort to improve river front access, walking trails and the bike trail for Wayland residents, the general population needs to be better informed about the latent potential of having so much river frontage and access to wildlife preserves. As one resident commented, "Unlike most other towns in America, Wayland has so much open space it is like living in the middle of a public park."
- d. Based on the thirty (30) plus letters received, there appears to be a strong need for small group meeting rooms, activity spaces and gathering spots for adults as well as children.

## VIII. Efficiency of Services

- a. By gaining dedicated activity rooms and more efficient offices, the CoA will be able to schedule activities and services without risk of being relocated or canceled.
- b. The Recreation Department would also gain more dedicated room for expanded programs under their direct control.
- c. The Historical Commission would gain storage space, office space and display space to better offer educational programs about archeology, the native American culture of pre-colonial and post-colonial Wayland.
- d. Combining some of the facilities used by the CoA and the Recreation Department recognizes that the age distribution of town residents changes with each decade. Although the senior segment of the population is growing now, it will contract in future decades. Some of the space used by CoA in "combined flexible space" during the next decade could be reallocated to programming for other age groups in the future

## IX. Supports Economic Development

- a. The CoA activities will draw seniors into the town center and Route 20 amenities during the daytime hours with its consequent spillover of shopping activity in the commercial area.
- b. The Recreation Department activities after school and in the evenings will provide the same kind of stimulus to shops during those respective hours.
- c. The riverfront and bike trail activities will stimulate the economy by bringing more people into the area as well.



# Town of Wayland Massachusetts

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## X. Environmental Quality

- a. After the developer appealed the decision of the Wayland ConCom, the state DEP issued a superseding order of conditions that excluded the proposed development at the municipal pad from their approved site plan. Therefore the municipal parcel at the Town Center development needs to be permitted by Wayland ConCom. The environmental impact of renovating and finishing the existing building for the CoA offices and activity rooms and providing related parking on the site will be driven by typical sewer and storm drainage needs normally generated by any occupied building. Although the existing building may not be prevented from being occupied, altering the land around it for parking, service loading area, patios and walkways will require the Conservation Commission (ConCom) to review because much alteration will be within the 200' river front setback. Before choosing this site for occupancy, the town will be obligated to prepare for the ConCom an alternative site analysis that examines all other town property that is available for such a use and proves that the municipal pad is the only viable option.
- b. Adding a building for the arts and /or other recreational spaces will include some construction within the 200' river front setback if the addition is to be connected to the existing building. The area of the addition should not be more than 10% of the development area that is in the setback. The Conservation Commission's (ConCom) most conservative interpretation of the setback regulations is that the formerly paved areas that are now overgrown with plants not be considered "redevelopment" areas. This will limit our expansion ability. Adding the boat house, decks, boardwalks and trails will be within the 200' riverfront setback, but will be controlled by ConCom, Environmental Protection and US Fish and Wildlife recommendations. These concepts need to be part of the comprehensive river front development.
- c. General ConCom issues need to be analyzed with a comprehensive environmental engineering study that addresses several scenarios, starting with alterations to the existing building and related parking and walkways alone. Consider a second option of keeping the existing building and include a connected addition to the existing building. A third option of keeping the existing building may include a disconnected building that is outside the 200' setback. Finally, an important option is to examine the possibility of demolishing the existing building and constructing a new building and related site work that is outside the 200' setback as much as possible.
- d. Prior studies (2012) for the site as a library/senior center suggest that all of the options above will require some incursion into the 200' river front setback, if only for driveways, parking and walkways. The area of such incursions will in every case be greater than the 5,000 SF allowed as of right. For the town to build only outside the setback area, the size of the municipal building will be so small that it will be insignificant. This need for more development within the 200' setback was addressed in 2012 by including the entire town



# Town of Wayland Massachusetts

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center development in the calculation of the 10% river frontage rule. Jim DeVellis, the consulting engineer on the Library/CoA study, calculated that area to be approximately 300,000 SF. By this assumption, the maximum allowed footprint of construction within the 200' setback would be 30,000 SF. In 2012, ConCom's chairman responded that it was a reasonable approach, but that the owner of the town center would need to agree not to do any further development of the river frontage of their property. Therefore, a comprehensive plan of all river front development needs to be devised with the cooperation of the developer as all one piece of property, and presented to the ConCom for review and approval. (See ConCom's list of items to address.) Going forward, the 2012 assumptions must be confirmed, and a new study needs to be part of the design services approved at the next Town Meeting. Combining all of the Town Center river frontage as part of the community center development is the only viable option for developing the municipal pad in a size that is suitable for a community center building and parking. To accomplish this it is necessary that the municipal pad be leased and not purchased.

## XI. Feasibility

- a. Because the existing building is already in place and has been examined by the town building inspector with a favorable opinion, we believe the project to adapt that existing building for reuse is ready for permitting and review process. However, the ConCom will still review parking lot paving, site drainage and sewer system design.
- b. If the Town builds an addition, there will be more substantial Conservation Commission review in order to proceed. The ConCom may require any additional buildings be constructed outside the 200 Ft. setback line, thus forcing the added building not to be physically connected to the existing one. Alternatively, the BOS may opt to demolish the existing building and build all new community center outside the 200' setback, but at a greater cost.
- c. If the boat house addition, new trails and elevated boardwalks are to proceed within the 200 Ft. riverfront setback area, the design must be reviewed and approved by the Conservation Commission, U.S. Fish & Wildlife Service and the Environmental Protection Agency. While this may take some time, there appears to be support for the concept upon initial inquiries.

## XII. Opportunity Cost

- a. If the alterations to the existing building are deferred to another time, the town may lose the opportunity to exercise its agreement with the owner to assist the town by building a parking lot and contributing toward the construction of a municipal building in the town center. The timing for completing the original vision is now.



# Town of Wayland Massachusetts

## **Council on Aging / Community Center Advisory Committee**

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- b. If the arts center for the Recreation Department is deferred to another time, it will impact the possibility to vacate the present space at Station 2, thereby delaying alternative uses for that building.
- c. If no new prominent display space is made available for the Historical Commission, the collection will continue to be poorly maintained and hidden away from public education and enjoyment.

### XIII. Operational Budget Impact

- a. The CoA staffing already needs another half person due to increased activity at the present site. However, moving to the existing building at the municipal pad and expanding CoA operations may be accommodated with volunteer staff and no additional new hires other than part time custodial staff for maintenance. Heating and cooling, lighting and power and maintenance is predicted to be approximately \$140,000/yr for a 10,000 SF building in 2016 and escalating annually after that by 2.5%. There is great potential for offsetting annual operating costs with income generated by renting space out to private sector, for meetings and party functions. A more exhaustive report of this potential may be initiated in subsequent studies of other community centers that are in operation.
- b. The Recreation Department arts classrooms will be a lateral move to a different building, requiring no new staff. Adding the multipurpose gym/auditorium in the event the town offices move out of their present building, would increase the amount of building maintenance for custodial services. Operational costs will increase in proportion to the square footage of an addition.
- c. Adding the boathouse will require no new staffing burden to the town. The building will be unheated and will have no plumbing and only minor electrical service for safety lighting and minimal convenience power outlets. The project as proposed will be funded, built and supported privately.

#### Attachments:

R1-III(b): Letter from the Recreation Department regarding priorities, Nov. 14, 2014.  
R2-IV(b): Letter from Recreation Department dated Nov. 6, 2014.  
R3-X(d): Letter from Conservation Commission dated Dec. 15, 2014.



## RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665  
Jessica Brodie, CPRP, Director of Recreation

November 14, 2014

COA/Community Center Advisory Committee  
C/o Nan Balmer, Town Administrator  
41 Cochituate Road  
Wayland MA 01778

Dear Community Center Advisory Committee,

Our department submitted an original list of needs that a new community center would help us address. After submitting our original list, we were asked to go back and prioritize all the requests so the committee can better understand what the absolute needs are from wish list items.

Below is a summary of the prioritized items we originally requested:

### **High Priority (absolute must):**

#### **Full Size Gym:**

- For use by recreational programs, town youth leagues (basketball, soccer, baseball, etc), Town Adult Leagues, and other special events year round, for all ages and abilities
- Adjustable basketball backboards on two ends of court, and 4 total on the sides of court
- Bathroom /Locker room and water bubbler accessible from the gym, or right outside of the gym
- Equipment for batting cage inside the gym, attached to the wall & ceiling
- Large Storage room accessible from the gym for sporting equipment, uniforms, etc.

#### **Classrooms & Program Rooms:**

- Multiple, multi-purpose classrooms for recreational programs of all ages and abilities
- Multiple, art & tech programming rooms for programs such as – art/paint, clay/sculpture, electronics, cooking classes. Separate, small room for kiln and drying area.
- Dancing Studio/Fitness room with mirrors with wooden floor
- Sinks in all classrooms
- Bathrooms outside of classrooms and meeting rooms
- Storage in all rooms for decorations, supplies

#### **Meeting Rooms:**

- Multiple meeting rooms for internal department meetings, Adult & Youth sport league meetings, and program staff training/information meetings

#### **Storage Space:**

- Storage space for sporting equipment in gym
- Storage space for programming equipment/supplies outside of gym and office (from a hallway, etc)
- Storage space for special events outside of office (large staging areas)
- Storage closets in all classrooms for supplies, tables, chairs, etc.

**Office Needs:**

- Larger office space with enough room for 4 office staff to work at a time, in a cubical size area each
- Internal office within the main office for Director that has a meeting table space for internal dept. meetings, and meeting with vendors and programmers.
- Storage closets for office equipment, supplies, etc
- Office located near main entrance so it is easily viewed from gym & classroom hallways.
- Plenty of parking for gym events, classroom events, and office events to happen at the same time.

**Priority (Very Ideal to have):****Additional Gym options:**

- Stage at one end of the gym, with curtain, for special events and functions. ADA accessible, with speakers, lights, and separate room for performer
- Gym divider in center of gym
- Seating area either inside the gym on bleachers, or on 2<sup>nd</sup> level up above with windows for parents to view sporting events
- Multi-purpose gathering area outside of the gym with seating and gathering space for people during program and event clustering times (child friendly area)

**Additional Classrooms & Program Room options:**

- Workout room for yoga, pilates, boot camp classes
- Kids playroom – pre-k programs, mats, games, playtime
- Teen room – computers, tv's for ½ days of school and Teen nights

**Kitchen:**

- Kitchen designed for both functions & cooking classes
- Located near classrooms, with adjoining room for possible birthday parties, classes, etc.
- Located near gym for use during special functions if needed

**Outside Areas:**

- Possible outdoor classroom space for warm-weather seasons with benches, picnic tables, etc
- Possible outdoor boat house & staging area for boat launch into the river.
- Possible storage area for small boats & other outdoor equipment
- Playground area outside of the building for ages 2-15 – swings, playground structure, etc
- Grassy area for outdoor functions

I hope this re-prioritized list helps in understanding our department's future needs to deliver quality programs to Wayland residents. Please let us know if you would like to discuss any of the items listed above in more detail.

Thank you,

Jessica Brodie, CPRP  
Recreation Director





## RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665  
Jessica Brodie, CPRP, Director of Recreation

November 6, 2014

COA/Community Center Advisory Committee  
C/o Nan Balmer, Town Administrator  
41 Cochituate Road  
Wayland MA 01778

Dear Community Center Advisory Committee,

Our department is thrilled to be a part of the discussion about a possible new community center at the Town Center site. Having Recreation and the COA in the same Community Center would be a wonderful facility that the entire population of Wayland could enjoy. We are very supportive of this effort and would like to continue to be involved in the design planning.

I have been asked to identify our department's facility needs, and how a new community center would suite those related needs. I have discussed our needs with our internal office staff as well as our commission and identified the following needs that a community center could address:

### **Full Size Gym:**

- For use by recreational programs, town youth leagues (basketball, soccer, baseball, etc), Town Adult Leagues, and other special events year round, for all ages and abilities
- Adjustable basketball backboards on two ends of court, and 4 total on the sides of court
- Bathroom /Locker room and water bubbler accessible from the gym, or right outside of the gym
- Stage at one end of the gym, with curtain, for special events and functions. ADA accessible, with speakers, lights, and separate room for performer
- Gym divider in center of gym
- Equipment for batting cage inside the gym, attached to the wall & ceiling
- Large Storage room accessible from the gym for sporting equipment, uniforms, etc.
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- Multi-purpose gathering area outside of the gym with seating and gathering space for people during program and event clustering times (child friendly area)

### **Classrooms & Program Rooms:**

- Multiple, multi-purpose classrooms for recreational programs of all ages and abilities
- Multiple, art & tech programming rooms for programs such as – art/paint, clay/sculpture, electronics, cooking classes. Separate, small room for kiln and drying area.
- Dancing Studio with mirrors with wooden floor
- Workout room for yoga, pilates, boot camp classes
- Kids playroom – pre-k programs, mats, games, playtime
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- Bathrooms outside of classrooms and meeting rooms
- Storage in all rooms for decorations, supplies

**Kitchen:**

- Kitchen designed for both functions & cooking classes
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**Meeting Rooms:**

- Multiple meeting rooms for internal department meetings, Adult & Youth sport league meetings, and program staff training/information meetings

**Storage Space:**

- Storage space for sporting equipment in gym
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- Storage closets in all classrooms for supplies, tables, chairs, etc.

**Office Needs:**

- Larger office space with enough room for 4 office staff to work at a time, in a cubical size area each
- Internal office within the main office for Director that has a meeting table space for internal dept. meetings, and meeting with vendors and programmers.
- Storage closets for office equipment, supplies, etc
- Office located near main entrance so it is easily viewed from gym & classroom hallways.

**Outside Areas:**

- Possible outdoor classroom space for warm-weather seasons with benches, picnic tables, etc
- Possibly outdoor staging area for boat launch into the river.
- Possible storage area for small boats & other outdoor equipment
- Playground area outside of the building for ages 2-15 – swings, playground structure, etc
- Grassy area for outdoor functions
- Plenty of parking for gym events, classroom events, and office events to happen at the same time.

We understand that the list above is ambitious, and that many factors will be evaluated when designing a possible new community center, but we feel by expressing all of our needs upfront will help paint a clear picture of what this new facility could be and what is needed from our perspective. A great example of a joint COA/Recreation Community Center is the one in Weston if anyone has the opportunity to tour their facility.

We look forward to being more involved in this process and assisting with any efforts relating to this in the near future. Please let us know how else we can help and be a part of this effort.

Thank you,

Jessica Brodie, CPRP  
Recreation Director





**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

December 5, 2014

Bill,

Thank you for attending the Conservation Commission's informal discussion at its meeting on December 4, 2014, concerning the Council on Aging/Community Center Advisory Committee's potential project at the Town Center municipal pad.

As you know, the Commission is responsible for administering the [Massachusetts Wetlands Protection Act](#), the Wayland Wetlands and Water Resources Bylaw, Chapter 194 and the state and town regulations. It was the intention of this discussion to review the jurisdictional considerations as they pertain to the charge of your Committee and the environmental feasibility of any project proposed in the Riverfront Area.

To briefly summarize the main points of our discussion, in order to proceed with a project in the Riverfront Area pursuant to 310 CMR 10.58, the considerations and questions the Commission needs to address include the following:

- What are the location and boundaries of the municipal pad
- Where will a potential project be located
- What will a potential project include e.g. the existing structure, any expansion of the existing structure, parking area(s), septic system and/or any additional structure(s) or impervious surface(s)
- Are there any practicable and substantially equivalent economic alternatives to a potential project in the riverfront area with less adverse effects on the interests identified in the Act
- What areas are included in the alternatives analysis for activities conducted by a municipal government
- Will the work, including proposed mitigation measures, have a significant adverse impact on the Riverfront Area
- Will there be any impact and/or encroachment effect on the habitat of rare species and has MA NHESP been consulted?
- Should alteration of up to 5,000 square feet or 10% of the Riverfront Area within the lot, whichever is greater, be allowed
- If such alteration is allowed, will a 100 foot area of undisturbed vegetation be provided
- What areas of original Raytheon property are included in the calculation of square footage of alteration
- What is the area that has been considered redevelopment
- What restoration and/or mitigation is required and/or proposed

As we mentioned at our meeting, the application of the Act and regulations to a project can be complicated. We hope that this brief summary of the main points as discussed is helpful.

Should you have any questions or comments regarding a potential project from the Conservation Commission's standpoint, please feel free to contact Brian.

Thank you.

Sherre Greenbaum, Chair

Cc: Nan Balmer  
Mary Antes  
Nancy Funkhouser

4

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
C.A. NO. 08-0552

DAVID BERNSTEIN, KATHLEEN  
BERNSTEIN, JEFFREY PORTER, JILL  
PORTER, SUSAN REED, WILLIAM PETRI,  
ARLENE PETRI, TIMOTHY MARSTERS, L.  
HOWARD HARTLEY, MARCIA ANNE  
HARTLEY, RICHARD MIKELS, DEBORAH  
MIKELS, and MICHAEL BATE,

Plaintiffs

v.

WAYLAND PLANNING BOARD,  
WILLIAM STEINBERG, ALBERT I.  
MONTAGUE, JR., DANIEL MESNICK,  
KEVIN MURPHY, and LYNNE  
DUNBRACK, as members of the Wayland  
Planning Board, ANETTE LEWIS, as an  
associate member of the Wayland Planning  
Board, TOWN OF WAYLAND, WAYLAND  
BOARD OF SELECTMEN, WAYLAND  
BOARD OF ROAD COMMISSIONERS, and  
TWENTY WAYLAND, LLC,

Defendants

JUDGMENT ON COUNT II OF  
PLAINTIFFS' AMENDED COMPLAINT

The above-captioned matter having come before the Court on the Agreement for Judgment on Count II of the Amended Complaint ("Agreement for Judgment") by the Plaintiffs David Bernstein, Kathleen Bernstein, Jeffrey Porter, Jill Porter, Susan Reed, William Petri, Arlene Petri, Timothy Marsters, L. Howard Hartley, Marcia Anne Hartley, Richard Mikels, Deborah Mikels, and Michael Bate ("Plaintiffs"), and the Defendant Town of Wayland, by and through its Board of Selectmen and Board of Road Commissioners (collectively, "Wayland"), it is hereby ordered, judged and decreed that final Judgment be entered on Count II of Plaintiffs'

Amended Complaint on the following terms and conditions, and that Count I be dismissed.

Whereas,

1. Twenty Wayland, LLC ("20 Wayland") has proposed to develop a large mixed-use project known as the Wayland Town Center Project, consisting of 372,500 square feet of commercial, residential and municipal building space and related infrastructure on an approximately 56-acre parcel situated within Wayland's town center (the "Town Center Project").

2. The Wayland Planning Board ("Planning Board"), in a decision filed with the Wayland Town Clerk on January 18, 2008 and amended on January 23, 2008, granted a master special permit, other special permits, site plan approval and waivers to Twenty Wayland, LLC for its Project ("Planning Board Decision").

3. On February 6, 2008, Plaintiffs filed a one-count complaint appealing the Planning Board Decision under G.L. c. 40A, § 17, naming the Planning Board and 20 Wayland as defendants ("Count I"). Simultaneously with filing of the Agreement for Judgment, the Plaintiffs filed an Amended Complaint adding the Town of Wayland, Wayland Board of Selectmen and Wayland Board of Road Commissioners (collectively "Wayland") as defendants and adding Count II, a declaratory judgment claim against Wayland ("Count II"). The defendants consented to the filing of the Amended Complaint without admitting or agreeing with the factual or legal assertions contained in the Amended Complaint.

4. All parties to this action have stipulated to the dismissal of Count I, subject to issuance of this Judgment. The Plaintiffs and Wayland (the "Parties"), who are the only parties who are named in Count II, have agreed to entry of this Judgment on Count II simultaneous with the dismissal of Count I.

5. The Parties have agreed that the measures set forth in this Judgment are warranted and appropriate to address through traffic on Glezen Lane in the Town of Wayland generated by the Town Center Project, and are consistent with valid municipal planning purposes to promote public health, safety, and welfare in the Glezen Lane area of Wayland.

6. The Parties therefore, intending to be legally bound, have agreed to the immediate entry of this Judgment on Count II.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

**I. TRAFFIC MONITORING AND MITIGATION**

**A. Overview**

The traffic mitigation provisions set forth in this Judgment consist generally of (1) traffic monitoring and analysis requirements, (2) initial traffic mitigation measures to be implemented in an effort to control traffic speeds and volumes on Glezen Lane, and (3) additional traffic mitigation measures if and when triggered by certain measured traffic volumes in excess of the Maxima outlined below.

**B. Maxima – Triggering Implementation of Additional Mitigation Measures**

An increase in the volume of traffic on Glezen Lane exceeding the following traffic volume Maxima will result in the implementation of the mitigation measures specified below (except as otherwise expressly provided or modified below with respect to any particular measure):

| <u>Time Period</u>             | <u>Maximum</u>   |
|--------------------------------|--|
| Weekdays 6:00 a.m. - 9:00 a.m. | five percent (5%) over the Baseline Traffic Volume         |
| Weekdays 9:00 a.m. - 4:00 p.m. | thirty-five percent (35%) over the Baseline Traffic Volume |
| Weekdays 4:00 p.m. - 7:00 p.m. | five percent (5%) over the Baseline Traffic Volume         |
| Saturdays and Sundays          | thirty-five percent (35%) over the Baseline Traffic Volume |

**C. Baseline Traffic Volumes and 1% Annual Adjustment**

The existing Baseline Traffic Volume for each weekday time period specified in Section I(B) shall be based on data to be collected by Wayland (or its consultant) on Glezen Lane west of Concord Road during the following periods: September 22-26, 2008, October 20-24, 2008, and October 27-31, 2008. The average of the data collected during those periods for each weekday time period specified above shall constitute the existing Baseline Traffic Volume for that time period. If during any of those periods, an event occurs that materially affects customary traffic patterns on Glezen Lane, substitute data shall be collected during an alternative period mutually agreed to by the Parties, unless the Parties agree otherwise.

Within 30 days after completion of the weekday traffic counts specified above, Wayland shall provide notice to the Plaintiffs, as provided in Section I.K., of the weekday data collected by Wayland (or its consultant) during the above time periods in 2008. The Parties agree that method of data collection during the above time periods in 2008 may be the same as the method used to collect the weekend data in 2006. The Parties shall cooperate in good faith to resolve any disputes regarding the data collected during the above time periods in 2008.

The existing Baseline Traffic Volume for each Saturday and Sunday are based on data collected by Vanesse & Associates, Inc. during June 3-4, 2006, and are as follows:

Saturday: 599 (based on June 3, 2006 data)

Sunday: 450 (based on June 4, 2006 data)

Each Baseline Traffic Volume will be adjusted upward by one percent (1%) per annum commencing on the date that is one year after the date that the existing Baseline Traffic Volume figures are established for the weekday periods.

**D. Traffic Monitoring and Monitoring Period**

Wayland shall install a fixed traffic monitoring device near the western terminus of Glezen Lane east of the junction with Old Sudbury Road (Route 27) to collect data relative to traffic volumes for weekdays between 6:00 a.m. and 7:00 p.m. and 24 hours on Saturday and Sunday. Wayland shall commence said traffic monitoring no later than the date any retail floor space at the Town Center Project is first operated and shall continue monitoring until the later of (i) implementation of the last mitigation measure set forth in this Judgment, or (ii) four consecutive 13-Week Monitoring Periods (as defined below), occurring after 90% occupancy of the retail floor space at the Town Center Project, during which none of the Maxima specified herein are exceeded (such period referred to hereafter as the "Monitoring Period"). First operation of retail floor space shall mean the first date that retail floor space in the Town Center Project is open to the public for business. The Monitoring Period shall be extended or recommenced in the event Wayland is permitted under this Judgment to remove, and does remove, any previously-implemented mitigation measure, as provided for below, and shall continue as specified above in the event of any such removals pursuant to the second sentence of this paragraph.

**E. Data Review and Calculations for Determining if Maxima Are Exceeded and Additional Mitigation Measures Triggered**

After each week during the Monitoring Period, Wayland (or its consultant) shall collect and document traffic volume data collected for each day of the preceding week and determine and document the average traffic volume for the three (3) preceding calendar weeks for the following time periods:

|           |                       |
|-----------|-----------------------|
| Weekdays: | 6:00 a.m. - 9:00 a.m. |
|           | 9:00 a.m. - 4:00 p.m. |
|           | 4:00 p.m. - 7:00 p.m. |

|                        |          |
|------------------------|----------|
| Saturdays and Sundays: | 24 hours |
|------------------------|----------|

- Each week, a new three-week rolling average for each time period shall be calculated by including data for the new week and dropping data for the first week of the prior three week period.

The three-week rolling averages will be evaluated over 13-week reporting periods ("13-Week Reporting Period"). The first 13-Week Reporting Period will consist of the first 13 calendar weeks following commencement of the Monitoring Period. Wayland (or its consultant) shall review the 13 previous three-week rolling averages for each weekday and weekend time period specified above within each 13-Week Reporting Period, and shall prepare a written report within twenty (20) days after each 13-Week Reporting Period, documenting the results of that review. The written report shall include the traffic data collected during the Reporting Period, shall be substantially in the form attached hereto as Exhibit 1, and shall be provided to the Plaintiffs' representative designated in Section I(K). A Maximum specified in Section I(B) or I(G)(4) shall be deemed exceeded for purposes of triggering Wayland's obligation to implement the next specified mitigation measure if at least four (4) of the 13 three-week rolling averages during that 13-Week Reporting Period exceed the specified Maximum.

Traffic data collected during the following three Excluded Periods shall not be utilized in the above-referenced calculations:

1. Calendar weeks, beginning on a Sunday, in which short-term road construction projects or weather-related detours materially affect customary traffic patterns on Glezen Lane, not to exceed a total of ten (10) weeks in any 52-week period.
2. The holiday shopping period beginning on the Sunday prior to Thanksgiving through the first Saturday in January.
3. The eight (8) full calendar weeks following the date on which any retail floor space is first operated in the Town Center Project.

The three-week rolling average shall exclude data collected during any such Excluded Period. The first three-week rolling average after the Excluded Period shall include data from the two calendar weeks immediately preceding the Excluded Period and the first calendar week after the Excluded Period. The second three-week rolling average after the Excluded Period shall include data from the calendar week before the Excluded Period and the two calendar weeks after the Excluded Period. A 13-Week Reporting Period will span more than 13 calendar weeks in the event of any intervening Excluded Period.

The three-week rolling averages and the 13-Week Reporting Period evaluations and reports shall be restarted after deployment of each new traffic mitigation measure specified below, beginning with the fifth full calendar week after deployment of each measure (to allow time for the effects of that particular measure to be realized).

#### **F. Initial Traffic Mitigation Measures**

No later than fourteen (14) calendar days prior to issuance of an occupancy permit for any retail floor space at the Town Center Project, Wayland shall complete and maintain the mitigation measures specified in subparagraphs (4), (5) and (6) below, continue if not achieved the mitigation measures specified in subparagraphs (1) and (2), and maintain the mitigation measures specified in subparagraphs (3), (7) and (8):

1. 25-Mile-Per-Hour Speed Limit: Wayland shall continue to diligently pursue imposition of a consistent 25 MPH speed limit on Glezen Lane (request pending at MassHighway, District 3 office).
2. Truck Restriction: Wayland shall continue to diligently pursue imposition of a truck restriction on Glezen Lane (request pending at MassHighway, District 3 office).
3. Route 126/Route 27 Intersection Improvements: The road improvements and signalization of the Route 126 and Route 27 intersection generally described in the February 15, 2008 Final Environmental Impact Report for the Town Center Project, as such improvements and signalization are approved by MassHighway, shall be completed prior to issuance of any building permit for the Town Center Project and shall thereafter be maintained by Wayland.
4. Tier I Speed Tables: Wayland shall install or cause to have installed and maintain three year-round speed tables pursuant to the specifications set forth in Exhibit 2 hereto at the following locations on Glezen Lane (as further identified in Exhibit 3 hereto):
  - a. in front of 14 Glezen Lane
  - b. in front of 44 Glezen Lane
  - c. in front of 88 Glezen Lane
5. "No Access to Town Center Signs": Wayland shall install or cause to have installed and maintain signs that say, with 6-inch letter: "[appropriate street reference] No Access to Town Center, Use Route 126 South [with arrow if space available]" at the following locations:
  - a. Route 126 southbound at Moore Road
  - b. Route 126 southbound at Glezen Lane
  - c. Glezen Lane westbound at the east side of the intersection at Route 126
  - d. Training Field Road westbound at the west side of the intersection at Route 126
  - e. Moore Road southbound at intersection with Glezen Lane

If the name of the Town Center Project is changed or a more effective reference to the Project is identified, the signs shall be updated to reference the new name/reference – with any such revision being subject to Plaintiffs' prior approval, which shall not be unreasonably withheld.

6. Signs at Access Road/Route 27: Wayland shall install or cause to have installed directional signs at the east end of the access road through the Town Center Project at the intersection with Route 27 directing all traffic seeking to use Route 126 northbound or southbound to turn right to access the traffic signal at the Route 126/27 intersection.
7. Weekend 11-6 Turn Prohibitions, Glezen Lane – Route 27: Wayland shall prohibit left-turns from Glezen Lane westbound onto Route 27 southbound and



prohibit right-turns from Route 27 northbound onto Glezen Lane eastbound on Saturdays and Sundays 11:00 a.m. to 6:00 p.m.

8. Police Patrols: Wayland shall provide directed police patrols to target speed enforcement and compliance with turn-restrictions implemented pursuant to this Judgment at least four (4) times per calendar month during any of the following periods
  - a. weekends 11:00 a.m. - 6:00 p.m. (to be expanded to 9:00 a.m. - 6:00 p.m. if additional mitigation measure 3, below, is triggered)
  - b. weekdays 6:00 a.m. – 7:00 p.m.

The Plaintiffs acknowledge that extraordinary emergency circumstances could prevent Wayland from complying with the provisions of this paragraph. In the event such circumstances occur, Wayland shall not be in breach of this Judgment.

**G. Additional Traffic Mitigation Measures As May Be Triggered By Maxima Being Exceeded**

If during a 13-Week Reporting Period traffic volumes exceed any of the specified traffic volume Maxima, Wayland shall also complete and maintain the traffic mitigation measures specified below in the sequence specified below.

1. Tier II Speed Tables: Install and maintain three additional year-round speed tables pursuant to the specifications set forth in Exhibit 2 hereto at the following locations on Glezen Lane (as further identified in Exhibit 3 hereto) – if any weekday or weekend Maximum specified in Section I(B) is exceeded:
  - a. just east of Barley Lane
  - b. between 58 and 62 Glezen Lane
  - c. in front of 102 Glezen Lane
2. Weekday and Extended Weekend Turn Prohibitions, Glezen Lane – Route 27:  
If any weekday Maximum specified in Section I(B) is exceeded during a 13-Week Reporting Period, prohibit left-turns from Glezen Lane westbound onto Route 27 southbound and prohibit right-turns from Route 27 northbound onto Glezen Lane eastbound weekdays, 9:00 a.m. to 6:00 p.m. If any weekday Maximum is exceeded during a subsequent 13-Week Reporting Period before any weekend Maximum is exceeded, mitigation measure 3 (and subsequently measure 4) will be triggered and implemented (even though Extended Weekend turn prohibitions are not yet triggered or implemented).

If any weekend Maximum specified in Section I(B) is exceeded during a 13-Week Reporting Period, prohibit left-turns from Glezen Lane westbound onto Route 27 southbound and prohibit right-turns from Route 27 northbound onto Glezen Lane eastbound Saturdays and Sundays, 9:00 a.m. to 6:00 p.m. If any weekend Maximum is exceeded during a subsequent 13-Week Reporting Period before any weekday Maxima are exceeded, mitigation measure 3 (and subsequently measure

4) will be triggered and implemented (even though Weekday turn prohibitions are not yet triggered or implemented).

If any weekday Maximum and any weekend Maximum specified in Section I(B) are both exceeded during the same 13-Week Reporting Period, prohibit left-turns from Glezen Lane westbound onto Route 27 southbound and prohibit right-turns from Route 27 northbound onto Glezen Lane eastbound weekdays, Saturdays and Sundays 9:00 a.m. to 6:00 p.m. If any weekday or weekend Maximum is exceeded during a subsequent 13-Week Reporting Period, mitigation measure 3 (and subsequently measure 4) will be triggered and implemented.

3. Tier III Speed Tables: Install and maintain three additional year-round speed tables pursuant to the specifications set forth in Exhibit 2 hereto at the following locations on Glezen Lane (as further identified in Exhibit 3 hereto) – if, after implementation of measure 2 above, any weekday or weekend Maximum specified in Section I(B) is exceeded:
  - a. just west of 6 Glezen Lane
  - b. in front of 22 Glezen Lane
  - c. in front of 106 Glezen Lane
4. Permanent Turn Prohibitions and Physical Restrictions, Glezen Lane – Route 27: Prohibit left-turns from Glezen Lane westbound onto Route 27 southbound and prohibit right-turns from Route 27 northbound onto Glezen Lane eastbound at all times (24 hours, 7 days, year-round) and install and maintain physical restrictions effectively prohibiting such turns, as described in Exhibit 4 hereto – if, after implementation of measure 3 above, traffic volumes during the weekday 9:00 a.m. - 4:00 p.m. period or Saturdays or Sundays exceed forty (40%) percent of the Baseline Traffic Volume (specified in Section I(B) as adjusted pursuant to Section I(C)), or if traffic volumes during the weekday 6:00 a.m. - 9:00 a.m. period or 4:00 p.m. - 7:00 p.m. period exceed fifteen (15%) percent of the Baseline Traffic Volume (specified in Section I(B) as adjusted pursuant to Section I(C)).

#### **H. Deadlines to Complete Required Mitigation Measures**

Wayland shall complete installation of any signs specified above within fourteen (14) calendar days of the determination that an applicable Maximum has been exceeded. Wayland shall complete installation of any required speed tables, weather permitting, within forty-five (45) days of the determination that an applicable Maximum has been exceeded. Wayland shall complete the physical changes required in Section I(G)(4), within ninety (90) days of the determination that an applicable Maximum has been exceeded, provided however, that no roadway construction shall be performed between November 15 and April 1 in order to provide an acceptable construction environment and temperature for roadway base, pavement and striping preparation and installation.

No delay in the installation of any mitigation measure shall be deemed to be a breach of this Judgment to the extent the delay is caused by an event beyond the control of Wayland and could not have been foreseen or prevented. Wayland shall exercise good faith efforts to

anticipate any such event and to address the effects of any such event to prevent or minimize any resulting delay to the greatest extent possible. Financial inability shall not constitute an "event beyond the control of Wayland" or otherwise excuse Wayland's failure to perform or Wayland's delay in performing its obligations hereunder.

### **Potential Removal of Measures, Continued Monitoring, and Reinstallation**

Wayland reserves the right to remove traffic mitigation measures in reverse order of installation if, based on continued monitoring, traffic volumes during all 13 rolling averages in a 13-Week Reporting Period have dropped below the now-existing unadjusted Baseline Traffic Volume specified in Section I(B). Only one mitigation measure may be removed at a time, in reverse of the order installed, and each removal shall be followed by monitoring as specified in Section I(D). If all 13 rolling averages in a subsequent 13-Week Reporting Period are again determined to remain below the now-existing unadjusted Baseline Traffic Volume specified in Section I(B), Wayland may remove the most recently installed remaining mitigation measure. If, however, during a subsequent 13-Week Reporting Period the traffic volume is determined to exceed any of the traffic volume Maxima specified in Section I(B) or I(G), measured against the then-current, adjusted Baseline Traffic Volume including the 1% per annum adjustment provided for in Section I(C), Wayland shall reinstall and maintain the previously-removed mitigation measures – one mitigation measure at a time, the most recently removed mitigation measure to be reinstalled each time, and each reinstallation to be followed by monitoring as specified in Section I(D).

### **Mitigation Fund**

Wayland shall set aside the following specified funds in a separate account dedicated for the purpose of complying with this Judgment and to be used exclusively towards implementation of the traffic mitigation measures specified in this Judgment: \$50,000 (fifty thousand dollars) within sixty (60) days of the effective date of this Judgment and \$90,000 (ninety thousand dollars) within thirty (30) days of issuance of the first building permit for the Town Center Project. The total amount is an estimate of the cost to implement all of the measures required by this Judgment. However, Wayland acknowledges that the cost may be higher. Wayland's obligation to implement the measures required by this Judgment shall not be limited in any way by the amount of the set-aside mitigation funds.

In the event Wayland removes any previously installed traffic mitigation measure(s) pursuant to Section I(I), it shall place back into the mitigation fund account an amount equal to the projected installation costs of the removed measure(s).

#### **I. Records and Reports**

During the Monitoring Period (as it may be extended in the event Wayland removes any mitigation measure as provided for in this Judgment), Wayland shall keep and maintain all documents generated pursuant to this Judgment or relating to the implementation of its terms at the Wayland Town Building, including but not limited to those documents identifying each three-week rolling traffic volume averages and the data and calculations used to generate those averages. Wayland shall provide copies of those documents to the Plaintiffs' representative designated in this Section.

Wayland shall also provide the Plaintiffs' representative designated in this Section with a 13-Week Reporting Period summary report within twenty (20) days of each 13-Week Reporting Period. That report shall be substantially in the form attached hereto as Exhibit 1, shall include the data specified in Section I.E for the preceding 13-Week Reporting Period, and shall summarize that data, describe any declared exclusions, and provide the calculations and conclusions relevant to determining whether any traffic mitigation measure has been triggered pursuant to this Judgment. The summary report shall be sent in writing by mail and electronically by email to the Plaintiffs by sending it to the address set forth below, or to such other address as the Plaintiffs (or their representative) may from time to time designate by written notice to Wayland:

David Bernstein  
25 Glezen Lane  
Wayland, MA 01778  
Email: [dave.bernstein@comcast.net](mailto:dave.bernstein@comcast.net)

## **II. ADDITIONAL PROVISIONS**

### **A. Effective Date**

This Judgment shall take effect as of the date it is entered by the Court. There is no just cause for the delay in the immediate issuance and entry of this Judgment.

### **B. Defaults and Remedies**

In the event Plaintiffs or any of them assert that Wayland has failed to comply with or has breached any provision of this Judgment, and such alleged failure or breach continues for 45 days after written notice thereof from the Plaintiffs or any one of them to Wayland, the Plaintiffs or any of them may institute such actions or proceedings as he/she/they deem appropriate to enforce this Judgment and to compel specific performance. The Plaintiffs recognize that a de minimis breach of the specific terms of this Judgment shall not subject Wayland to contempt or other sanctions for violation.

In any action for breach of this Judgment, the party who prevails or substantially prevails shall be entitled to recover from the other party(ies) their reasonable attorneys fees, interest, expert fees and costs, in addition to any other legal and equitable relief to which they are entitled, provided the Court finds that the non-prevailing party breached the Judgment without a reasonable basis for believing that its actions or inactions would not constitute a breach.

### **C. Authorization and Validity**

The Board of Selectmen and Board of Road Commissioners have represented and warranted that this Judgment has been duly authorized by all necessary votes, actions, and other requirements of the Town of Wayland, the Board of Selectmen and the Board of Road Commissioners. Each Plaintiff has also represented and warranted that he or she is authorized to do so.

The Plaintiffs and Wayland have agreed that the Court has jurisdiction to issue this Judgment and that the Judgment, once issued, will be valid and binding on the Parties in accordance with its terms. The Court retains jurisdiction over this matter for the purpose of enforcing the terms of this Judgment.

In the event any person or entity challenges or asserts a claim challenging the enforceability of this Judgment or seeking to prevent Wayland's performance under this Judgment, the Parties shall defend against any such challenge or claim. In addition, if any provision of this Judgment is declared or determined to be unenforceable, Wayland shall take all steps necessary to address the basis for such declaration or determination, to ratify or otherwise render such terms enforceable and to otherwise secure performance of Wayland's obligations set forth in this Judgment.

**D. Notices**

All notices to be given pursuant to this Judgment shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice:

**Wayland:**

Wayland Town Clerk  
Wayland Town Hall  
41 Cochituate Road  
Wayland, MA 01778

Frederic Turkington, Town Administrator  
Wayland Town Hall  
41 Cochituate Road  
Wayland, MA 01778

With a copy to their attorneys:

Mark J. Lanza, Town Counsel  
Wayland Town Hall  
41 Cochituate Road  
Wayland, MA 01778

Patricia A. Cantor, Special Counsel  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02110

**Plaintiffs:**

David and Kathleen Bernstein  
25 Glezen Lane  
Wayland, MA 01778

Jeffrey and Jill Porter  
62 Glezen Lane  
Wayland, MA 01778

Susan Reed  
58 Glezen Lane  
Wayland, MA 01778

William and Arlene Petri  
86 Glezen Lane  
Wayland, MA 01778

L. Howard Hartley and Marcia Anne  
Hartley  
22 Glezen Lane  
Wayland, MA 01778

Timothy Marsters  
96 Glezen Lane  
Wayland, MA 01778

Richard and Deborah Mikels  
4 Barley Lane  
Wayland, MA 01778

Michael Bate  
104 Glezen Lane  
Wayland, MA 01778

With a copy to their attorney:

Jeffrey L. Roelofs  
Law Offices of Jeffrey L. Roelofs, P.C.  
30 Green Street  
Newburyport, MA 01950  
Tel: 978-462-7600  
jlr@roelofslaw.com

**E. No Waiver**

Failure of the Plaintiffs or Wayland to avail themselves of any of the terms, covenants and conditions of this Judgment for a period of time or at any time or times, shall not be construed or deemed to be a waiver of any of their rights hereunder.

**F. Cooperation**

The Parties shall cooperate and to act in good faith to achieve the terms and objectives of this Judgment.

**G. Amendments**

This Judgment may not be modified except pursuant to a written amendment executed by Wayland, by and through its Board of Selectmen and Board of Road Commissioners, and by all Plaintiffs who still reside in Wayland at the time any such amendment is executed. Any such amendment shall be filed with the Court and entered as an amendment of this Judgment.

**H. Entire Agreement**

This Judgment embodies the entire agreement and understanding between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to such subject matter.

This Judgment shall be binding upon the Parties' heirs, assigns, and all successors in interest to them.

**I. No Admission**

This Judgment does not constitute an admission by the Plaintiffs or Wayland for any purpose. The Plaintiffs and Wayland have waived, on behalf of themselves and their heirs, assigns, and all successors in interest to them, any challenge to the validity or enforceability of this Judgment or any provision of this Judgment.

So ordered,

  
Justice of the Superior Court

Date: July 16, 2005

## **EXHIBITS TO JUDGMENT**

### **GLEZEN LANE TRAFFIC MITIGATION**

| <u>Number</u> | <u>Exhibit</u>                                   |
|---------------|--|
| 1             | 13-Week Reporting Period Report Form             |
| 2             | Speed Table Specifications                       |
| 3             | Speed Table Locations                            |
| 4             | Physical Restrictions – Mitigation Measure I.G.4 |



# **Exhibit 1**

[illegible]

[illegible]

[illegible]

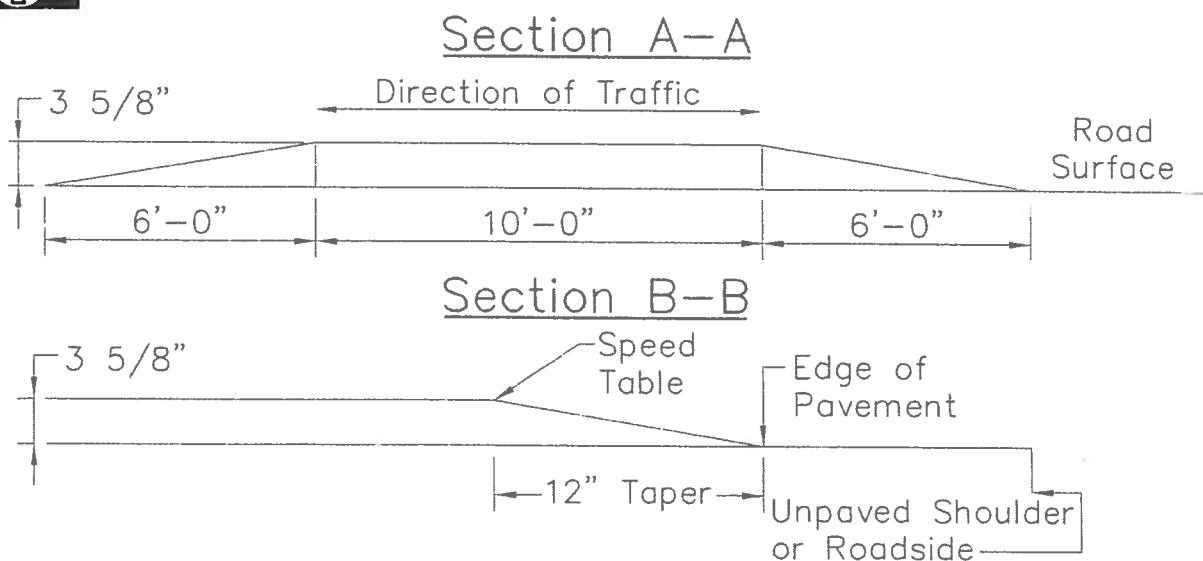
[illegible]

# Exhibit 2

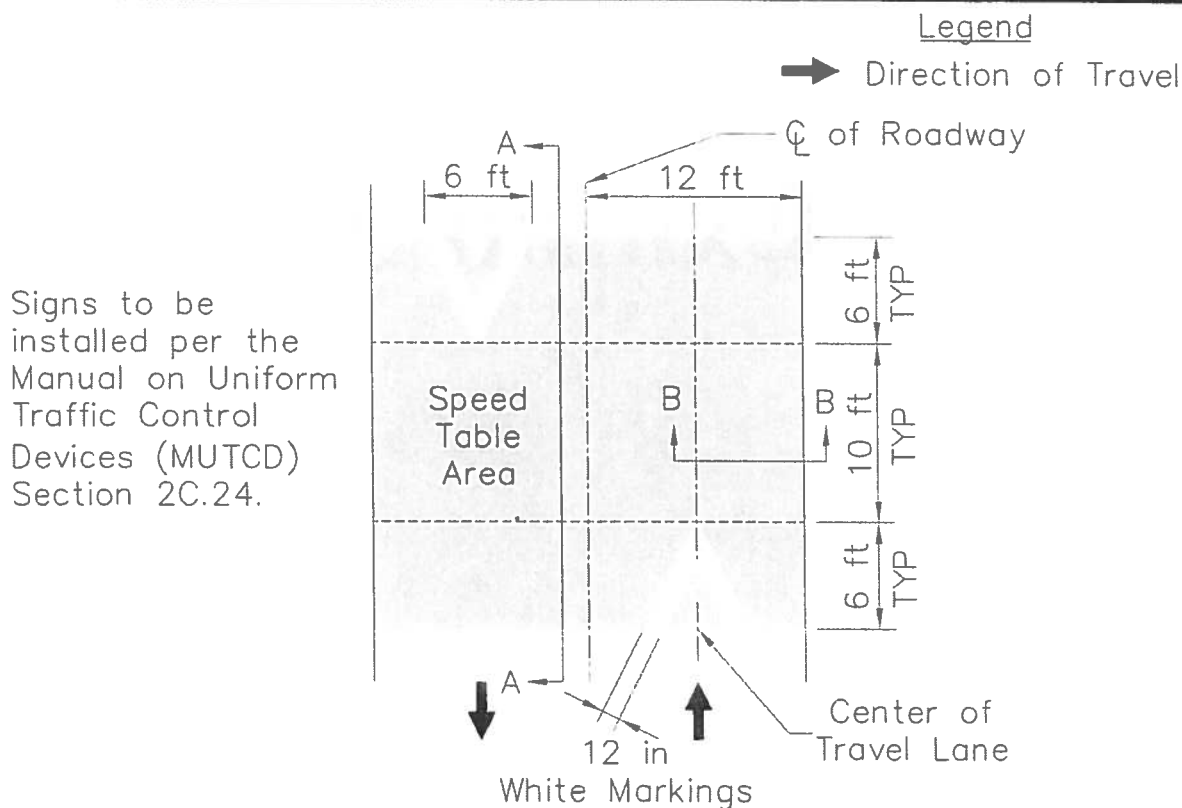


N.T.S.

## Speed Table Detail



Source: ITE Proposed Recommended Practice, Guidelines for the Design and Application of Speed Humps, 2007, Figures 4.3 and 4.7



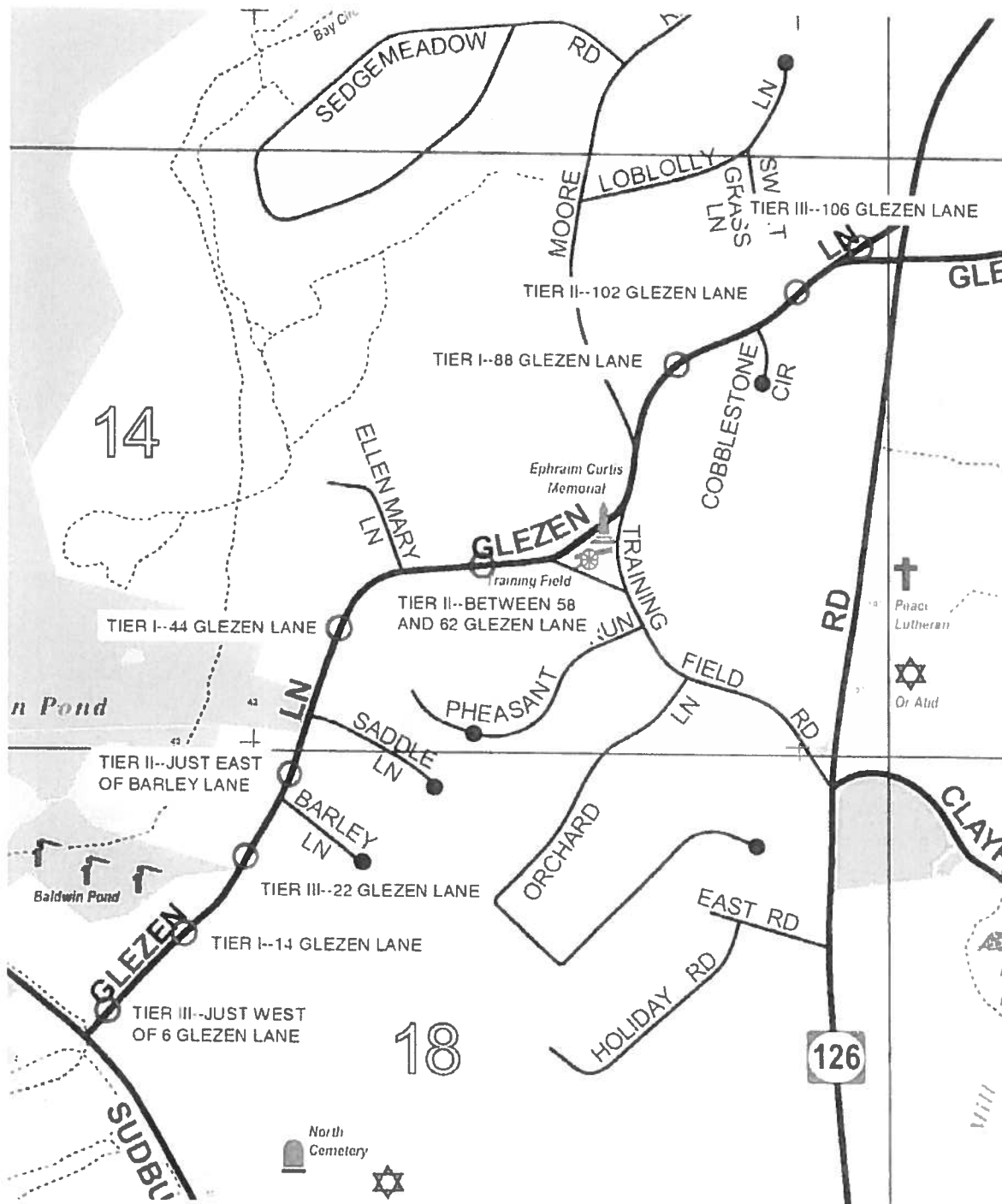
Source: MUTCD, Section 3B.27, Figure 3B-30

## Exhibit 2 - Speed Table Specifications

### Speed Table Detail

# **Exhibit 3**

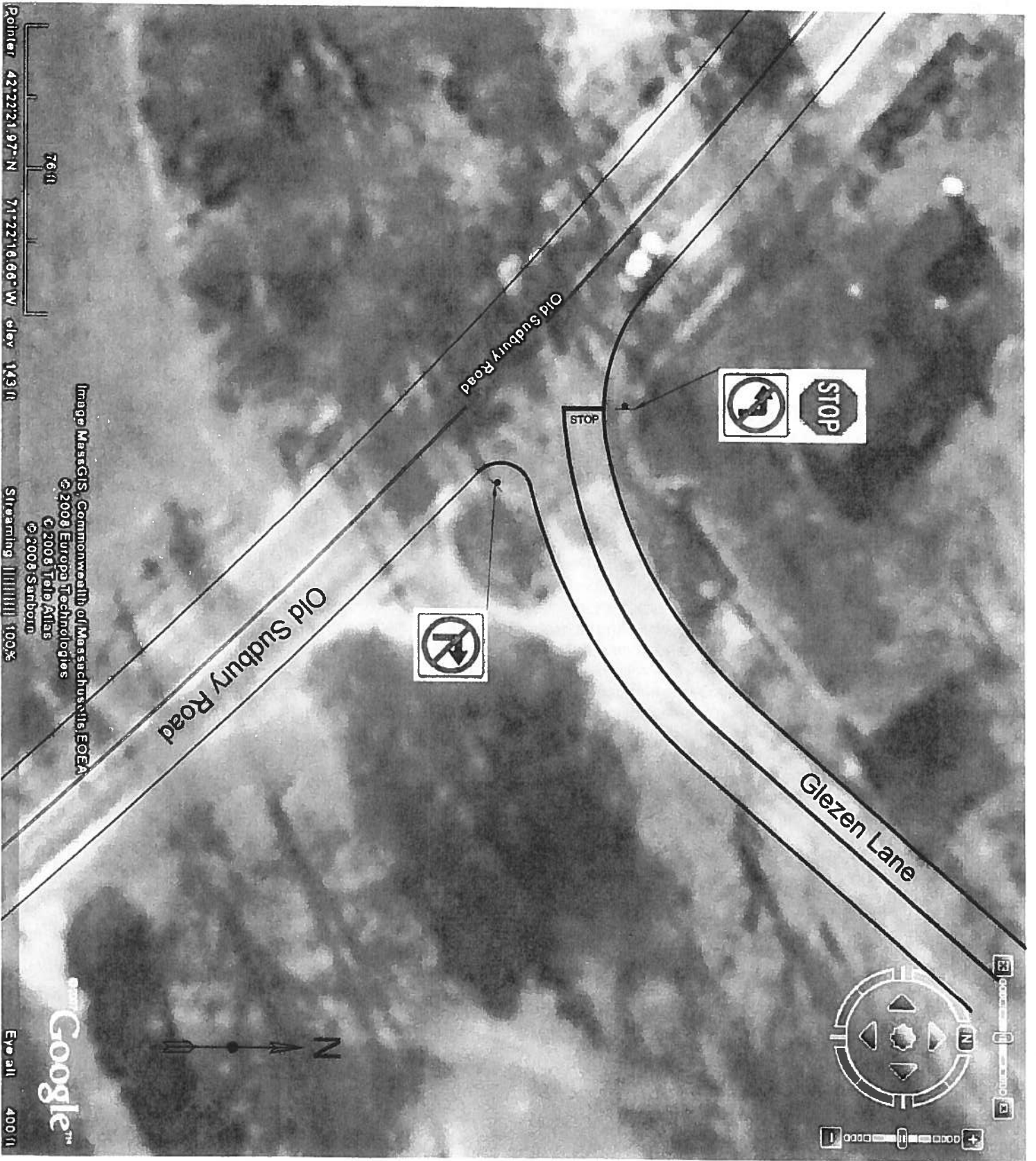




Base Map: Town of Wayland, Massachusetts Geographic Information System  
Not to Scale



# **Exhibit 4**



Pointer 42°22'21.97" N 71°22'16.66" W elev 143 ft

Streaming 100%

Image Map GIS, Commonwealth of Massachusetts, EOEA

© 2008 Europa Technologies

© 2008 Tele Atlas

Eye alt 400 ft

Google™