

**TOWN OF WAYLAND
SPECIAL TOWN MEETING NOVEMBER 15, 2016
Status**

[illegible]



**TOWN OF WAYLAND
SPECIAL TOWN MEETING**

November 15, 2016 ERRATA SHEET

ARTICLE 3: LANDSCAPING IN PARKING AREAS ZONING BYLAW

Page 9, third paragraph from the bottom of the page under PLANNING BOARD REPORT:

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: ~~5-0~~ 4-0.

ARTICLE 4: CONSERVATION CLUSTER DEVELOPMENTS ZONING BYLAW

Page 14, second paragraph from the bottom of the page under PLANNING BOARD REPORT:

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: ~~5-0~~ 4-0.

**ARTICLE 6: AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

Page 19, top of page:

- 3.) authorize the Conservation Commission to (i) file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Massachusetts General Laws Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; and (ii) enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to ~~affect~~ effect said purchase; and

**ARTICLE 10: ASSISTED/INDEPENDENT LIVING AND NURSING
HOME ZONING BYLAW**

Page 27, middle of page, second paragraph under PLANNING BOARD REPORT:

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: ~~5-0~~ 4-0.

ARTICLE 11: HOME OCCUPATION ZONING BYLAW

Page 31, second paragraph from the top of the page under PLANNING BOARD REPORT:

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: ~~5-0~~ 4-0.

ARTICLE 13: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Page 34, third paragraph from the bottom of the page:

Fiscal 2016 liabilities to be paid using Fiscal 2017 appropriations;

- | | | |
|--|----------|---------------------------------------|
| 1) The Bank of New York Mellon Invoice 252-1929247 | \$300.00 | Selectmen <u>Treasurer</u> |
| 2) The Bank of New York Mellon Invoice 252-1930724 | \$300.00 | Selectmen <u>Treasurer</u> |
| 3) The Bank of New York Mellon Invoice 252-1930725 | \$300.00 | Selectmen <u>Treasurer</u> |

ARTICLE 1 (Warrant page 5)

Quantum of Vote: Majority

MUNICIPAL FIELD IRRIGATION WAIVER BYLAW CHANGE

Proposed by: Board of Public Works and Recreation Commission

Motion 1 of 1

MOVED: that the Town amend Section 191-6 of the Code of the Town of Wayland relative to types of applications for lawn irrigation systems by adding thereto the new Paragraph C as printed on Page 5 of the Warrant for the November 15, 2016 Special Town Meeting.

ARTICLE 2 (Warrant page 7)

Quantum of Vote: Majority

**AMEND CHAPTER 36, SECTION 18 OF TOWN CODE, ATTENDANCE
AND PARTICIPATION OF NONRESIDENT TOWN OFFICIALS**

Proposed by: Board of Selectmen

Motion 1 of 1

MOVED: that the Town amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, by adding thereto the words “Town Counsel” as set forth on Page 7 of the Warrant for the November 15, 2016 Special Town Meeting.

ARTICLE 3 (Warrant page 9)

Quantum of Vote: Two-Thirds

LANDSCAPING IN PARKING AREAS ZONING BYLAW

Proposed by: Planning Board

Motion 1 of 1

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions thereto as printed on Page 9 of the Warrant for the November 15, 2016 Special Town Meeting.

ARTICLE 4 (Warrant page 10)

Quantum of Vote: Two-Thirds

CONSERVATION CLUSTER DEVELOPMENTS ZONING BYLAW

Proposed by: Planning Board

Motion 1 of 1

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions relative to conservation cluster developments as printed on Pages 10 through 14 of the Warrant for the November 15, 2016 Special Town Meeting.

ARTICLE 5 (Warrant page 15)

Quantum of Vote: Majority

**PETITION THE STATE LEGISLATURE TO REMOVE ALL POLICE
PERSONNEL FROM THE PROVISIONS OF CIVIL SERVICE WITHOUT
AFFECTING THE CIVIL SERVICE RIGHTS OF INCUMBENTS**

Proposed by: Board of Selectmen

Motion 1 of 1

MOVED: that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act exempting all Town of Wayland Police personnel from the provisions of Civil Service Law substantially the same as the act as printed on Pages 15 and 16 of the Warrant for the November 15, 2016 Special Town Meeting.

**AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

**Proposed by: Community Preservation Committee and
Conservation Commission**

Part One of Motion 1 of 4

MOVED: That the Town 1.) confirm its vote under Article 30 of the Warrant for the 2016 Annual Town Meeting to (i) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33 restricting the use of the land to conservation and passive outdoor recreation purposes, to be held by the Town of Wayland Conservation Commission pursuant to Massachusetts General Laws Chapter 40, Section 8C and by the Sudbury Valley Trustees, Inc, on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts,

**AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

**Proposed by: Community Preservation Committee and
Conservation Commission**

Part Two of Motion 1 of 4

containing 208.7 acres, more or less, which parcel of land to be covered by said conservation restriction is part of the parcel of land shown on Wayland Assessors Map as Parcel 35-031A and is shown as “87 Old Connecticut Path” on a plan entitled “Subdivision Plan of Land in Wayland Middlesex County Massachusetts” dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 100 of 2016 (Sheets 2 and 3 of 3), which plan is the basis for the sketch map attached to the Warrant for the Annual Town Meeting 2016 in Appendix K;

**AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

**Proposed by: Community Preservation Committee and
Conservation Commission**

Part Three of Motion 1 of 4

(ii) appropriate \$12,000,000 to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.; and (iii) provide for said appropriation by (1) transferring \$2,100,000 from funds set aside in the Community Preservation Fund for open space (2) transferring \$2,900,000 from the uncommitted funds in the Community Preservation Fund; and (3) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$7,000,000 in anticipation of future Community Preservation Fund revenues pursuant to Massachusetts General Laws Chapter 44B, Section 11;

**AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

**Proposed by: Community Preservation Committee and
Conservation Commission**

Motion 2 of 4

2.) authorize the Board of Selectmen to expend said funds in conjunction with \$3,000,000 to be provided by the Sudbury Valley Trustees, Inc. for a total project cost of \$15,000,000;

**AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

**Proposed by: Community Preservation Committee and
Conservation Commission**

Motion 3 of 4

3.) authorize the Conservation Commission to (i) file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Massachusetts General Laws Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; and (ii) enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and

**AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY
(LAND) GRANT PROGRAM FUNDING TO PURCHASE
CONSERVATION RESTRICTION ON MAINSTONE FARM**

**Proposed by: Community Preservation Committee and
Conservation Commission**

Motion 4 of 4

4.) authorize the Town Administrator, with the approval of the Board of Selectmen, to accept grant funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services LAND Grant Program.

ARTICLE 7 (Warrant page 20)

Quantum of Vote: Majority

**AMEND FY2017 CAPITAL BUDGET TO ELIMINATE FUNDING FOR
STONEBRIDGE WATER ACCESS ROAD AND WATER MAIN**

Proposed by: Petitioners

Motion 1 of 1

MOVED: That the Town vote to amend its vote under Article 8 of the Warrant for the 2016 Annual Town Meeting relative to the Fiscal Year 2017 Capital Budget to reduce to zero the amount allocated to Capital Budget Item 28: “Department of Public Works, Water - \$936,000. Title: Stonebridge Water Main Project.”

ARTICLE 8 (Warrant page 22)

Quantum of Vote: Two-thirds

**APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD
FOR WATER RESOURCE PROTECTION**

Proposed by: Board of Public Works

Estimate Cost: \$500,000

Motion 1 (a) of 1 (a), (b), (c), and (d)

MOVED: That the Town

(a) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of the parcel of land and the structures thereon located at 107 Old Sudbury Road, Wayland, Massachusetts, containing 2.06 acres, more or less, and shown as Lot 17-022 on the Town of Wayland Assessors' Map;

ARTICLE 8 (Warrant page 22)

Quantum of Vote: Majority

**APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD
FOR WATER RESOURCE PROTECTION**

Proposed by: Board of Public Works

Estimate Cost: \$500,000

Motion 1 (b) of 1 (a), (b), (c), and (d)

(b) appropriate \$500,000 for the acquisition of said parcel of land with the structures thereon for water purposes, the demolition and removal of said structures and site work;

ARTICLE 8 (Warrant page 22)

Quantum of Vote: Two-thirds

**APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD
FOR WATER RESOURCE PROTECTION**

Proposed by: Board of Public Works

Estimate Cost: \$500,000

Motion 1 (c) of 1 (a), (b), (c), and (d)

(c) provide for said appropriation by authorizing the Treasurer, with the approval of the Board of Selectmen, to borrow \$500,000 pursuant to the provisions of Massachusetts General Laws Chapter 44; and

ARTICLE 8 (Warrant page 22)

Quantum of Vote: Majority

**APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD
FOR WATER RESOURCE PROTECTION**

Proposed by: Board of Public Works

Estimate Cost: \$500,000

Motion 1 (d) of 1 (a), (b), (c), and (d)

(d) authorize the Board of Public Works to apply for and accept a grant under the Massachusetts Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection Program and funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of said grant program.

ARTICLE 9 (Warrant page 25)

Quantum of Vote: Two-thirds

**APPROPRIATE FUNDS TO PURCHASE 8 GLEZEN LANE FOR WATER
RESOURCE PROTECTION**

Proposed by: Board of Public Works

Estimate Cost: \$1,225,000

Motion 1 of 1

MOVED: that this article be passed over.

ARTICLE 10 (Warrant page 27)

Quantum of Vote: Two-thirds

**ASSISTED/INDEPENDENT LIVING AND NURSING HOME ZONING
BYLAW**

Proposed by: Planning Board

Motion 1 of 1

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions relative to assisted/independent living facilities and nursing homes as printed on Page 27 of the Warrant for the November 15, 2016 Special Town Meeting.

ARTICLE 11 (Warrant page 28)

Quantum of Vote: Two-thirds

HOME OCCUPATION ZONING BYLAW

Proposed by: Planning Board

Motion 1 of 1

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions relative to home occupations in residential buildings and accessory structure as printed on Pages 28 through 30 of the Warrant for the November 15, 2016 Special Town Meeting.

TOWN-WIDE RECREATION FACILITIES STRATEGIC PLAN

Proposed by: Planning Board

Motion 1 of 1

MOVED: that the Town appropriate \$60,000 to be expended by the Recreation Commission for a Town-Wide Recreation Facilities Strategic Plan; and, provide for said appropriation by transferring \$60,000 from the Recreation Stabilization Fund.

ARTICLE 13 (Warrant page 34)

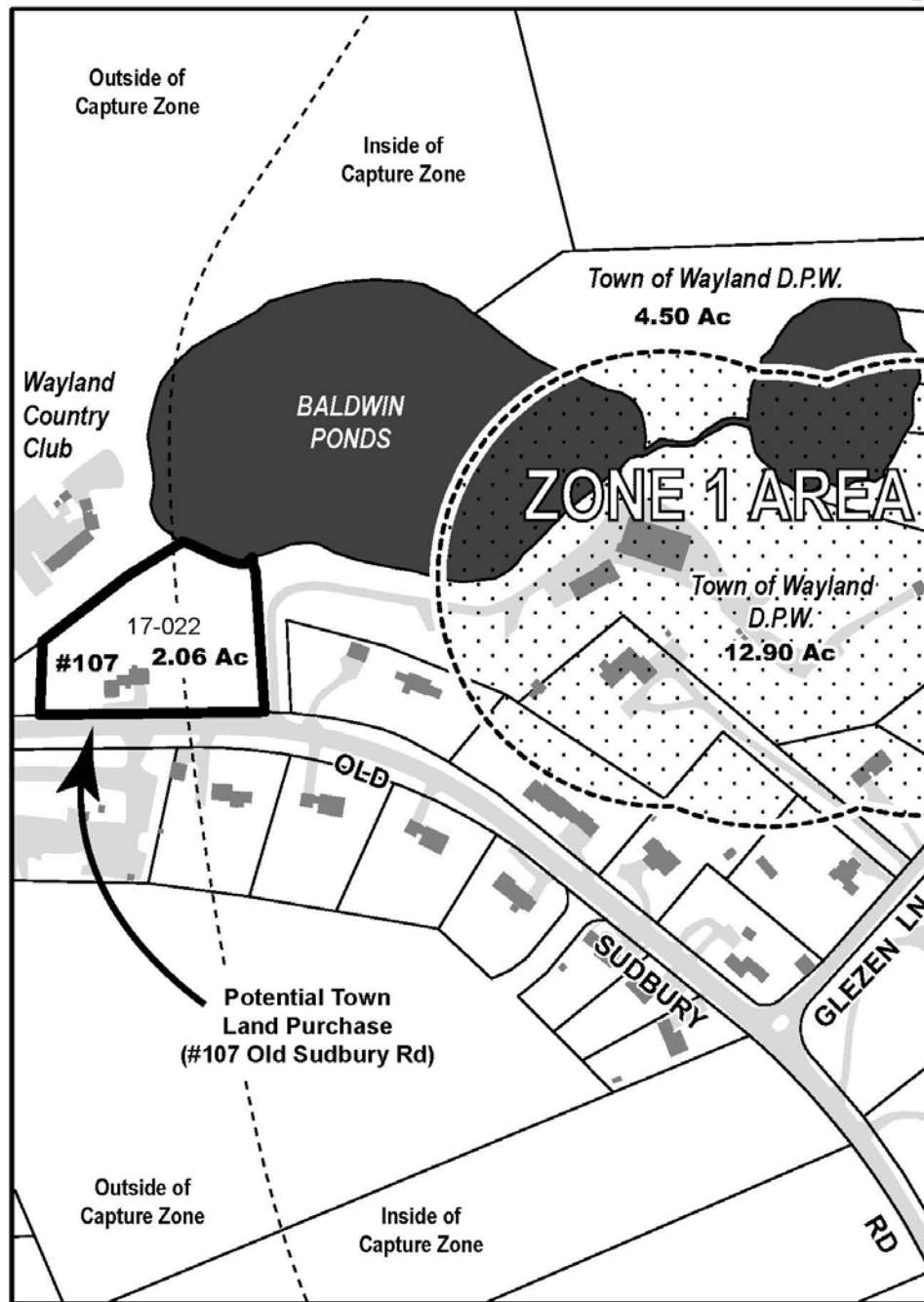
Quantum of Vote: Nine-tenths

PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Town Clerk and Board of Selectmen

Motion 1 of 1

MOVED: that the Town a.) pay the bills of Fiscal Year 2016 as printed on Page 34 of the Warrant for the November 15, 2016 Special Town Meeting; b.) appropriate \$900 for the payment of said bills; and c.) provide for said appropriation by using funds in the Fiscal Year 2017 appropriation for Town Treasurer Expenses.



Sand bed showing build up of Iron and Manganese



Assessment for 107 Old Sudbury Rd.

State Law states that Town Meeting may acquire property at a price of up to the average assessment from the last three years plus 25%. For this property:

2014: \$454,100

2015: \$453,000

2016: \$461,400

Three year

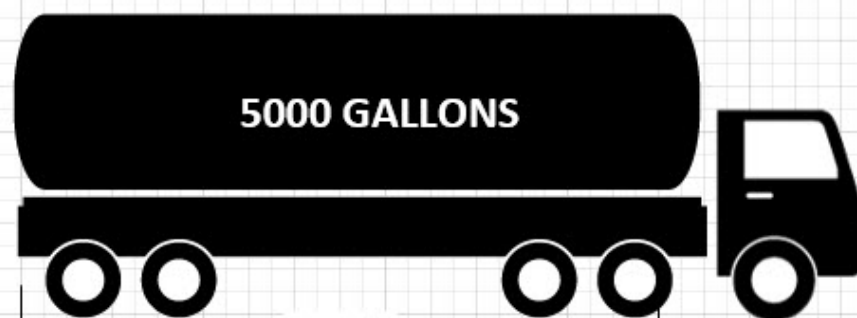
Average: \$456,167

Adding 25%: **\$570,208**



22 ft

TODAY
Can't Buy off State Bid



35 ft

WITH NEW ROAD
Can buy cheaper
off state bid



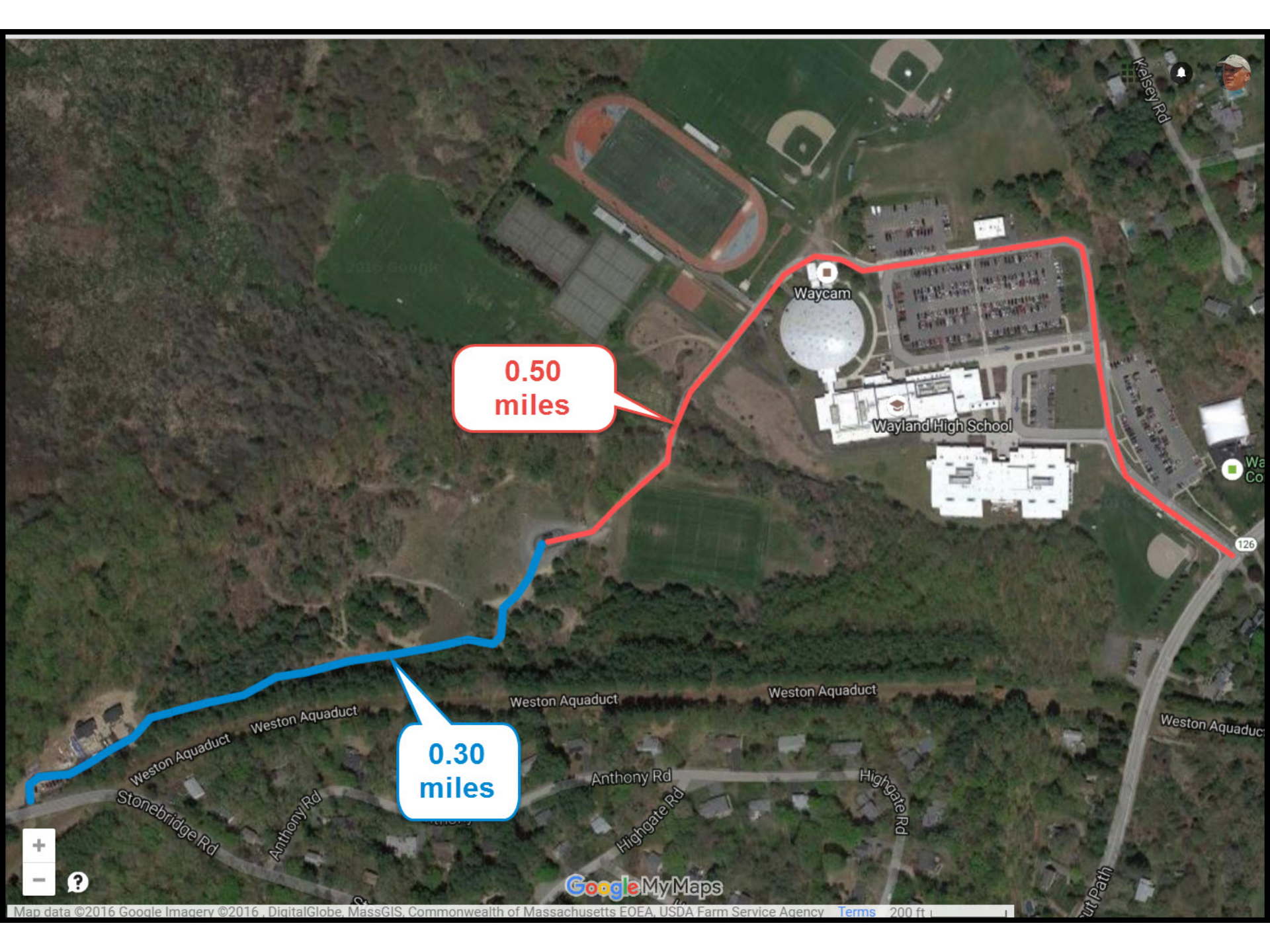
48 ft

NOT
PROPOSED!

HAPPY HOLLOW		TODAY			WITH ACCESS ROAD			SAVINGS
CHEMICAL	Gals/Year used a HH wells	Current Cost per Gallon	Current Cost/year	# of 2500 gallon trucks per year	Cost/Gallon at State Bid Price	Cost/year at State Bid Price	# of 4000 gallon trucks per year	
Potassium Hydroxide	21,100	\$6.3700	\$134,407	9	\$3.9300	\$82,923	6	\$51,484
Chlorine	2,833	\$2.6500	\$7,507	2	\$2.1000	\$5,949	1	\$1,558
Totals			\$141,914	11		\$88,872	7	\$53,042
20 year Totals			\$2,838,289			\$1,777,446		\$1,060,843

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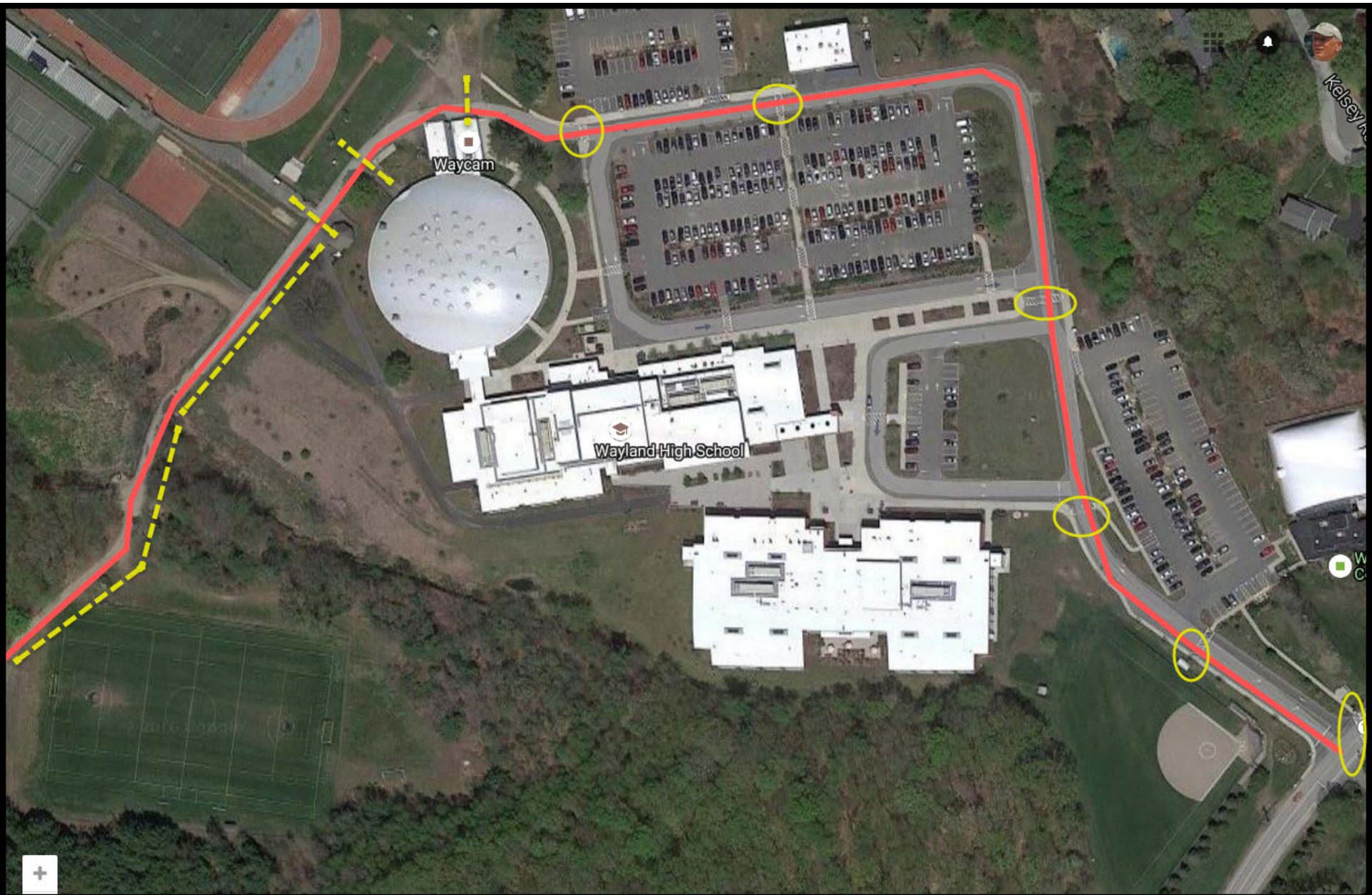
ALL WELLS		TODAY			WITH ACCESS ROAD			SAVINGS
CHEMICAL	Gals/Year used at all wells	Current Cost per Gallon	Current Cost/year	# of 2500 gallon trucks per year	Cost/Gallon at State Bid Price	Cost/year at State Bid Price	# of 4000 gallon trucks per year	
Potassium Hydroxide	40,039	\$6.3700	\$255,048	17	\$3.9300	\$157,353	11	\$97,695
Chlorine	6,933	\$2.6500	\$18,372	3	\$2.1000	\$14,559	2	\$3,813
Totals			\$273,421	20		\$171,913	13	\$101,508
20 year Totals			\$5,468,418			\$3,438,251		\$2,030,166



0.50
miles

0.30
miles

Google My Maps



Waycam

Wayland High School

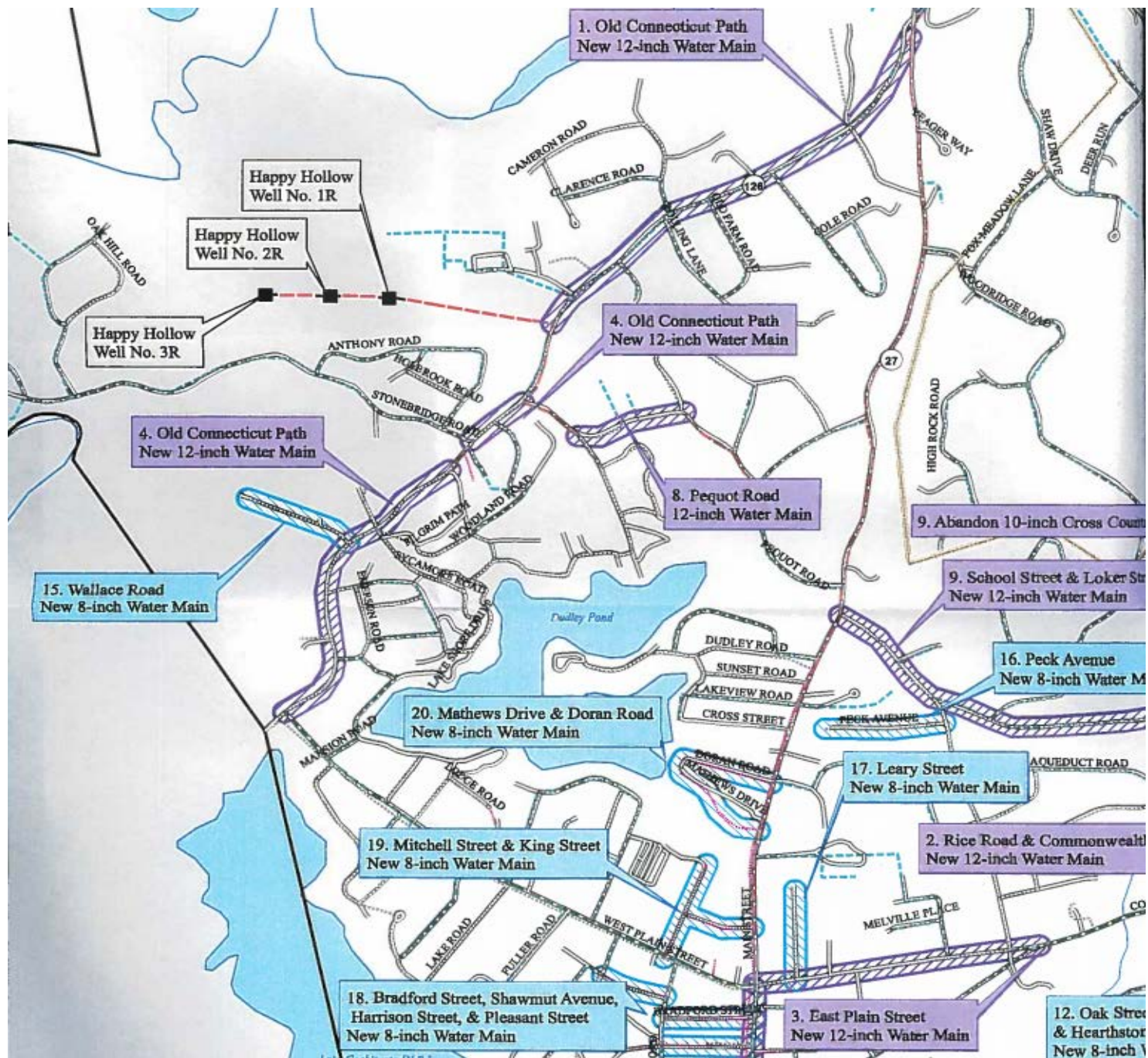
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CURRENT CONDITIONS



SOCCER

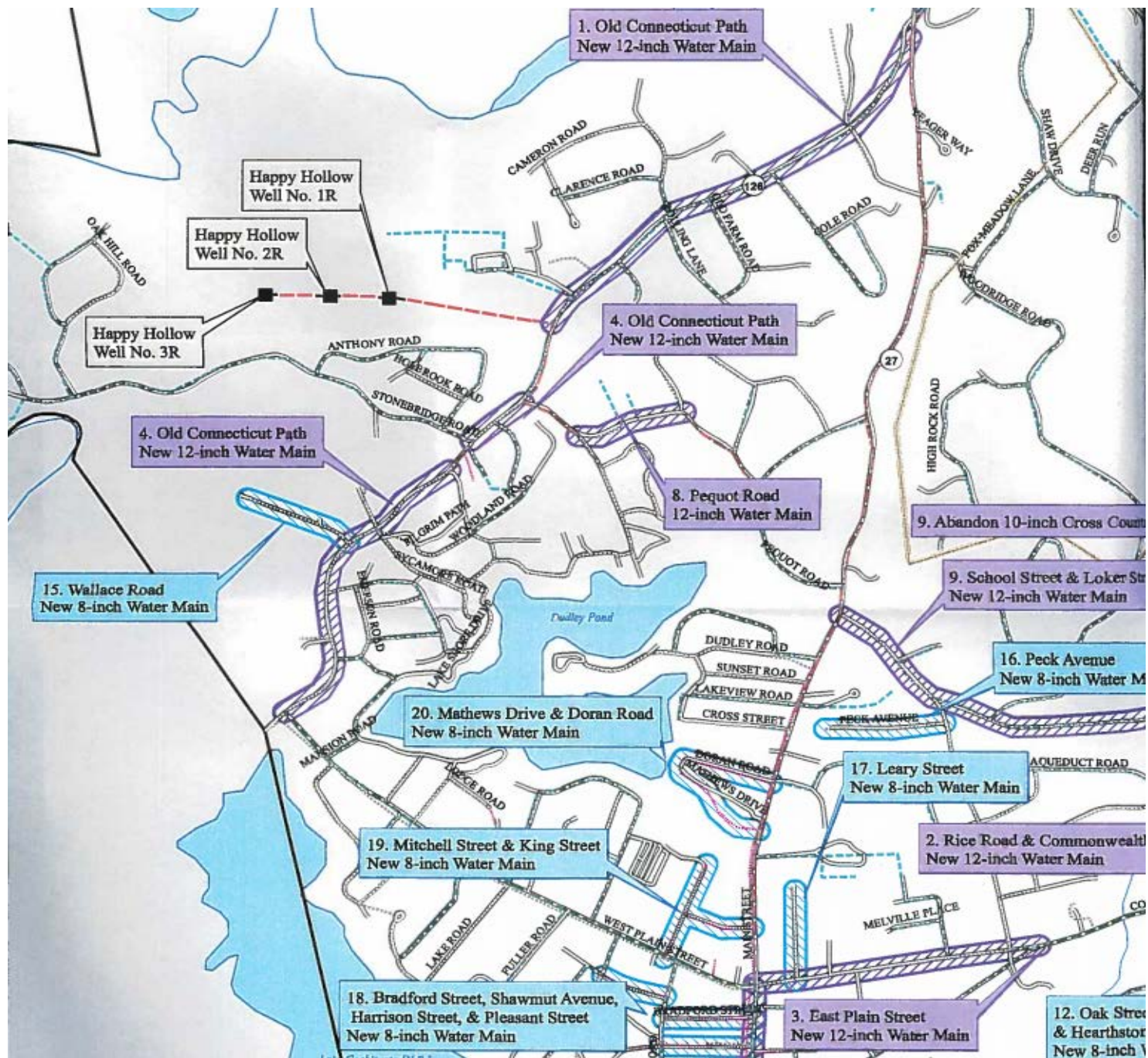


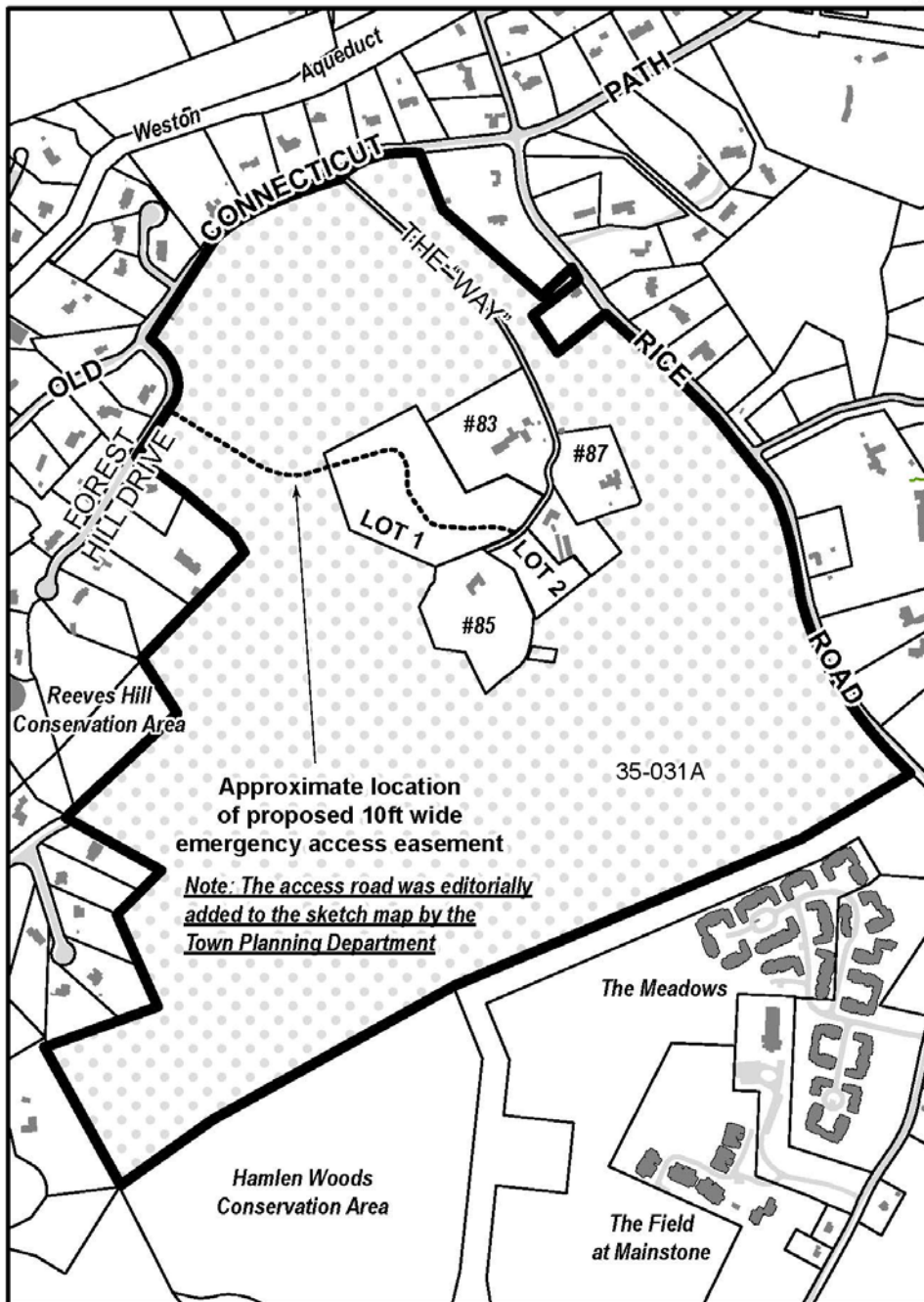






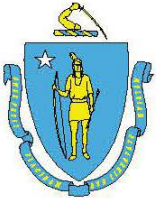




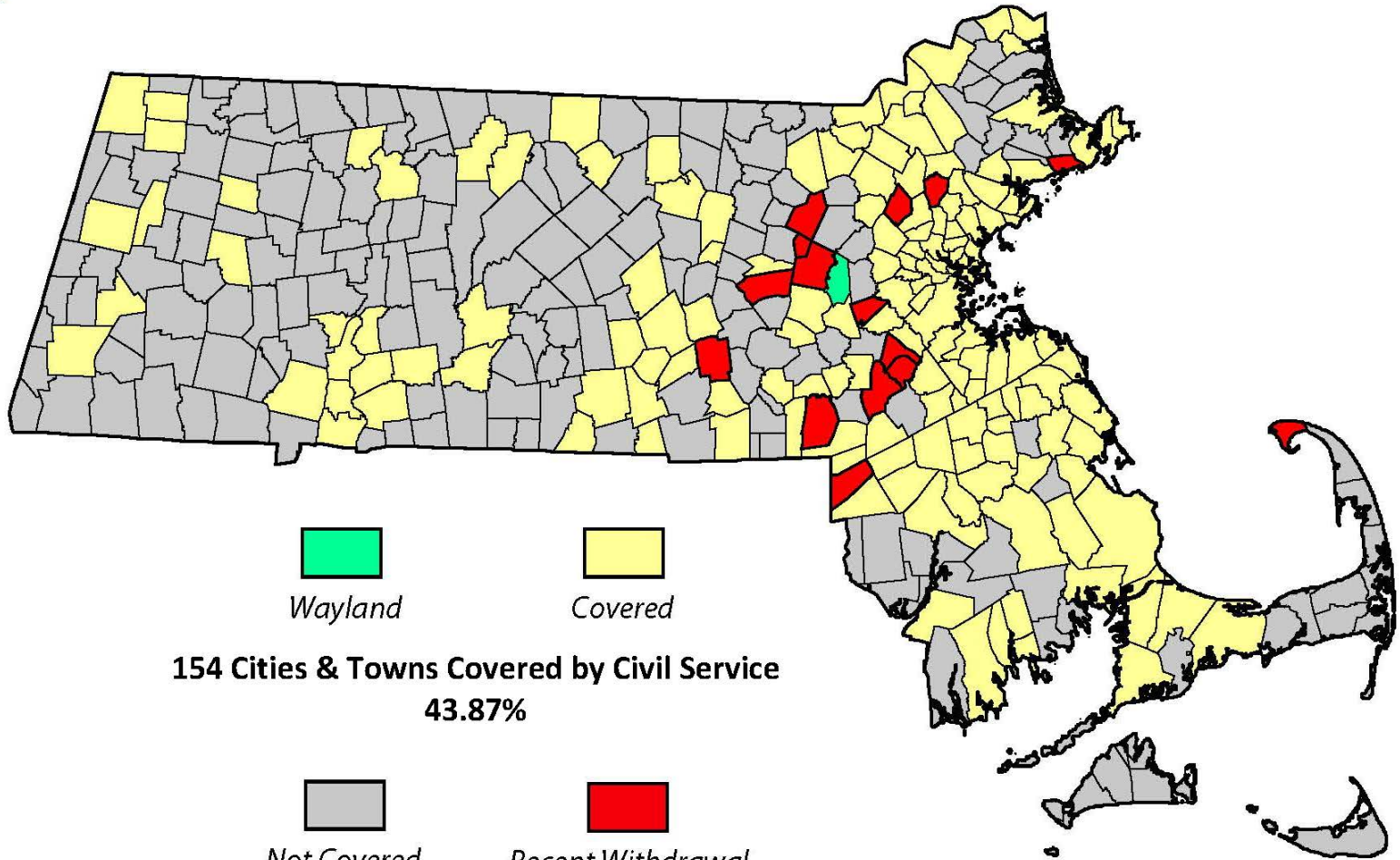


Approximate location
of proposed 10ft wide
emergency access easement

Note: The access road was editorially
added to the sketch map by the
Town Planning Department



Massachusetts Police Departments Covered by Civil Service



Wayland



Covered

154 Cities & Towns Covered by Civil Service
43.87%



Not Covered



Recent Withdrawal

197 Cities & Towns NOT Covered by Civil Service
56.13%

Current playing fields without irrigation

Alpine Field (portion)

Claypit Hill

High School Softball

High School JV Baseball

High School field behind tennis courts

High School practice areas and outfield

Riverview

Proposed field at Oxbow Meadows

MOVER: CHRIS BROWN

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 1: MUNICIPAL FIELD IRRIGATION WAIVER BYLAW
CHANGE**

I move you, sir:

MOVED: that the Town amend Section 191-6 of the Code of the Town of
Wayland relative to types of applications for lawn irrigation systems
by adding thereto the new Paragraph C as printed on Page 5 of the
Warrant for the November 15, 2016 Special Town Meeting.

MOVER: CHERRY KARLSON

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 2: AMEND CHAPTER 36, SECTION 18 OF TOWN CODE,
ATTENDANCE AND PARTICIPATION OF
NONRESIDENT TOWN OFFICIALS**

I move you, sir:

MOVED: that the Town amend Chapter 36, Section 18 of the Town Code,
Attendance and Participation of Nonresident Town Officials, by
adding thereto the words “Town Counsel” as set forth on Page 7 of
the Warrant for the November 15, 2016 Special Town Meeting.

MOVER: DAN HILL

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 3: LANDSCAPING IN PARKING AREAS ZONING
BYLAW**

I move you, sir:

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions thereto as printed on Page 9 of the Warrant for the November 15, 2016 Special Town Meeting.

MOVER: DAN HILL

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 4: CONSERVATION CLUSTER DEVELOPMENTS
ZONING BYLAW**

I move you, sir:

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions relative to conservation cluster developments as printed on Pages 10 through 14 of the Warrant for the November 15, 2016 Special Town Meeting.

MOVER: LEA ANDERSON

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 5: PETITION THE STATE LEGISLATURE TO REMOVE
ALL POLICE PERSONNEL FROM THE PROVISIONS
OF CIVIL SERVICE WITHOUT AFFECTING THE
CIVIL SERVICE RIGHTS OF INCUMBENTS**

I move you, sir:

MOVED: that the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act exempting all Town of Wayland Police personnel from the provisions of Civil Service Law substantially the same as the act as printed on Pages 15 and 16 of the Warrant for the November 15, 2016 Special Town Meeting.

MOVER: GRETCHEN SCHULER

MOTION – 2016 STM – NOVEMBER 15, 2016

ARTICLE 6: AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY (LAND) GRANT PROGRAM FUNDING TO PURCHASE CONSERVATION RESTRICTION ON MAINSTONE FARM

I move you, sir:

MOVED: that the Town:

1. confirm its vote under Article 30 of the Warrant for the 2016 Annual Town Meeting to (i) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33 restricting the use of the land to conservation and passive outdoor recreation purposes, to be held by the Town of Wayland Conservation Commission pursuant to Massachusetts General Laws Chapter 40, Section 8C and by the Sudbury Valley Trustees, Inc, on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts containing 208.7 acres, more or less, which parcel of land to be covered by said conservation restriction is part of the parcel of land shown on Wayland Assessors Map as Parcel 35-031A and is shown as “87 Old Connecticut Path” on a plan entitled “Subdivision Plan of Land in Wayland Middlesex County Massachusetts” dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 100 of 2016 (Sheets 2 and 3 of 3), which plan is the basis for the sketch map attached to the Warrant for the Annual Town Meeting 2016 in Appendix K; (ii) appropriate \$12,000,000 to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.; and (iii) provide for said appropriation by (1) transferring \$2,100,000 from funds set aside in the Community Preservation Fund for open space (2) transferring

MOTION Article 6 Page 2

\$2,900,000 from the uncommitted funds in the Community Preservation Fund; and (3) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$7,000,000 in anticipation of future Community Preservation Fund revenues pursuant to Massachusetts General Laws Chapter 44B, Section 11;

2. authorize the Board of Selectmen to expend said funds in conjunction with \$3,000,000 to be provided by the Sudbury Valley Trustees, Inc. for a total project cost of \$15,000,000;
3. authorize the Conservation Commission to (i) file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Massachusetts General Laws Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; and (ii) enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and
4. authorize the Town Administrator, with the approval of the Board of Selectmen, to accept grant funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services LAND Grant Program.

MOVER: CHRIS BROWN

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 8: APPROPRIATE FUNDS TO PURCHASE 107 OLD
SUDBURY ROAD FOR WATER RESOURCE
PROTECTION**

I move you, sir:

MOVED: that the Town:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of the parcel of land and the structures thereon located at 107 Old Sudbury Road, Wayland, Massachusetts, containing 2.06 acres, more or less, and shown as Lot 17-022 on the Town of Wayland Assessors' Map;
- b.) appropriate \$500,000 for the acquisition of said parcel of land with the structures thereon for water purposes, the demolition and removal of said structures and site work, for water purposes, the fee or any lesser interest in the parcel;
- c.) provide for said appropriation by authorizing the Treasurer, with the approval of the Board of Selectmen, to borrow \$500,000 pursuant to the provisions of Massachusetts General Laws Chapter 44; and
- d.) authorize the Board of Public Works to apply for and accept a grant under the Massachusetts Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection Program and funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of said grant program.

MOVER: CHRIS BROWN

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 9: APPROPRIATE FUNDS TO PURCHASE 8 GLEZEN
 LANE FOR WATER RESOURCE PROTECTION**

I move you, sir:

MOVED: that this article be passed over.

MOVER: DAN HILL

MOTION – 2016 STM – NOVEMBER 15, 2016

**ARTICLE 10: ASSISTED/INDEPENDENT LIVING AND NURSING
HOME ZONING BYLAW**

I move you, sir:

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions relative to assisted/independent living facilities and nursing homes as printed on Page 27 of the Warrant for the November 15, 2016 Special Town Meeting.

MOVER: DAN HILL

MOTION – 2016 STM – NOVEMBER 15, 2016

ARTICLE 11: HOME OCCUPATION ZONING BYLAW

I move you, sir:

MOVED: that the Town amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions relative to home occupations in residential buildings and accessory structure as printed on Pages 28 through 30 of the Warrant for the November 15, 2016 Special Town Meeting.

MOVER: ANNA MELIONES

MOTION – 2016 STM – NOVEMBER 15, 2016

ARTICLE 12: TOWN-WIDE RECREATION FACILITIES STRATEGIC PLAN

I move you, sir:

MOVED: that the Town appropriate \$60,000 to be expended by the Recreation Commission for a Town-Wide Recreation Facilities Strategic Plan; and, provide for said appropriation by transferring \$60,000 from the Recreation Stabilization Fund.

MOVER: CHERRY KARLSON

MOTION – 2016 STM – NOVEMBER 15, 2016

ARTICLE 13: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

I move you, sir:

MOVED: that the Town a.) pay the bills of Fiscal Year 2016 as printed on Page 34 of the Warrant for the November 15, 2016 Special Town Meeting; b.) appropriate \$900 for the payment of said bills; and c.) provide for said appropriation by using funds in the Fiscal Year 2017 appropriation for Town Treasurer Expenses.

TOWN OF WAYLAND

**WARRANT for
SPECIAL
TOWN MEETING**



PLEASE NOTE:

**The location of the Special Town Meeting
will be the
WAYLAND HIGH SCHOOL FIELD HOUSE
DOORS OPEN AT 6:00 P.M.**

**Tuesday
November 15, 2016
7:00 P.M.**

www.wayland.ma.us

NOTICE

The Town of Wayland does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Wayland does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA).

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Wayland's designated ADA Compliance Coordinator.

Name:	John Senchyshyn
Title:	Assistant Town Administrator/HR Director
Office Address:	41 Cochituate Road, Wayland MA 01778
Phone Number:	(508) 358-3623
Fax Number:	(508) 358-3627
TDD:	(508) 358-0194 or 711
Days/Hours Available:	Monday, 8:00 a.m. to 7:00 p.m. Tuesday to Thursday, 8:00 a.m. to 4:00 p.m. Friday, 8:00 a.m. to 12:30 p.m.

Individuals who need assistance in seating for more effective communication are invited to make their needs and preferences known to the ADA Compliance Coordinator. Notification prior to Special Town Meeting would be helpful.

**This notice is available in large print and on audio tape
from the ADA Compliance Coordinator.**



TOWN OF WAYLAND

2016 SPECIAL TOWN MEETING WARRANT

Special Town Meeting will start at 7:00 p.m.
In the WAYLAND HIGH SCHOOL FIELD HOUSE
on Tuesday, November 15, 2016
Doors will open at 6:00 p.m.

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ADJOURNED MEETINGS

It is anticipated that if an adjourned meeting is necessary to complete action on this warrant, it will be held on Wednesday, November 16, 2016, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the **Warrant Hearing on Monday, November 7, 2016, at 7:00 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-7755 before Special Town Meeting.

NOTICE REGARDING MOTIONS

This Warrant for Wayland Special Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail and by posting at the Town Building, the Wayland Public Library, the Cochituate Fire Station or the Cochituate Post Office, and at Happy Hollow School. It contains the agenda of subjects to be acted upon; i.e., the articles.

By state law, no action at the Special Town Meeting is valid unless the subject matter is contained in the warrant. This requirement means only that the subjects to be acted upon must be sufficiently stated in the warrant to apprise voters of the nature of the matters with which the meeting is authorized to deal. It does not require that the warrant contain an accurate forecast of the precise action that the meeting will take upon those subjects. A valid motion may differ from the underlying article, but it must be within the scope of that article.

If you are in doubt about the action Special Town Meeting might take under an article, you should plan to attend the Special Town Meeting.

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet (Appendix A). Copies of the pamphlet, "The Moderator's Handbook for Wayland Town Meetings," are available online at http://www.wayland.ma.us/Pages/WaylandMA_BComm/Moderator/Handbook.pdf.

NO SMOKING NOTICE

Voters are reminded that no smoking is permitted on school grounds.

QUANTUM OF VOTE

The quantum of vote is specified in the warrant for each article.

For those articles involving appropriations which are anticipated to be provided by taxation or from available funds or transferred funds previously appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Special Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common law precedent in Massachusetts, such matters are decided by a majority vote.

HOW TO VOTE ELECTRONICALLY

During the April 2015 Annual Town Meeting, Wayland's citizens approved a resolution endorsing the use of wireless electronic voting for all sessions of all town meetings through fiscal year 2019. Instead of shouting out *Aye* or *No*, raising our hands, or standing to be counted, we'll use electronic handsets to register our votes quickly, accurately, and privately during the upcoming Special Town Meeting.

The handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we push buttons to vote: the 1 button for *Yes*, or the 2 button for *No*. Your vote is displayed on your handset's screen and wirelessly transmitted to a computer that counts votes and displays results for the Moderator to announce. Nothing but these totals is permanently recorded, so your vote will remain private.

Special Town Meeting will be held in the High School Field House. You can use any check-in station; waiting in one line based on the first letter of your last name is no longer required. As you're checking in, you'll be issued a handset for your **exclusive** use during that session. Voting with a handset issued to anyone else is **strictly forbidden**.

If your phone, tablet, or laptop supports Wi-Fi, please disable this feature, as doing so will enhance performance of the electronic voting system.



Before each vote, the Moderator will summarize the motion or amendment being decided. He'll then announce the beginning of a 30 second interval during which you can convey your vote, and a "voting light" near the Moderator will be illuminated. To vote *Yes*, push your handset's 1 button. To vote *No*, push your handset's 2 button. If you accidentally push the wrong button, you can change your vote by pushing the correct button. If you don't want to participate in a particular vote, don't push any buttons during the 30 second voting interval; if you don't want to participate but accidentally push the 1 button or the 2 button, you can clear your unintentional vote by pushing the 3 button. When the 30 second interval is over, the "voting light" will be extinguished, and the Moderator will announce that the vote is complete; shortly thereafter, the Moderator will announce the results.



You should check-in at least 5 minutes before a vote to be certain that your handset can be used in that vote. If pushing your handset's 1 button or 2 button during a vote produces a *can't vote yet* message on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to provide you with a paper ballot to record your vote.

If you inadvertently turn your handset off by pushing the power button in its lower-right corner, its display will be blank; push the power button briefly to turn your handset back on. Pushing any of your handset's other buttons during the voting interval will not change your vote, but for peace of mind, your handset will encourage you to *Re-Vote*; push the 1 button for *Yes* or the 2 button for *No*.

If you temporarily leave your seat during the meeting, please keep your handset with you. If you're visiting the restroom, you can leave your handset with the Exit Desk staff. When you leave the Field House – either during a session or at the close of a session – please place your handset in one of the bins at the Exit Desks. If you forget to turn in your handset, we'll give you a call the next day and ask you to return it.

Every handset will be tested before each session of Town Meeting, so the probability of a handset failing is very low. That said, if pushing your handset's 1 button or 2 button during a vote does not produce an *Yes* or *No* on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to provide you with a paper ballot to record your vote, and you'll be issued a new handset. We don't expect this to happen, but like the Boy Scouts, we'll be prepared.

If you're physically unable to use a handset to vote, inform the person who checks you in, and you'll be seated in an area where your votes will be manually counted by Help Desk personnel. If you're wondering how much radio energy is used by a handset to convey your vote wirelessly, it's less than 1% that of a typical cell phone and only for brief instants, employing the same frequencies used for Wi-Fi wireless internet access.

ELVIS: Wayland's Electronic Voting Implementation Subcommittee

COMMONWEALTH OF MASSACHUSETTS*Middlesex, ss.**Town of Wayland**** * * WARRANT * * ***

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all such residents of Wayland to meet in the Field House of the Wayland High School on

TUESDAY, NOVEMBER 15, 2016, AT 7:00 P.M.

to act on the following Articles:

ARTICLE 1: MUNICIPAL FIELD IRRIGATION WAIVER BYLAW CHANGE

Sponsored by: Board of Public Works and Recreation Commission

To determine whether the Town will vote to amend Section 191-6 of the Code of the Town of Wayland relative to types of applications for lawn irrigation systems by adding thereto the following new paragraph:

"C. Any municipally-owned field which uses prudent water conservation practices shall be exempt from the 15,000 square foot limit for new installations or expansions of existing irrigation systems. All irrigation improvements will be limited to the playing field area. All irrigation systems are subject to applicable regulations as well as approval by the Board of Public Works as Water Commissioners. Nothing in this bylaw shall limit the authority of the Board of Public Works to implement water restrictions, including for municipal irrigation systems."

FINANCE COMMITTEE COMMENTS: Current Wayland By-Laws prohibit the installation of irrigation systems of greater than 15,000 square feet which are connected to the Town's public water supply. Approval of this article would exempt municipally-owned fields which use prudent water conservation measures from the current prohibition. The article would not impact the Board of Public Works' authority to implement water restrictions for the Town, including for municipal systems.

At this time, nine of the Town's sixteen fields are irrigated. Of the nine irrigated fields, eight have conventional irrigation systems and one is irrigated via a drip or underground system. The remaining eight fields do not contain irrigation systems and are primarily irrigated through rainfall.

Under the current bylaw, the Town is currently permitted to install irrigation systems of a size fewer than 15,000 square feet and connect said system to the Town's water supply. Modification as proposed would enable the town to install and connect irrigation systems greater than 15,000 square feet for municipally-owned fields. This proposed modification permits the Department to install systems greater than 15,000 square feet, but it does not include any funding for the installation of new systems.

It should be noted that the Massachusetts Department of Environmental Protection (MassDEP) regulates the Town's ability to withdraw water from the ground for our public water system. Wayland's 20-year permit was due for renewal in 2016, but DEP has pushed this back to 2018 due to

bandwidth issues. Irrigation for playing fields is considered an acceptable use for withdrawing water from the ground in the MassDEP guidelines published in 2016.

The Board of Public Works voted 4-0 to recommend approval of this article.

The Recreation Commission voted 4-0 to recommend approval of this article.

The Board of Selectmen voted 5-0 to recommend approval of this article.

ARGUMENTS IN FAVOR: Approval of this bylaw change would allow the Town to better maintain playing fields and prevent damage to grass/playing surface from summer heat.

Proponents argue that irrigating the fields is more cost-effective than repairing and rehabbing fields that suffer damage.

Proponents also argue that this waiver will eliminate the current costly and sometimes unsuccessful process of digging a well to try to irrigate municipally-owned fields.

Proponents believe that this waiver will enable the Town to maintain better grass quality which will provide a safer playing surface for the users of the fields.

Proponents maintain that this waiver from the by-laws ensure that the fields would be irrigated using modern and prudent conservation practices.

ARGUMENTS OPPOSED: Some may oppose this Article because they want to conserve as much water as possible for other uses.

Given the current drought-like conditions and declining water levels in our town's water sources, some may argue that field watering is not a necessary and appropriate use of this limited resource.

Some may fear that this Article would lead to an increase in water usage and therefore an increase in water rates.

Some feel that the town should explore other options including water reuse to irrigate the town fields.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-1.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with Federal and Massachusetts law.

For more information about this article, contact Chris Brown, Chair, Board of Public Works, at cbrown93@comcast.net, or Jessica Brodie, Recreation Director, at 508-358-3662, at jbrodie@wayland.ma.us

ARTICLE 2: AMEND CHAPTER 36, SECTION 18 OF TOWN CODE, ATTENDANCE AND PARTICIPATION OF NONRESIDENT TOWN OFFICIALS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, by adding thereto the words "Town Counsel" as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

FINANCE COMMITTEE COMMENTS: Passage of this article will allow Town Counsel to answer questions at Town Meeting without needing a vote of the attendees to do so. Currently, Chapter 36, Section 18 of the Town Code grants the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools the same right as Wayland voters to attend, sit on the floor and answer questions in all town meetings. Town Counsel is not included in this section of the Town code and, as a result, Town Counsel must request permission from the Moderator to address the meeting each and every time. If there are any objections to allowing the Town Counsel to address the meeting, a vote needs to be taken. This vote is required under the Moderator's Rules and Regulations Governing Wayland's Town Meetings (see Appendix A), section IV, B, 4 which outlines the procedure for nonresidents to address town meeting. To change this, the position of Town Counsel must be added to the list of Town officials allowed to answer questions under Chapter 36, section 18 of the Town Code.

The Board of Selectmen submitted this article for consideration as one more step to make the procedures of town meetings more efficient.

As background, section 18 of Chapter 36 of Town code was added by Annual Town Meeting (ATM) April 2009 and amended by ATM April 2013. At ATM 2013, Article 12 proposed adding two Town officials to those allowed to answer questions. Town meeting approved adding the Public Buildings Director to the list of Town officials, but did not approve adding Town Counsel.

The Board of Selectmen voted 5-0 to recommend approval of this article.

ARGUMENTS IN FAVOR: Proponents argue that passage of this Article will streamline the Town Meeting process by eliminating an administrative protocol.

Making Town Meeting more efficient has long been a goal of many residents and committees. Over the last few Town Meetings, a number of seemingly small steps have been implemented to collectively improve the efficiency of the proceedings. While this one change alone will not save a lot of time, it is one step to make Town Meeting procedures more efficient and will eliminate one interruption of article discussions.

If this article passes, Town Counsel will be allowed to speak only when asked a question.

ARGUMENTS OPPOSED: There are some who would like town meeting attendees to decide on whether Town Counsel may speak each time a question is posed.

Some feel that residents will ask Town Counsel more questions if s/he is allowed to answer questions without permission and that this could slow down Town Meeting even more.

Some argue that Town Counsel's words or opinion may carry different weight and may have more of an ability to sway voters than the other town officials currently listed in the bylaw.

Opponents contend that legal questions should be vetted and answered prior to Town Meeting and that legal opinions should not be requested and given on the fly in the meeting.

RECOMMENDATION: The Finance Committee recommends approval. Vote 5-2.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with Federal and Massachusetts law.

For more information about this article, contact John Senchyshyn, Assistant Town Administrator/ Human Resources Director, at (508) 358-3623, or email jsenchyshyn@wayland.ma.us.

ARTICLE 3: LANDSCAPING IN PARKING AREAS ZONING BYLAW

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions thereto:

Replace the existing section 506.8.1 to read as follows:

“506.8. Landscaping in parking facilities.

- 506.8.1. A continuous landscape strip of a minimum width of 10 feet shall be provided along the perimeter of a parking lot which is accessory to a non-residential use on a lot that is in or adjacent to a residential district. This strip shall be adequately landscaped and maintained with natural and living materials so as to form an effective year round screen from adjacent properties in said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.”

Existing language below

506.8. Landscaping in parking facilities.

- 506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.

PLANNING BOARD REPORT: This amendment makes for clearer and more consistent language and provides proper guidance to permitting boards, Town departments and developers with regard to business district parking lots that abut residential land. The current Zoning Bylaw does not have a minimum standard for screening parking lots serving commercial uses from abutting residential uses. The amendment would establish a minimum ten foot buffer that would accommodate plant materials and fencing as may be required by the Special Permit Granting Authority and the Site Plan Approval Authority. The Planning Board believes this standard will provide better visual and noise screening to owners of residential properties that abut commercial properties.

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: 5-0.

FINANCE COMMITTEE COMMENTS: Passage of this article will change the landscaping requirements for parking facilities in or near a residential district to a continuous landscape strip that is a minimum of 10 feet wide along the perimeter of a parking lot. The current Zoning Bylaw merely calls for “adequate” screening by trees, hedges or a tight fence. This amendment provides clearer and more prescriptive language because it specifies that the strip shall be landscaped and maintained with natural and living materials. Hence it provides clearer guidance to permitting boards, town departments and developers with regard to parking lots that abut residential land. The proposed ten foot buffer would provide room for proper plant material and fencing as may be required by the Special Permit Granting Authority. The Planning Board believes this standard will help to address sound, screening, and safety concerns of residential abutters that are adjacent to commercial districts.

The Board of Selectmen voted 5-0 to recommend approval of this article.

ARGUMENTS IN FAVOR: The proposed change strengthens/clarifies the bylaw by replacing “adequate” with “a continuous landscape strip of a minimum width of 10 feet.”

The proposed change provides greater protection for abutters in residential areas.

The old bylaw gives a **choice** of adequate screening with trees, hedges or a fence. The new bylaw **requires** screening with natural and living materials **as well as** maintenance, **and** may in addition also require a fence.

ARGUMENTS OPPOSED: A net loss of parking spaces may result. This change may increase development costs by reducing useable space. Some may argue that the proposed changes are not prescriptive enough.

RECOMMENDATION: The Finance Committee recommends approval. Vote 6-1.

QUANTUM OF VOTE: Two-thirds – See Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with Federal and Massachusetts law.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 4: CONSERVATION CLUSTER DEVELOPMENTS ZONING BYLAW

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town’s Zoning Bylaw, by making the following revisions thereto:

[Key to changes: underlining denotes additions; ~~strikethroughs~~ denotes deletions]

1803.1 After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Historical Commission, and the Board of Health, grant such a special permit, provided that:

1803.1.1 It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2 The area of the tract of land is not less than 5 acres. [Amended 5-5-2005 ATM by Art. 27]

1803.1.3 The total number of ~~lots on which there is to be a single dwelling unit~~ dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following: [Amended 5-5-2005 ATM by Art. 29]

~~1803.1.3.1~~ (a) The number of building lots that could be created in the tract shown on such plan without a special permit hereunder, plus one lot for each 10 of such building lots that could

otherwise be created; or

~~1803.1.3.2 (b) The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones) situated within the floodplain or designated as wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.~~

1803.1.3.1 For purposes of demonstrating the number of lots under subsection 1803.1.3(a) above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer or land surveyor which shows the maximum number of lots which can be created on a conventional subdivision plan meeting all dimensional and other requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, which submittal shall include a list of requested waivers necessary to implement the subdivision plan, which the Planning Board shall review and consider.

1803.1.3.32 Within the Residence Districts, the Planning Board shall may permit allow by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units for attached buildings shall not exceed the total that is allowed under § 198-18051803.1.43.

1803.1.3.4 3 Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may permit by Special Permit attached and detached dwelling units to be erected on single lot(s). [Added 10-3-2012 STM by Art. 6]

1803.1.4 Each of the building lots shown on the site plan has shall have adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5 Each of the building lots shown on the plan is shall be of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.

1803.1.6 The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built; provided that aAll dwellings and accessory buildings, driveways and roadways shall be set back at least 45 50 feet from the perimeter of the tract, except that the Planning Board may reduce this set back to not less than 15 feet if it furthers the interests of this by-law, and 15 feet from any open land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development.

1803.1.7 For Conservation Cluster Developments consisting of at least a majority of single-family detached dwellings, At least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be open designated as Open Lland, and the open land shall include all land not dedicated to roads or building lots. For Conservation Cluster Developments consisting of at least a majority of attached single-family attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Lland, and the open land shall include all land not dedicated to roads or building lots. For the purpose of this article, "Open Land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private, The Open

Land shall be reserved to be used for open space, conservation, agriculture, outdoor passive recreation, park purposes or some combination of the foregoing. [Amended 5-5-2005 ATM by Art. 29]

~~1803.1.8.2~~ Conveyance of ~~the open~~ Open land ~~Land~~.

~~1803.1.8.1.2.1~~ The Open land ~~Land~~ shall be conveyed either:

~~1803.1.8.1.1~~ (a) To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land, ~~which shall accept it for park or open space use;~~

~~1803.1.8.1.2~~ (b) To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or

~~1803.1.8.1.3~~ (c) To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

~~1803.1.8.2.2~~ If ~~ownership is in~~ title to the Open Land is held by an entity other than the Town, ~~there shall be sufficient rights in the Town to provide that such land shall be kept in an open or natural state, and~~ provisions shall be made satisfactory to the Planning Board ~~so that the Town, through its Conservation Commission, Planning Board, or other board, can enforce any other~~ restrictions or easements imposed upon the ~~open~~ Open land ~~Land~~ by the Planning Board as conditions of its special permit ~~grant~~.

~~1803.1.9.2.3~~ Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the ~~open~~ Open land ~~Land~~ to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the ~~open~~ Open land ~~Land~~.

~~1803.1.10.3~~ If the ~~land shown on the plan includes land~~ tract of land proposed for the Conservation Cluster development is located in two residence zones or two or more residential districts, ~~all of the land shall~~ the entire tract, for all purposes of this ~~article~~ Bylaw, be considered as lying entirely within the ~~zone or zoning~~ district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residential district, all of the land shall be considered as lying within that ~~zone or zoning~~ district. [Amended 5-5-2005 ATM by Art.29 3]

~~1803.1.11,~~ respectively.

~~1803.1.11.4~~ No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the approved, recorded plan. [Amended 5-5-2005 ATM by Art. 29]

§ 198-1804. Conditions.

1804.1 The Planning Board may, in appropriate cases, impose as a condition of the special permit

further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.

§ 198-1805. Decision.

1805.1 In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:

1805.1.1 A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.

1805.1.2 A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

1805.1.3 The relation of the proposed development to long-range plans of the Town, if any.

1805.1.4 The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

1805.1.5 The extent to which the proposed Open Land is of such a size, shape and location and has such adequate access so as to benefit the Town.

1805.1.6 If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.

1805.1.7 If the Planning Board denies the special permit, its reasons for so doing.

1805.1.8 If the Planning Board disagrees with the recommendations of the Conservation Commission, Historical Commission, or the Board of Health, it shall state its reasons therefor in writing.

1805.1.9 If, by the terms of the special permit, the Planning Board permits the Open Land to be used for subsurface waste disposal, the finding required by § 198-1803.1-~~92.3~~ above.

1805.2 Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

§ 198-1806. ~~Common~~ Open Land.

1806.1 If a special permit is granted, the Planning Board shall impose as a condition that the ~~common~~ Open Land shall be conveyed, free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, ~~of any mortgage interest or security interest~~ and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot, unless the petitioner shall provide

a cash performance bond in an amount sufficient in the judgment of the Planning Board to guarantee the conveyance of the Open Land as required by the special permit. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances. In any event, the Open Land shall be conveyed as required on or before one year after the conveyance of the first lot.

§198-1807. Duration of special permit.

1807.1 A special permit granted under this article shall lapse within 18 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

§ 198-1808. Amendments.

1808.1 Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:

1808.1.1 Grant any reduction in the size of the open land as provided in the permit;

1808.1.2 Grant any change in the layout of the ways as provided in the permit;

1808.1.3 Increase the number of building lots as provided in the permit; or

1808.1.4 Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

PLANNING BOARD REPORT: The Conservation Cluster Bylaw has been very successful in Wayland. Open space is preserved by permitting a developer to subdivide with smaller lots and configurations than specified in the zoning district, giving developers and the Planning Board more flexibility to design a subdivision that preserves natural features and protects natural resources without increasing density. Since its inception, 33 acres of land have been preserved as open space, and 5 affordable housing units have been created that count towards the Town's Subsidized Housing Inventory under Chapter 40B.

The proposed amendments are mostly "housekeeping" in nature, to clarify certain provisions or provide internal consistency. In addition, the following substantive changes are proposed:

- Clarify how the total number of dwelling units allowed on a tract of land is determined, requiring the submission of a "yield plan" to enable the Planning Board to verify the allowable number of lots, and setting a minimum percentage of "upland" within the required Open Land (common area) in the development;
- Increase setbacks from the perimeter of the development tract;
- Strengthen the surety requirements to guarantee the conveyance of the Open Land to the Town or qualified non-profit, and further clarify the procedure for conveyance of the Open Land.

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: 5-0.

FINANCE COMMITTEE COMMENTS: This article amends the Town's zoning bylaws related

to conservation clusters by specifying the total and maximum number of units that can be constructed and clarifying the amount and location of open space through the provisions related to “Open Land.”

In addition, the following changes are proposed:

- Clarifies how the total number of dwelling units allowed on a tract of land is determined, including the requirement that a subdivision lotting plan be submitted, and excluding certain Wetland Resource areas from the area calculation;
- Increases setbacks from the perimeter to 50 feet;
- Clarifies the provisions for set aside of Open Land, including the requirements for a restriction to be imposed on the Open Land if it is not conveyed to the Town;
- Requires the developer to provide the Town with a cash performance bond to guarantee the conveyance of the Open Land and further clarifying the procedure for conveyance of the Open Land.

The Board of Selectmen voted 5-0 to recommend approval of this article.

ARGUMENTS IN FAVOR: The proposed amendments include a number of “housekeeping” amendments to clarify the bylaw or provide internal consistency.

ARGUMENTS OPPOSED: Some would argue that this puts too many restrictions on the development of Conservation Cluster Developments.

RECOMMENDATION: The Finance Committee voted 7-0-0 to not take a position on this article.

QUANTUM OF VOTE: Two-thirds – See Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with Federal and Massachusetts law.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 5: PETITION THE STATE LEGISLATURE TO REMOVE ALL POLICE PERSONNEL FROM THE PROVISIONS OF CIVIL SERVICE WITHOUT AFFECTING THE CIVIL SERVICE RIGHTS OF INCUMBENTS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act exempting all Town of Wayland Police Personnel from the provisions of Civil Service Law substantially the same as the following act:

AN ACT EXEMPTING ALL POLICE PERSONNEL IN THE TOWN OF WAYLAND POLICE DEPARTMENT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

Section 1: All Police personnel in the Town of Wayland Police Department shall be exempt from the provisions of Chapter 31 of the General Laws and related regulations applicable thereto.

Section 2: The provisions of Section 1 of this act shall not impair the Civil Service status of the

present officers of the Town of Wayland Police Department except for the purpose of promotion.

Section 3: This act shall take effect upon its passage.

FINANCE COMMITTEE COMMENTS: This article seeks to remove Police personnel in the category of: 1) new hires, and 2) those being promoted from the provisions of Civil Service. Existing Police personnel remaining in their current status would not be affected by this petition. In Wayland, only Police Department personnel (below the rank of Chief) are covered under the Commonwealth of Massachusetts Civil Service Law Chapter 31.

At the March 1946 ATM, an article was approved to petition the General Court to remove the Chief of Police from Civil Service. Wayland adopted Civil Service for Police Department personnel by Referendum Town Election on March 1, 1971. No other Wayland personnel, including those in the Fire Department, are subject to the Civil Service process.

Civil Service was enacted in Massachusetts in 1884 with the primary purpose of protecting the hiring and the disciplinary processes from patronage and political interference. State and municipal employees may be hired and promoted under the Civil Service merit system in accordance with Massachusetts General Law, Chapter 31 and the Personnel Administration Rules of Personnel Administration Rules (PAR's). Civil Service appointments are generally made by appointing authorities who select applicants who have taken a competitive examination or have completed a registration process. The Civil Service system was intended to be guided by "Basic Merit Principles" such as merit hiring and promotion and protection from arbitrary and capricious actions.

Despite the good intentions of Civil Service legislation, Municipalities are opting out of Civil Service because the system has proven to be ineffective and obsolete. The Civil Service Unit under the Commonwealth's Human Resources Division has undergone severe budget cuts in recent years resulting in staff reductions, administrative functions being decentralized, and response time to municipalities becoming very slow and unacceptable.

Acton, Maynard, Wellesley, Westwood, Norwood, Franklin, Walpole, Burlington, and Reading have withdrawn from Civil Service over the past few years. Other towns, such as Framingham, Sudbury, Grafton and Marlborough are in the process of leaving Civil Service. Today, Wayland is bordered by Weston, Lincoln, Framingham and Sudbury which have, or soon will have, non-Civil Service Police Departments.

For Wayland, the primary reason for the petition to withdraw from Civil Service is to improve the Town's ability to recruit and hire the best potential candidates. The average length of time to fill the last six open positions for new hires in the Wayland PD was 13 months; in one instance this stretched to 26 months. These excessive hiring durations cause shift shortages with potential impact to public safety, officer holdover shift to shift, and increased overtime costs to the Town.

Additionally, the best candidates are not always available for selection by the town through the Civil Service process. Under Civil Service a "list" is established for both new hires and internal promotions. For new hires: 1) Candidates take a test with the only requirement having passed a General Educational Development exam and proof of identification; 2) Candidates are scored and placed on the "list" based upon on their test results. Work experience and educational achievement do not play a factor in scoring; 3) Preferences are given for military service and other statutory preferences. Such statutory preferences do not indicate the hiring of an effective, qualified Police Officer; 4) When a

“list” is requested from the Commonwealth by Wayland, candidates must personally come into the Police Station and sign the “list” – only those signing the “list” may be interviewed; 5) Civil Service mandates that ONLY the top 3 candidates who signed a “list” are eligible for hiring for a single vacancy (for 2 vacancies, 5 candidates may be considered). Thus, Wayland has no control over the candidate pool. Candidates can be disqualified or “by-passed”, but “by-pass” can be a contentious and time consuming process. In one instance the top candidate presented on the Civil Service list was an individual who had been arrested in Wayland on domestic violence charges – and again appeared on the next two issued lists; 6) If none of the top 3 candidates are selected by Wayland’s interview committee, and there is not sufficient reason to “by-pass” any of the candidates, Wayland cannot fill its vacancy.

By leaving Civil Service, Wayland could test, rank and interview candidates independently. Candidate pools should increase dramatically and interview and selection would not be limited to only the top three candidates. The Town would have the ability to diversify our personnel, recruit educated candidates from colleges, choose from a pool of twenty or more candidates and incorporate community and department specific criteria into hiring and exams. The length of time to deploy a new, qualified Police Officer may be greatly reduced.

The promotional process will also be improved. Wayland’s recent Civil Service promotional exams have only produced one or two candidates to consider for promotion to a supervisory position. Wayland is fortunate to have qualified Officers who could flourish in supervisory roles, but the Civil Service promotional exams require scoring to take precedence over job related experience, supervisory evaluation of the employee’s potential, score on promotional exam, sick leave record, formal education, training and education through career development, disciplinary record, attitude toward the police department and work ethics and initiative. Once removed from Civil Service, the candidate’s job performance may become part of the evaluation process in promotion to a higher rank.

For current Police personnel, Officers appointed or promoted under Civil Service would retain their Civil Service permanency in their current position. Permanency would not follow an Officer who is promoted to a new position following the withdrawal from Civil Service. Officers would retain their Civil Service rights for as long as they remained in the position appointed under Civil Service.

It should be noted that withdrawing from Civil Service only changes the current collective bargaining agreement in place with the Wayland Police Officers’ Association (NEPBA #176) with respect to Civil Service references. The current agreement already provides for a non-Civil Service arbitration process for settling grievances and disciplinary issues.

The Board of Selectmen voted 5-0 to recommend approval of this article.
The Personnel Board voted 4-0 to recommend approval of this article.

ARGUMENTS IN FAVOR: Wayland could test, rank and interview candidates independent of Civil Service; therefore candidate pools should improve dramatically in quality and quantity.

Police Officer interviews and selection would not be limited to the top 3 candidates, and vacancies would be filled more expeditiously with less cost to the Town.

Performance and merit would become a meaningful factor in promotions.

Civil Service has become outdated.

ARGUMENTS OPPOSED: Some may say that municipalities should not have local control over hiring and promotion of employees where a uniform state level process exists.

The Wayland Police Officers' Union (New England Police Benevolent Association Local #176) opposes removal of Civil Service on the grounds that it was enacted to hire and promote candidates upon a system of merit, rather than political favoritism. They believe the process is effective.

RECOMMENDATION: The Finance Committee recommends approval. Vote 7-0.

QUANTUM OF VOTE: Majority – See Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

For more information about this article, contact John Senchyshyn, Asst. Town Administrator/HR Director, at (508) 358-3623, or email jsenchyshyn@wayland.ma.us. See Map of Massachusetts Police Departments covered by Civil Service at Appendix B.

**ARTICLE 6: AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY (LAND)
GRANT PROGRAM FUNDING TO PURCHASE CONSERVATION
RESTRICTION ON MAINSTONE FARM**

Sponsored by: Community Preservation Committee and Conservation Commission

To determine whether the Town will vote to:

- 1.) confirm its vote under Article 30 of the Warrant for the 2016 Annual Town Meeting to (i) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33 restricting the use of the land to conservation and passive outdoor recreation purposes, to be held by the Town of Wayland Conservation Commission pursuant to Massachusetts General Laws Chapter 40, Section 8C and by the Sudbury Valley Trustees, Inc, on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts containing 208.7 acres, more or less, which parcel of land to be covered by said conservation restriction is part of the parcel of land shown on Wayland Assessors Map as Parcel 35-031A and is shown as "87 Old Connecticut Path" on a plan entitled "Subdivision Plan of Land in Wayland Middlesex County Massachusetts" dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 100 of 2016 (Sheets 2 and 3 of 3), which plan is the basis for the sketch map attached to the Warrant for the Annual Town Meeting 2016 in Appendix K; (ii) appropriate \$12,000,000 to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.; and (iii) provide for said appropriation by (1) transferring \$2,100,000 from funds set aside in the Community Preservation Fund for open space (2) transferring \$2,900,000 from the uncommitted funds in the Community Preservation Fund; and (3) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$7,000,000 in anticipation of future Community Preservation Fund revenues pursuant to Massachusetts General Laws Chapter 44B, Section 11;
- 2.) authorize the Board of Selectmen to expend said funds in conjunction with \$3,000,000 to be provided by the Sudbury Valley Trustees, Inc. for a total project cost of \$15,000,000;

- 3.) authorize the Conservation Commission to (i) file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Massachusetts General Laws Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; and (ii) enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said purchase; and
- 4.) authorize the Town Administrator, with the approval of the Board of Selectmen, to accept grant funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services LAND Grant Program.

FINANCE COMMITTEE COMMENTS: In order to apply for a \$400,000 land grant, The Town needs to re-address the Mainstone project at Town Meeting to:

- State the full amount of the cost of the conservation restriction (CR);
- Get permission from Special Town Meeting (STM) to apply;
- Get permission from STM to receive the funding if it is awarded.

This article is necessary to comply with regulations of the Department of Conservation Services' Local Acquisitions for Natural Diversity (LAND) Grant program. The Town through its Conservation Commission has applied for a \$400,000 LAND grant toward the purchase price of a CR on 208+ acres of farmland at Mainstone Farm. As part of the grant application Town Meeting must authorize the submittal of the grant application and receipt of monies should the town be awarded funds.

The authorization also must state the full purchase price. Thus:

- a.) reiterates the vote of Annual Town Meeting 2016 in which the town allocated \$12 million toward the purchase of a CR Mainstone Farm;
- b.) authorizes the Board of Selectmen to spend those already allocated funds and states the total purchase price of \$15,000,000 of which Sudbury Valley Trustees will raise \$3,000,000;
- c.) authorizes the Conservation Commission on behalf of the Town to apply for the grant and
- d.) authorizes the Town Administrator, with approval of the Board of Selectmen, to accept funds to reimburse the Community Preservation Fund.

Applications for the grant were due July 13, 2016. DCS has indicated that awards are likely to be announced in late November or early December 2016. The grant is to be used to reimburse part of the cost of the CR; thus the funds would not be received from the State until after the CR transaction has been completed. If the town is awarded grant monies, the CPC desires that those funds be deposited back into the Uncommitted Balance of the Community Preservation Fund and be available for use to fund future projects.

The Community Preservation voted 6-0 to recommend approval.
The Conservation Commission voted 5-0 to recommend approval.
The Board of Selectmen voted 5-0 to recommend approval.

ARGUMENTS IN FAVOR: This article is simply a reconfirmation of the approval of Article 30 from the 2016 Annual Town Meeting allowing the Town to purchase a Conservation Restriction (CR) on over 200 acres at Mainstone Farm.

This article empowers the Board of Selectman to spend the funds authorized for the CR by the Town

for \$12,000,000 and received from SVT for \$3,000,000.

Passage of this article allows the Conservation Commission to apply for a grant to help pay for the CR on Mainstone Farm.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Gretchen Schuler, Chair, Community Preservation Committee, at ggschuler@verizon.net. See map at Appendix C.

**ARTICLE 7: AMEND FY2017 CAPITAL BUDGET TO ELIMINATE FUNDING
FOR STONEBRIDGE WATER ACCESS ROAD AND WATER MAIN**

Sponsored by: Petitioners

To determine whether the Town will vote to amend its vote under Article 8 of the Warrant for the 2016 Annual Town Meeting relative to the Fiscal Year 2017 Capital Budget to reduce to zero the amount allocated to Capital Budget Item 28: "Department of Public Works, Water - \$936,000. Title: Stonebridge Water Main Project."

PETITIONERS' COMMENTS: At last Town Meeting nearly 1 million dollars from our water budget was allocated to build a new access road to the Happy Hollow well. The justification presented for this spending was that it will save water budget money by allowing 54 ft 18 wheeler trucks to deliver the well chemicals. The delivery charge for the chemicals will be lower with the larger trucks.

Saving money on our water bills is a good thing.

However, there are two ways to enable this delivery savings:

- 1) Enhance existing delivery route by the High School with optional police escort
for safety (1hr/month)
cost ~\$41k payback period: ~about 2 months
- 2) Build new access road and associated infrastructure
cost: ~\$930k payback period: ~4.5 years

There is no need for the town to choose the expensive option.

There is no need to wait an additional four years before the saving starts appearing on our water bills.

FINANCE COMMITTEE COMMENTS: The Finance Committee recommended approval of spending \$936,000 on the design, permitting, bid and construction of a new access road and water main as part of the CIP process last year and it was approved at ATM. It should be noted that at ATM, residents considered a modification to delete this from the capital budget (as is presented in this article) and the motion to delete this from the capital budget failed on ATM floor with a vote of

77-152. Following is what was approved and what appeared in the 2016 Annual Town Meeting Warrant:

28. Budget: Department of Public Works, Water - \$936,000.	
Title: Stonebridge Water Main	Project Advocate(s): Director, DPW
Description: Costs associated with design, permitting, bid and construction of the Happy Hollow Access Road and Water Main.	
<p>Justification: Happy Hollow Well Site and Chemical Feed Facility is a critical component to the Town's water supply, which requires frequent site visits by Town personnel. Access to the site is limited, which requires Town vehicles, bulk chemical deliveries and contractors to drive through the main entrance to the Wayland High School off Old Connecticut Path and around the back of the school adjacent to the football, lacrosse, and soccer fields which can be a hazard to all participants and spectators.</p> <p>Therefore, the Town is proposing to construct approximately 1,800 linear feet (lf) by 18-foot wide paved access road off Stonebridge Road and come in at the rear of the site. The work will also include the installation of approximately 1,200 lf of guardrail and country drainage to handle stormwater runoff. The estimated cost of construction for the access road is approximately \$600,000.</p> <p>In addition, the Town is proposing to install approximately 1,200 linear feet (lf) of 12-inch diameter ductile iron water main to construct a continuous loop to improve hydraulics within the system (and especially the Stonebridge Rd service area) and the ability to redirect flow distribution if needed. The estimated cost of construction for the installation of the 12-inch diameter water main is approximately \$336,000. The Board of Public works indicates that the new pipes will significantly improve water service to this area, and the road noted above is needed for the installation of these pipes.</p> <p>Total estimated cost of construction for the access road and water main is \$936,000.</p>	
Relationship to General Plan: Included in the long-range capital plan to maintain and improve our water distribution system.	
History: This is part of an ongoing plan for sustainment of the water distribution system	
Schedule: Fiscal Year 2017	In the 5 Year Capital Plan? Yes
Source of Funds: Water Borrowing	Request: \$936,000.

It should be noted that water loops circulate water instead of dead-ending it. This improves water quality and lowers maintenance costs. The article, as approved at ATM, will eliminate a dead end in Stonebridge area by creating a new distribution loop. American Water Works Association and Massachusetts* standards recommend a looped network in the water mains of a distribution system. In contrast to a tree-like branched network where there is only a single path from source to endpoint, a looped network allows water to flow to endpoints along multiple paths. Benefits of looped systems include: redundancy for firefighting, enabling portions to be shut off for emergency or preventative maintenance while still providing service to most end points, and avoiding stagnant areas of the distribution system which lead to poorer water quality and maintenance issues.

* MA Energy and Environmental Affairs: [Guidelines for Public Water Systems - Chapter 9 - Distribution System Piping and Appurtenances](#) - page 9-6

“Dead Ends - Dead ends shall be minimized by looping of all mains whenever practical.”

The Board of Selectmen recommends against approval. Vote 0-5.

ARGUMENTS IN FAVOR: Some might argue this would save money.

Some would argue that Stonebridge Road does not meet the state standards for 54 ft tractor trailer trucks (radius of curves too tight).

ARGUMENTS OPPOSED: This same matter was considered at ATM last year and the motion to delete this from the capital budget failed 77-152.

Usage of a widened road through the high school for chemical deliveries results in safety risks to students, staff, and field users.

The three new Happy Hollow wells are our best and most important water source. Today a single path connects them into the system. The 12" main gives us a second full-capacity 900 GPM flow into a different branch of the system (despite a 10" section of main on Stonebridge). The new main eliminates a single point of failure. The water main creates redundant path from HH wells into the distribution system.

The looped water main improves firefighting flow and will improve water quality.

RECOMMENDATION: Finance Committee does not recommend approval of this article. Vote 0-7.

QUANTUM OF VOTE: Majority.

For more information, contact petitioner Duane Galbi.

**ARTICLE 8: APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD
 FOR WATER RESOURCE PROTECTION**

Sponsored by: Board of Public Works

Estimated Cost: \$500,000

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of the parcel of land and the structures thereon located at 107 Old Sudbury Road, Wayland, Massachusetts, containing 2.06 acres, more or less, and shown as Lot 17-022 on the Town of Wayland Assessors' Map;
- b.) appropriate a sum of money for the acquisition of said parcel of land with the structures thereon for water purposes, the demolition and removal of said structures and site work, for water purposes, the fee or any lesser interest in the parcel;
- c.) determine whether said appropriation shall be provided by transfer from the Water Enterprise Fund, borrowing or by grants; and
- d.) authorize the Board of Public Works to apply for and accept a grant under the Massachusetts Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection Program and funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of said grant program.

FINANCE COMMITTEE COMMENTS: Passage of this article will authorize the Board of Public Works (BoPW) to purchase Lot 17-022 located at 107 Old Sudbury Road for water resource protection, appropriate the necessary funds through Water Enterprise borrowing and authorize the BoPW to apply for a Drinking Water Supply Protection (DWSP) grant. The BoPW seeks to acquire this 2.06 acre parcel as shown on the map in Appendix D for two reasons: the protection of the water supply and future expansion of the water treatment process.

Protecting the Water Supply: Wayland has a ten million dollar investment in the Baldwin Pond treatment plant. When the Town's wells were constructed in the early 1900's, the regulations in place did not require wells to be placed in designated areas and/or prohibit buildings on the land. Today, the Massachusetts Department of Environmental Protection (DEP) urges municipalities to control property which can influence Town wells. 107 Old Sudbury Road is a 2.06 acre parcel located in Zone 2 of Baldwin Wells #1, 2, and 3. It runs 300' along Baldwin Pond. Just under an acre of this parcel is located in the capture area of the wells from which a well draws water during periods of little or no rainfall such as the Town has experienced this past summer. The Board of Public Works wants to purchase this parcel and designate it for water supply protection. There is a residence on the property which the BoPW plans to demolish at a future date.

Future Expansion of the Water Treatment Process: The Baldwin Pond treatment plant site is constrained by its size and proximity to the Baldwin Pond. The land available when the treatment plant was built limits future expansion.

The Town is currently rehabilitating the sand filter bed at the Baldwin Pond treatment plant. The BoPW hopes these upgrades will solve ongoing post-treatment issues. If the upgrades prove insufficient, it may be necessary to add another treatment process in between the plant and the filter beds to dewater the sludge before it reaches the sand beds. Additional space for the new process and possibly an additional sand filter bed would be necessary. 107 Old Sudbury Road directly adjoins the treatment facility land and is suitable for any necessary future expansion.

The BoPW has agreed to purchase this property for \$500,000. The Purchase and Sales agreement stipulates this purchase price is only valid if the purchase is approved by a Town Meeting held prior to November 30, 2016. At the time the warrant went to press the appraisal was in process, but had not been completed. The appraisal will be presented at Special Town Meeting. There is a tax lien on the property. The Town will be reimbursed for back taxes from the proceeds of the sale.

To fund this purchase, the BoPW proposes Water Enterprise borrowing. This debt service will be supported by water revenue. In addition, the Board of Public Works intends to apply for a Drinking Water Supply Protection Grant. If successful, the grant will award 50% of the purchase price up to \$350,000.

The Board of Public Works voted 5-0 to recommend this article.

The Board of Selectmen deferred its recommendation until Special Town Meeting.

ARGUMENTS IN FAVOR: Making this acquisition ensures this parcel will only be used for water supply protection purposes.

Purchasing this property will further protect the Town's investment in the Baldwin wells and water supply.

Increasing the land area on which the Baldwin Well is sited by 2.06 acres will provide room for any necessary future expansion.

ARGUMENTS OPPOSED: Some might argue this property should be thoroughly vetted to determine whether water protection is the best use of this land.

Some might feel it more appropriate to allow another buyer to purchase this parcel and the Town continue to collect approximately \$9,000 in annual real estate tax revenue.

This parcel is one of several that abut the Baldwin Water Treatment plant. Purchasing all these parcels as they become available may prove to be a costly endeavor and has the potential to cause residential water rates to increase.

The estimated cost does not include demolition, removal of the leach field or ongoing maintenance expenses.

RECOMMENDATION: The Finance Committee voted 7-0-0 to take no position on this article, deferring its recommendation, if any, until Town Meeting.

QUANTUM OF VOTE: a.) Two-thirds – See Massachusetts General Laws Chapter 40, Section 14; b.) Majority – See Massachusetts General Laws Chapter 40, Section 5; c.) Two-thirds for borrowing – see Massachusetts General Laws Chapter 44, Section 7, otherwise, majority; and d.) Majority.

For more information about this article, contact Chris Brown, Chair, Board of Public Works, at cbrown93@comcast.net. See map at Appendix D.

ARTICLE 9: APPROPRIATE FUNDS TO PURCHASE 8 GLEZEN LANE FOR WATER RESOURCE PROTECTION*Sponsored by: Board of Public Works**Estimated Cost: \$1,225,000*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of the parcel of land and the structures thereon at 8 Glezen Lane, Wayland, Massachusetts, containing 1.82 acres, more or less, and shown as Lot 18-014 on the Town of Wayland Assessors' Map;
- b.) appropriate a sum of money for the acquisition of said parcel of land with the structures thereon for water purposes, the demolition and removal of said structures and site work;
- c.) determine whether said appropriation shall be provided by transfer from the Water Enterprise Fund, borrowing or by grants; and
- d.) authorize the Board of Public Works to apply for and accept a grant under the Massachusetts Executive Office of Energy and Environmental Affairs Drinking Water Supply Protection Program and funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of said grant program.

FINANCE COMMITTEE COMMENTS: Passage of this article will authorize the Board of Public Works (BoPW) to purchase Lot 18-014 located at 8 Glezen Lane, appropriate the necessary funds through Water Enterprise borrowing and authorize the BoPW to apply for a Drinking Water Supply Protection (DWSP) grant. The BoPW seeks to acquire this 1.82 acre parcel as shown on the map in Appendix E for two reasons: Protection of the water supply and future expansion of water treatment process.

Protecting the Water Supply: Wayland has a \$10,000,000 investment in the Baldwin Pond treatment plant. When the Town's wells were constructed in the early 1900's, the regulations in place did not require wells to be placed in designated areas and/or prohibit buildings on the land. Today, the Massachusetts Department of Environmental Protection (DEP) urges municipalities to control property which can influence Town wells. Nearly the entire 1.82 acres at 8 Glezen Lane is located within the 400-foot Zone I wellhead protection area of the Baldwin Pond wells and treatment plant.

The parcel at 8 Glezen Lane not only abuts the Baldwin Pond Treatment plant: it contains a residential building with a septic system that has failed a Title V inspection, a situation that does not meet today's code. If septic or any contamination from this parcel were to reach the Baldwin well, the DEP could require a long outage of the well to requalify the plant. This could significantly affect the Town's ability to deliver water.

The BoPW plans would include demolishing the residence on the property at a future date.

8 Glezen Lane is one of 7 properties that have residences built on them that abut the water treatment plant. The BoPW has indicated it would be prudent to evaluate each of these as they become available in terms of increased water supply protection.

Future Expansion of the Water Treatment Process: The Baldwin Pond treatment plant site is constrained by its size and proximity to the Baldwin Pond. The land available when the treatment plant was built limits future expansion.

The Town is currently rehabilitating the sand filter bed at the Baldwin Pond treatment plant. The BoPW hopes these upgrades will solve ongoing post-treatment issues. If the upgrades are not sufficient, it may be necessary to add another treatment process in between the plant and the filter beds to dewater the sludge before it reaches the sand beds. 8 Glezen Lane directly adjoins the treatment facility and is suitable for such expansions as well as any necessary future expansion.

At the time the warrant went to press, the appraisal was in process, but had not been completed. It will be presented at Special Town Meeting.

To fund this purchase, the BoPW proposes Water Enterprise borrowing. This debt service will be supported by water revenue beginning with FY17. In addition, the Board of Public Works intends to apply for a Drinking Water Supply Protection Grant. If successful, the grant will award 50% of the purchase price up to \$350,000.

The Board of Public Works voted 5-0 to recommend approval of this article.
The Board of Selectmen deferred its recommendation until Special Town Meeting.

ARGUMENTS IN FAVOR: Purchasing this property will ensure the property will be only used for water supply and protect the Town's investment in the Baldwin wells.

Completing this purchase will eliminate a potential contamination source for the Baldwin well and water supply.

Increasing the land area on which the Baldwin Well is sited by 1.82 acres will provide room for any necessary future expansion.

Enhancing wellhead protection will bring the well into further compliance with DEP guidance.

ARGUMENTS OPPOSED: Some may argue this is an expensive parcel in a prime site to be left undeveloped.

The failed septic system could be replaced with a leach field outside the Zone I or a tight septic holding tank.

This purchase will result in an approximate annual reduction of approximately \$15,000 in real estate tax revenue.

This parcel is one of several properties that abut the Baldwin wells. Purchasing all these properties as they become available could prove to be a costly endeavor, and has the potential to cause residential water rates to increase.

The estimated costs do not include demolition, removal of leach field and/or ongoing maintenance expenses.

RECOMMENDATION: The Finance Committee voted 7-0-0 to take no position on this article, deferring its recommendation, if any, until Special Town Meeting.

QUANTUM OF VOTE: a.) Two-thirds – See Massachusetts General Laws Chapter 40, Section 14; b.) Majority – See Massachusetts General Laws Chapter 40, Section 5; c.) Two-thirds for borrowing – see Massachusetts General Laws Chapter 44, Section 7, otherwise, majority; and d.) Majority.

For more information about this article, contact Chris Brown, Chair, Board of Public Works, at cbrown93@comcast.net. See map at Appendix E.

**ARTICLE 10: ASSISTED/INDEPENDENT LIVING AND NURSING
HOME ZONING BYLAW**

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions thereto:

Amend the Table of Permitted Principal Uses by District by changing the designation for Line 24, "Assisted/Independent Living" from "SP" to "No" in Single Residence districts, and by changing the designation for Line 32, "Nursing Home" from "SP" to "No" in Single Residence districts.

PLANNING BOARD REPORT: This article amends the Zoning Bylaw by prohibiting Assisted/Independent and Nursing Homes in residential districts. The intensity of use of these types of operations (traffic, employees, etc.) with no density limitations is not compatible with single-family residential neighborhoods, but are allowed under our Zoning Bylaw in our business districts by special permit.

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: 5-0.

FINANCE COMMITTEE COMMENTS: This article requests that Town Meeting amend the Zoning By-Laws to prohibit Assisted/Independent Living and Nursing Homes in residential districts. The current zoning bylaws allow Assisted /Independent Living and Nursing homes in residential districts to be built under special permits issued by the Zoning Board. Buildings of this type of scale with no density standard do not meet the intent of the residential districts and may be detrimental to the residential or natural environment of a neighborhood. In addition, there are currently no parameters that control the development of assisted/independent living and nursing home use in residential neighborhoods. This article would not allow such development.

The Board of Selectmen deferred its recommendation until Special Town Meeting.

ARGUMENTS IN FAVOR: This article would protect residential neighborhoods from a form of development that some would consider too dense for residential neighborhoods.

By limiting the number of assisted/independent living and nursing home residences in Wayland, it is argued that the burden on the ambulance staff of Wayland's Fire Department would be lessened.

Buildings of this type of scale with no density standard do not meet the intent of the residential districts and may be detrimental to the residential or natural environment of a neighborhood.

Passage of this article will allow time for the Planning Board to consider where such facilities should be located, Town safety considerations to support such facilities, regulations regarding types of services offered and density, if allowed, in potential residential locations. This is something the Planning Board will do in the future.

ARGUMENTS OPPOSED: Some would argue that owners of residences in Wayland should have the right to use their homes for the purpose of assisted/independent living and nursing homes.

Some would argue that the demand for these types of facilities are needed in Wayland and should not be limited by this proposed change.

The article may be considered inconsistent with current and future industry trends in the care of people in need of these services.

Some people would argue that the requirement of obtaining a special permit is sufficient.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0-0.

QUANTUM OF VOTE: Two-thirds – See Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with Federal and Massachusetts law.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 11: HOME OCCUPATION ZONING BYLAW

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions thereto:

[Key to changes: underlining denotes additions; ~~strikethroughs~~ denotes deletions]

“In Section 198-104:

Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or an accessory structure. ~~Said occupation to include but are not necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter.~~ Where customary home occupations are permitted by the Table of Accessory Uses § **198-804**, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § **198-203**.

[Added 4-30-2001 ATM by Art. 25; amended 4-7-2011 ATM by Art. 19]

901.1.1.

A customary home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § **198-804**, provided that all of the following conditions are met:

[Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25]

901.1.1.1.

The customary home occupation occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, of the dwelling unit or accessory building on the lot.

901.1.1.2.

There are no employees;

901.1.1.3.

No business is conducted on the lot with any client or customer physically present;

901.1.1.4.

There are no signs or other external evidence of nonresidential use; and

901.1.1.5.

No hazard or nuisance, including offensive noise, vibrations, smoke, dust or other particulate matter, odors, heat, glare, humidity, and noxious fumes, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.

901.1.2.

A customary home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § **198-804**, provided that all of the following conditions are met:

[Added 4-30-2001 ATM Art. 25]

901.1.2.1.

The use of the dwelling unit, or an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area of the dwelling unit or 500 square feet, whichever is less, within the dwelling unit or accessory structure on the premises;

[Amended 5-6-2004 ATM by Art. 21]

901.1.2.2.

No more than one nonresident employee shall be permitted on the lot;

901.1.2.3.

There is no change in the outside appearance of the building, structure, or lot or any visible or audible evidence detectable from the property line of the conduct of such business except that one sign not larger than two square feet in area bearing only the name of the practitioner and occupation shall be permitted (words only). The sign shall be flush-mounted to the dwelling unit and shall not be illuminated.

901.1.2.4.

~~Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood;~~ The Customary Home Occupation shall not generate more than ten additional vehicle trips per day, as is predicted by the Institute of Transportation Engineers (ITE) trip generation manual or other competent evidence.

901.1.2.5.

No hazard or nuisance, including offensive noise, smoke, dust, odors, heat, glare, noxious fumes or vibrations, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;

901.1.2.6.

There shall be no display of goods or outside storage;

901.1.2.7.

Parking for the customary home occupation shall be provided on the lot.

PLANNING BOARD REPORT: This article modernizes the Zoning Bylaw's home occupation provisions. The first change amends the definition of "home occupation" as found in the Bylaw's definition section, §104:

Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or an accessory structure. ~~Said occupation to include but are not necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter.~~ Where customary home occupations are permitted by the Table of Accessory Uses § **198-804**, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § **198-203**.

Some residents have raised concern that the enumerated list of specific types of home occupations in the definition section is outdated and does not include more modern occupations. Given the rapidly changing economy and constant evolution of employment trends, the Planning Board feels that regulation of home occupations would be better managed through performance standards rather than attempting to list specific occupations or professions that are permitted.

The Wayland Zoning Bylaw has two types of permitted "Home Occupations:" those that are allowed as of right (§901.1.1) and those that are allowed only through the issuance of a special permit by the Zoning Board of Appeals (ZBA) (§901.1.2). The Zoning Bylaw allows certain businesses and occupations to be conducted inside a home as of right, as long as certain standards are met, such as no customer or client visits to the home. There is no change to 'as of right' allowances. Other types of home occupations require a Special Permit under Section 901.1.2. Under that Section, customer and client visits are permissible, but traffic, including traffic by commercial delivery vehicles, "shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood."

The Planning Board feels that the existing "traffic" language in the Bylaw is vague and susceptible to conflicting interpretations, leaving homeowners who are engaged in home occupations, their neighbors, and the ZBA without any quantifiable standards to apply to special permit applications. The proposed amendment to Section 901.1.2.4 would set a quantifiable standard by which to measure home occupations that generate customer/client trips – no home occupation shall generate more than 10 average daily trips, in addition to daily trips attributable to the residential use of the home. Given that home occupations cannot occupy more than 500 square feet of floor area and cannot employ more than one non-resident employee, the Board determined that 10 additional daily trips was a reasonable limitation and not overly-restrictive.

The amended bylaw refers to the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) as a guide for calculating how many daily vehicle trips a specific occupation or profession would generate. The Trip Generation Manual aggregates traffic data for a wide range of land use activities, is a widely-accepted data source for modeling future traffic volumes, and is used by the state Department of Transportation for transportation modeling. The ZBA or interested parties can also refer to other data sources or evidence in determining how many trips a particular home occupation will generate. Importantly, any existing home occupation will be grandfathered from this Bylaw amendment pursuant to G.L. c. 40A, §6. Any change or expansion of an existing home occupation would be subject to this amendment, however.

On September 19, 2016, the Planning Board voted unanimously in favor of this article. Vote: 5-0.

FINANCE COMMITTEE COMMENTS: Passage of this article will change (1) the definition of “Home Occupation” and (2) amend one of the four conditions as spelled out in section 901.1.2 of the zoning bylaws that must be satisfied so that a permit to conduct a home occupation may be issued. With respect to (1) above, the current version of the bylaw defines “home occupation” and goes on to give a long list of examples. The proposed amendment deletes this list of examples.

With respect to (2) above, the Town’s zoning bylaws recognize two types of “Home Occupations”. Those that are permitted “by right” and those that are allowed “by issuance of a special permit”. The requirements for “home occupations” by right are set forth in section 901.1.1 of the Zoning Bylaws. The requirements for “home occupations” requiring a special permit are set forth in section 901.1.2. The proposed amendment changes subsection 901.1.2.4, a subsection within section 901.1.2 that concerns additional traffic created by the “home occupation”. The current bylaw defines permitted additional traffic as “not in greater volumes than would normally be anticipated in a residential neighborhood”. This article would limit permitted traffic to not more than 10 additional vehicle trips per day being generated by the home occupation.

The number of permissible additional trips was set at 10 based on the Institute of Transportation Engineers (ITE) estimate that the average residence generates 10 vehicle trips per day. An additional 10 vehicle trips as this amendment contemplates would double that number. The Planning Board feels a typical neighborhood could tolerate 10 additional vehicle trips.

The Board of Selectmen deferred a decision until Special Town Meeting.

ARGUMENTS IN FAVOR: Changing the definition of home occupation puts all home occupations on equal footing.

Limiting “additional” vehicle trips to 10 per day replaces a subjective metric with a quantifiable metric. It attempts to balance concerns about the amount of traffic generated by the home occupation with a reasonable accommodation to individuals working from their home.

Replacing a subjective metric with a quantifiable and objective metric reduces ambiguity in the event of a dispute by providing the appeals board, as well as the individual seeking a permit, with clearer and defensible guidance.

ARGUMENTS OPPOSED: Some may argue that setting the maximum additional vehicle trips at 10 is too high; others that it is too low. It may or may not be suitable to all neighborhoods equally.

Some residents might prefer ambiguity because it permits the judgement of the Zoning Board of Appeals.

Some residents have taken the position that a change is unnecessary.
There is a question about the appropriateness of using ITE for determining the additional traffic generated by a specific occupation or profession.

The determination of 10 trips and the need for specialized skills required to hear and decide petitions for specific use or activity might make the town more susceptible to legal challenges and associated costs.

RECOMMENDATION: The Finance Committee does not recommend approval. Vote: 1-5-1.

QUANTUM OF VOTE: Two-thirds – See Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with Federal and Massachusetts law.

For more information about this article, contact Sarkis Sarkisian, Town Planner, at 508-358-3778, or ssarkisian@wayland.ma.us.

ARTICLE 12: TOWN WIDE RECREATION FACILITIES STRATEGIC PLAN

Sponsored by: Recreation Commission

Estimated Cost: \$60,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Recreation Commission for a Town Wide Recreation Facilities Strategic Plan; and to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: Approval of this article would provide funding for the Recreation Commission to develop a strategic plan that establishes a specific approach and timeline for implementing recreation facility improvements in the future. Properties to be considered include parks, schoolyards, conservation lands, other town properties, and certain other lands that might be suitable for recreation purposes (e.g., a privately-owned property that might be purchased by the town and used as the site for a local playground in a neighborhood that is far away from other playgrounds in town).

The Town has already developed a number of master plans and feasibility studies that contain a significant amount of information that will be useful as a strategic recreation plan is developed. Documents that would be included as sources for this effort include, but are not limited to:

- 2016/17 High School Master Plan update (in progress)
- 2016 Wayland Open Space and Recreation Plan Update
- 2013 Wayland Town-wide and School Athletic Fields Master Plan – Executive summary (GALE report)
- 2010 Wayland School Athletic Fields Master Plan (GALE report)
- 2010 Wayland Town-wide Athletic Fields Master Plan (GALE report)
- 2011 Wayland Master Plan Update

The Recreation Commission's intent is to make use of the information contained in these documents and to update certain data as appropriate. Additional study, only to the extent needed, will be performed in order to establish a strong, community-endorsed recreation strategic plan.

The project approach and scope of work would include kick-off and outreach meetings with the community and key stakeholders, boards, and committees. The plan will also address the current water use issue that Wayland faces with maintaining playing fields. Schematic designs will be developed, as well as a 10 year Capital Plan with cost estimates.

The Town-wide Strategic Plan is needed to pull together all the work and studies that have already been done to develop a long term strategic plan for both project and capital plans. The GALE report was a master plan that identified options at a schematic level, whereas the proposed strategic plan will provide feasibility-level answers about what is possible at various properties to provide a more solid plan to move forward with. The Town-wide Strategic Plan will also look at all aspects of Recreational facilities – playgrounds, walking trails, courts, new buildings (art center, community center, outdoor center, etc.). The GALE report focused just on athletic fields and not all the other Recreational aspects we need to consider when developing a long term Capital Plan (e.g., programing needs, building needs, field rotation/resting abilities).

The proposed funding source is the Recreation Stabilization Fund. The balance of the Recreation Stabilization Fund is \$402,618 (as of June 30, 2016).

The Recreation Stabilization Fund was established at 2016 Annual Town Meeting. Below is the language of the approved motion:

To determine whether the Town will vote to establish and authorize the use of a Recreation Stabilization Fund for the Recreation Department to be expended by the Recreation Commission and Recreation Director.

The Finance Committee Comments section of the article included the following statement based on discussions with Recreation representatives:

All projects proposed by the Commission to be funded from the Recreation Stabilization Fund will be vetted via the Capital Improvement Plan (CIP) and presented at Town Meeting as part of the Capital Budget.

The strategic plan is likely to take at least 6-8 months to complete, and if we wait until ATM (April 2017) to approve it, the results may not be available in time to help make important decisions in the 2019 capital improvement process.

The Recreation Commission voted 4-0 to recommend approval.
The Board of Selectmen voted 5-0 to recommend approval.

ARGUMENTS IN FAVOR: A Town-wide Recreation Facilities Strategic Plan would be valuable to help voters make recreation-related capital improvement decisions.

The strategic plan will be funded from the Recreation Stabilization Fund that was created to fund recreation capital improvement projects and can only be used for that purpose.

Starting soon, rather than waiting for Annual Town Meeting, will help ensure the findings are available to guide major potential capital investment decisions for FY2019.

ARGUMENTS OPPOSED: The past studies mentioned above have been criticized by some for incomplete data collection, analysis, and/or conclusions drawn. If the new strategic plan is based largely on work already done, it may be that the resulting strategic plan will be subject to the same criticisms and not achieve the breadth of community endorsement that is needed. For example, unless the study includes detailed demand usage information that differentiates between capacity needed to support local users vs. rental of fields to outside organizations, future capacity needs may be overstated.

The Town-wide Recreation Facilities Strategic Plan should wait and be considered as part of the Capital Improvement Project (CIP) process - as was the agreed upon procedure when the Recreation Stabilization Fund was established.

Some might argue that we have already done a number of extensive studies on recreation needs and that doing another is not necessary.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-2-1.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws Chapter 40, Section 5; Two-thirds for borrowing – See Massachusetts General Laws Chapter 44, Section 7, otherwise, majority, See Massachusetts General Laws Chapter 44, Section 33B.

For more information about this article, contact Jessica Brodie, Recreation Director, at 508-358-3662, or jbrodie@wayland.ma.us

ARTICLE 13: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Sponsored by: Town Clerk and Board of Selectmen

Estimated Cost: \$900.00

To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

Fiscal 2016 liabilities to be paid using Fiscal 2017 appropriations;

1) The Bank of New York Mellon Invoice 252-1929247	\$300.00	Selectmen
2) The Bank of New York Mellon Invoice 252-1930724	\$300.00	Selectmen
3) The Bank of New York Mellon Invoice 252-1930725	\$300.00	Selectmen

FINANCE COMMITTEE COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. These unpaid bills from March 2016 result from The Bank of New York Mellon's work on the Town's bond issuance.

The Board of Selectmen voted 5-0 to recommend approval of this article.

ARGUMENTS IN FAVOR: This is a standard Article that allows the Town to pay bills for the previous fiscal year.

ARGUMENTS OPPOSED: There are no apparent arguments against this Article.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0-0.

QUANTUM OF VOTE: Nine-tenths – see Massachusetts General Laws Chapter 44, Section 64.

For more information about this article, contact Brian Keveny, Finance Director, at (508) 358-3611, or email bkeveny@wayland.ma.us.

APPENDIX A

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. THE WARRANT

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting in accordance with applicable provisions of the Code of the Town of Wayland. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed (if this is an annual meeting), the report and recommendations of the Finance Committee, and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a TWO-THIRDS vote.

II. THE VOTERS

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the Bylaws of the Town and these rules and regulations.

B. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools, shall have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum unless they are registered voters of the Town.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. THE MODERATOR

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the Bylaws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. THE MEETING

A. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:30 p.m., or as soon thereafter as the Town Clerk has determined that a quorum of one hundred (100) registered voters has been checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

- a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:
 - 1) The main motion under the article being considered and a presentation in support thereof;
 - 2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a, below;
 - 3) An amendment to a main motion;
 - 4) A question seeking information concerning the motion or other matter then under discussion, or guidance from the Moderator as to procedure, including a point of order;
 - 5) An answer to a question seeking information; and
 - 6) A point of order or procedural motion, such as:
 - a) a motion to terminate debate;
 - b) a motion challenging the Moderator's declaration of a vote;
 - c) a motion questioning the presence of a quorum; and
 - d) a motion to adjourn.
- b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.
- c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:
 - a. "I move that . . .";
 - b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
 - c. "I rise to a point of order"; or
2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but
 - a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator prior to that article being called and complete the same within seven (7) minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support. The aforesaid seven minute limit does not apply to the principal motions under the omnibus budget article.
 - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to that article being called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.
 - c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in two (2) minutes, or less, unless extended to three (3) minutes by leave of the Moderator (*which will automatically be given in 2016*) and yield the floor. The same one (1) minute warning light will be turned on when you have used up the first minute.
 - d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
 - e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.
 - f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.

3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will continue in the normal course as set forth in these Rules.

4. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

5. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B. and C., above.

- a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.
- b. If you plan to offer a main motion that contains more than twenty-five (25) words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.
- c. No motion or amendment of a motion that exceeds ten (10) words in length will be accepted, unless it shall have been offered to the Moderator in writing.
- d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.

- e. The Moderator will accept no motion proposing a layout, taking, acceptance of gift, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
 - f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
 - g. The Moderator will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
 - h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.
6. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.
7. Wayland's practice with respect to some common subsidiary motions is generally as follows:
- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
 - b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.
 - c. You may move to advance or postpone to a time certain within the then current session of the meeting consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
 - d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable

or amendable and requires a TWO-THIRDS vote.

You may ask the Meeting to take no action under an article by moving “that the article be passed over.” Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

8. Upon the expiration of forty-five (45) minutes after the main motion under any article shall have been seconded, or put before the meeting by the Moderator, unless extended to sixty minutes by leave of the Moderator (*which will be automatically given in 2016*), the Moderator will terminate debate thereon, unless the Town Meeting shall have voted by majority vote to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the total time. The aforesaid time limit does not apply to debate under the omnibus budget article.

9. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time if the Moderator determines that the person offering the motion discloses significant new information to the Town Meeting concerning said article, which existed but had not been disclosed or made available to the Meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria; provided however, the debate and action on said motion shall be deferred until all other articles have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number “1” if they wish to register an “aye” or the number “2” if they wish to vote “no”. In the event that a voter wishes to abstain, he or she may (but need not) press “3”. Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset offered by the Checkers, he or she will be provided with a colored piece of paper or cardboard and directed to sit in a special section reserved for those who will not be using an electronic handset to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who has such a colored paper or cardboard, collect those ballots within thirty seconds

and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and declare the vote on the motion before the meeting.

- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets may retain them if they wish to leave the room for any reason, but they must hand their handset to an exit attendant if they plan to leave the building.

2. In the event that electronic voting is for any reason not to be employed, the Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, he will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures.

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

E. Adjournment

1. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote, provided, however,

that the Moderator will permit no such motion if it shall be offered after debate shall have been terminated upon a pending motion until the final declaration of the vote taken upon the motion then under consideration.

2. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

3. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. QUESTIONS

In the event that you have a question concerning the conduct of the meeting, you need further information to cast your vote, or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

VI. MISCELLANEOUS RULES

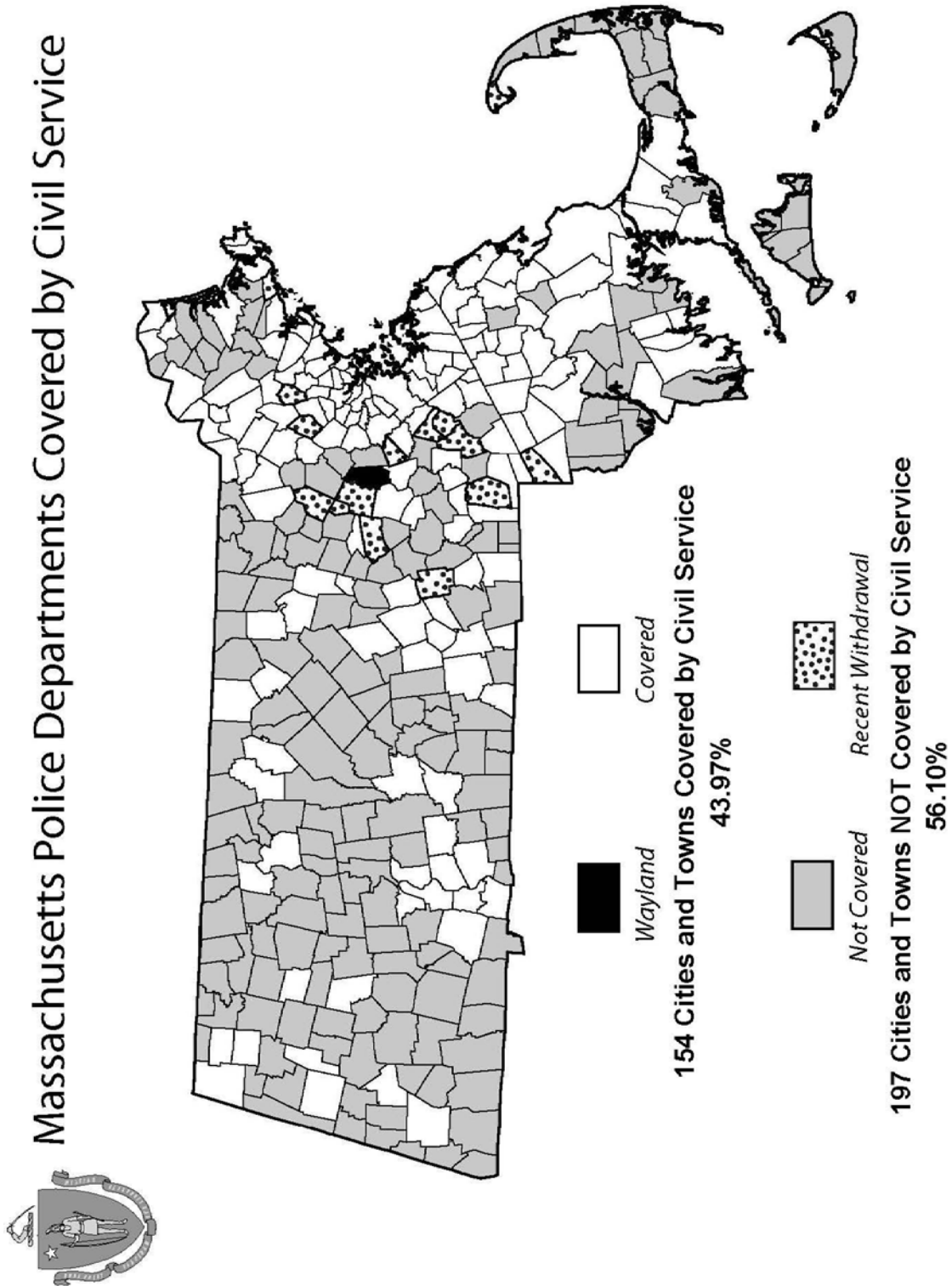
Residents of the Town of Wayland may, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the checkers at the entrance of the Field House and each other venue where town meetings are conducted, so long as said documents are germane to any of the articles set forth in the warrant.

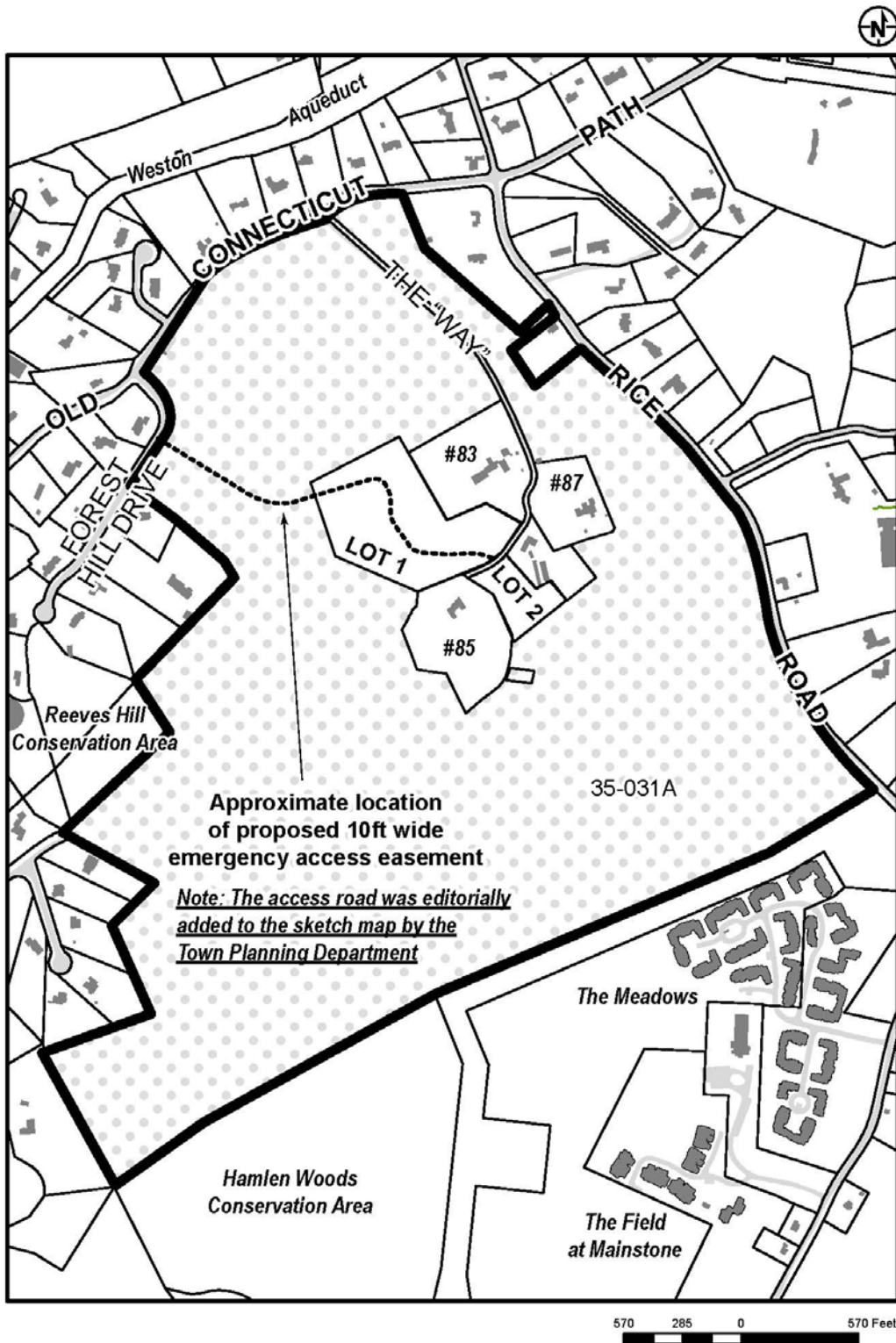
The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us to do the Town's business.

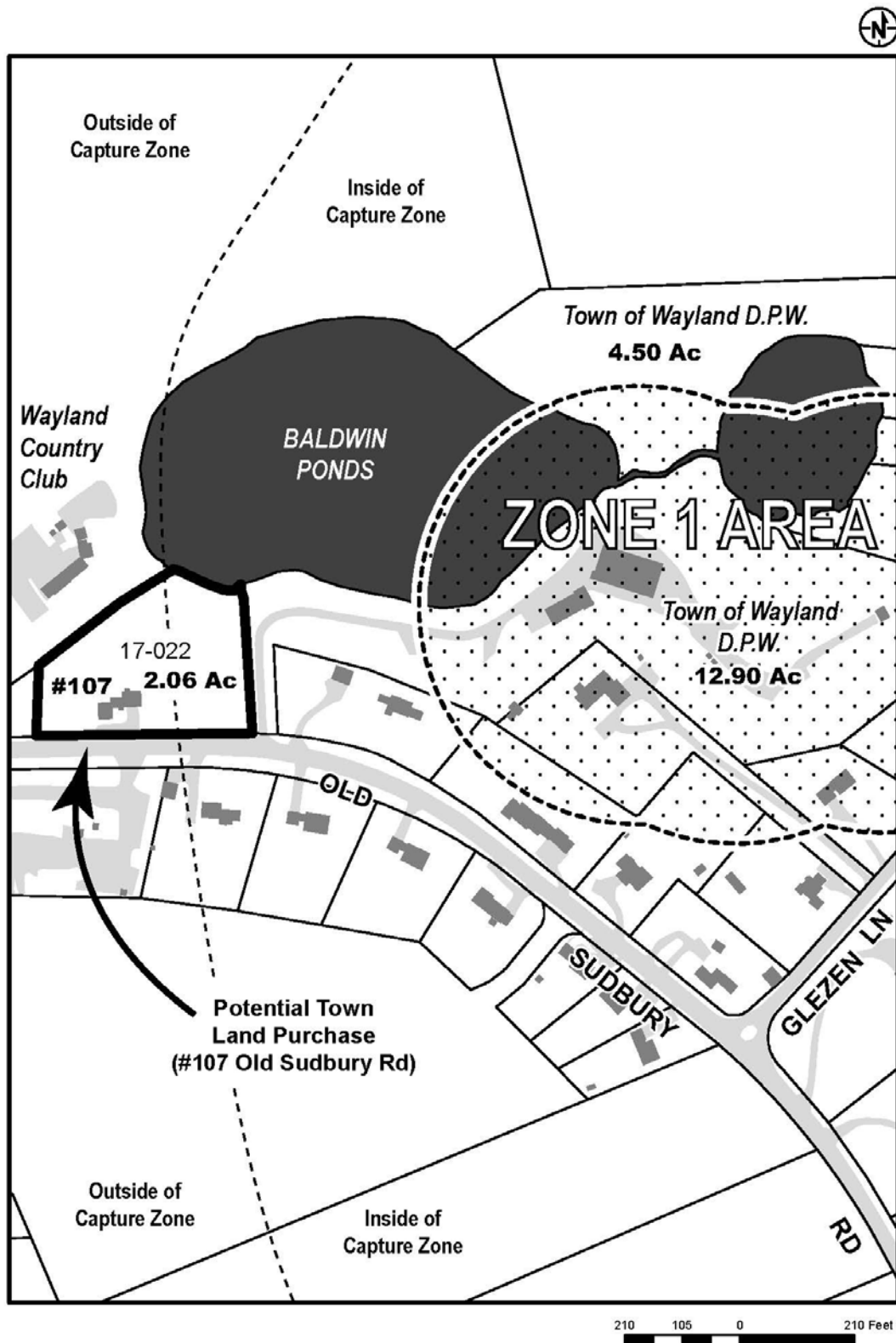
Dennis J. Berry, Moderator
November 15, 2016

**APPENDIX B: Article 5, Massachusetts Police Departments
Covered by Civil Service**

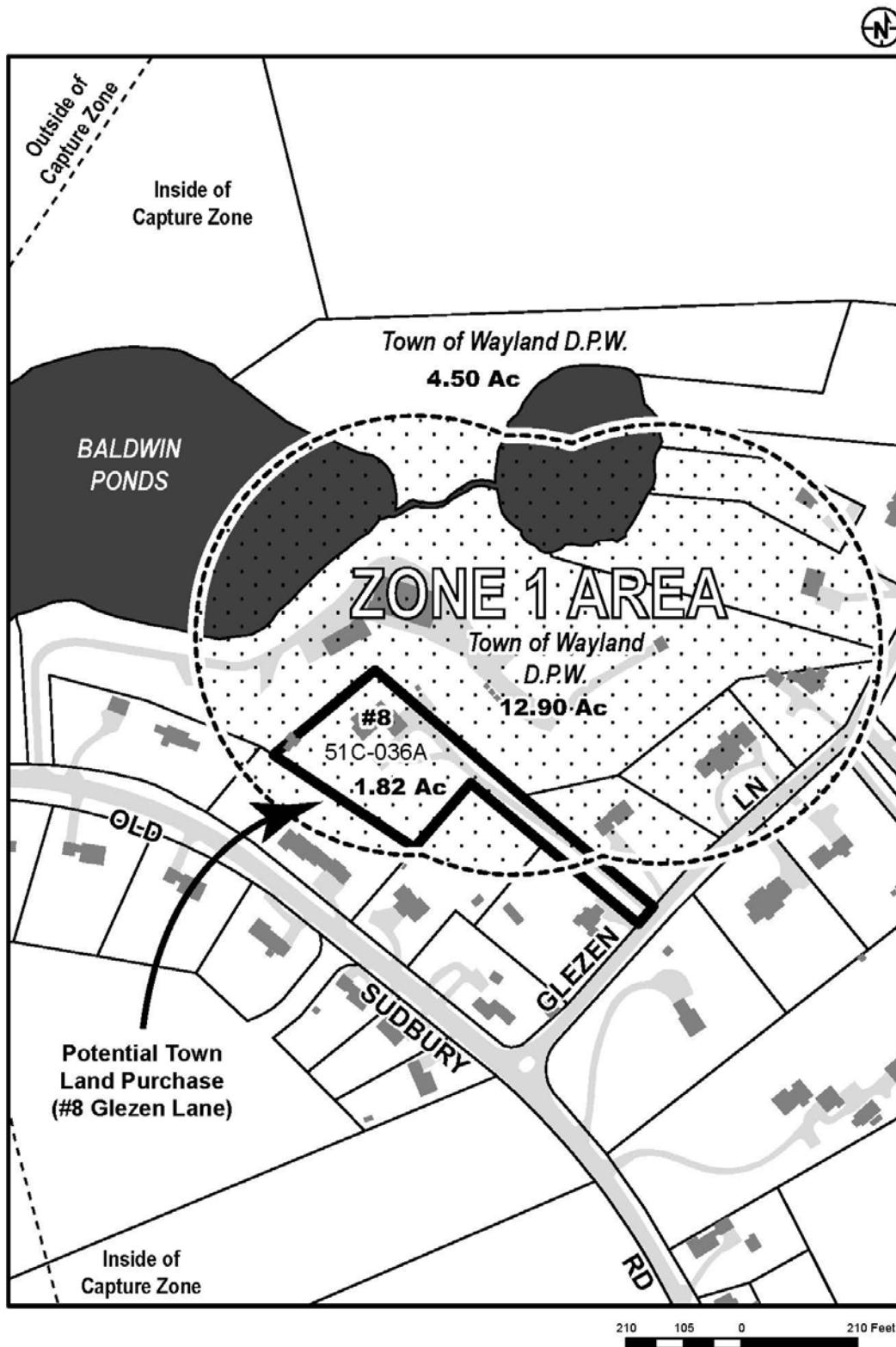


APPENDIX C: Article 6, Map of Mainstone Property

APPENDIX D: Article 8, Map of 107 Old Sudbury Road Property



APPENDIX E: Article 9, Map of 8 Glezen Lane Property



★ ★ ★ ★ ★ ★ ★ ★

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station or the Cochituate Post Office, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town fourteen (14) days, at least, before the time appointed for the Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before November 1, 2016.

Given under our hands and seals this 24th day of October, 2016.

Cherry C. Karlson, Chair
Lea T. Anderson, Vice Chair
Mary M. Antes
Louis M. Jurist
Joseph F. Nolan

Selectmen of the Town of Wayland

David V. Watkins, Chair
Carol B. Martin, Vice Chair
Gordon Cliff
Nancy Funkhouser
Jen Gorke
Klaus Shigley
George Uveges

Finance Committee

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. THE WARRANT

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting in accordance with applicable provisions of the Code of the Town of Wayland. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed (if this is an annual meeting), the report and recommendations of the Finance Committee, and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a TWO-THIRDS vote.

II. THE VOTERS

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the Bylaws of the Town and these rules and regulations.

B. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools, shall have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum unless they are registered voters of the Town.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. THE MODERATOR

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the Bylaws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. THE MEETING

A. The Call to Order

1. The Moderator will call each session of town meeting to order at a time to be determined, or as soon thereafter as the Town Clerk has determined that a quorum of one hundred (100) registered voters has been checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

- a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:
 - 1) The main motion under the article being considered and a presentation in support thereof;
 - 2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a, below;
 - 3) An amendment to a main motion;
 - 4) A question seeking information concerning the motion or other matter then under discussion, or guidance from the Moderator as to procedure, including a point of order;
 - 5) An answer to a question seeking information; and
 - 6) A point of order or procedural motion, such as:
 - a) a motion to terminate debate;
 - b) a motion challenging the Moderator's declaration of a vote;
 - c) a motion questioning the presence of a quorum; and
 - d) a motion to adjourn.
- b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.
- c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:
 - a. "I move that . . .";
 - b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
 - c. "I rise to a point of order"; or
2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but
 - a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator prior to that article being called and complete the same within seven (7) minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support. The aforesaid seven minute time limit does not apply to the principal motions under the omnibus budget article.
 - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to that article being called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.
 - c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in two (2) minutes, or less, unless extended to three (3) minutes by leave of the Moderator (*which will automatically be given in 2016*) and yield the floor. The same one (1) minute warning light will be turned on when you have used up the first minute.
 - d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
 - e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.

- f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.

3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will continue in the normal course as set forth in these Rules.

4. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

5. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B. and C., above.

- a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.
- b. If you plan to offer a main motion that contains more than twenty-five (25) words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.
- c. No motion or amendment of a motion that exceeds ten (10) words in length will be accepted, unless it shall have been offered to the Moderator in writing.
- d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
- e. The Moderator will accept no motion proposing a layout, taking,

acceptance of gift, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.

- f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
- g. The Moderator will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
- h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

6. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, or asking questions, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

7. Wayland's practice with respect to some common subsidiary motions is generally as follows:

- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
- b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.
- c. You may move to advance or postpone to a time certain within the then current session of the meeting consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

8. Upon the expiration of forty-five (45) minutes after the main motion under any article shall have been seconded, or put before the meeting by the Moderator, unless extended to sixty

minutes by leave of the Moderator (*which will be automatically given in 2016*), the Moderator will terminate debate thereon, unless the Town Meeting shall have voted by majority vote to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the total time. The aforesaid time limit does not apply to debate under the omnibus budget article.

9. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time if the Moderator determines that the person offering the motion discloses significant new information to the Town Meeting concerning said article, which existed but had not been disclosed or made available to the Meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria; provided however, the the debate and action on said motion shall be deferred until all other articles have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number "1" if they wish to register an "aye" or the number "2" if they wish to vote "no". In the event that a voter wishes to abstain, he or she may (but need not) press "3". Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset offered by the Checkers, he or she will be provided with a colored piece of paper or cardboard and directed to sit in a special section reserved for those who will not be using an electronic handset to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who has such a colored paper or cardboard, collect those ballots within thirty seconds and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and declare the vote on the motion before the meeting.
- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets may retain them if they wish to leave the room for any reason, but they must hand their handset to an exit attendant if they plan to leave the building.

2. In the event that electronic voting is for any reason not to be employed, the Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, he will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures."

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

E. Adjournment

1. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote, provided, however, that the Moderator will permit no such motion if it shall be offered after debate shall have been terminated upon a pending motion until the final declaration of the vote taken upon the motion then under consideration.

2. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

3. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. QUESTIONS

In the event that you have a question concerning the conduct of the meeting, you need further information to cast your vote, or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

VI. MISCELLANEOUS RULES

Residents of the Town of Wayland may, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the checkers at the entrance of the Field House and each other venue where town meetings are conducted, so long as said documents are germane to any of the articles set forth in the warrant.

The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us to do the Town's business.

Dennis J. Berry, Moderator
November 15, 2016

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. THE WARRANT

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting in accordance with applicable provisions of the Code of the Town of Wayland. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed (if this is an annual meeting), the report and recommendations of the Finance Committee, and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a TWO-THIRDS vote.

II. THE VOTERS

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the Bylaws of the Town and these rules and regulations.

B. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools, shall have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum unless they are registered voters of the Town.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. THE MODERATOR

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the Bylaws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. THE MEETING

A. The Call to Order

1. The Moderator will call each session of town meeting to order at a time to be determined, or as soon thereafter as the Town Clerk has determined that a quorum of one hundred (100) registered voters has been checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

- a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:
 - 1) The main motion under the article being considered and a presentation in support thereof;
 - 2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a, below;
 - 3) An amendment to a main motion;
 - 4) A question seeking information concerning the motion or other matter then under discussion, or guidance from the Moderator as to procedure, including a point of order;
 - 5) An answer to a question seeking information; and
 - 6) A point of order or procedural motion, such as:
 - a) a motion to terminate debate;
 - b) a motion challenging the Moderator's declaration of a vote;
 - c) a motion questioning the presence of a quorum; and
 - d) a motion to adjourn.
- b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.
- c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: “Mr. Moderator, I am (Name) of (Street Address).” Then proceed as follows:
 - a. “I move that . . .”;
 - b. “May I ask you . . .”; or
“May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
 - c. “I rise to a point of order”; or
2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but
 - a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator prior to that article being called and complete the same within seven (7) minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support. The aforesaid seven minute time limit does not apply to the principal motions under the omnibus budget article.
 - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to that article being called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.
 - c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in ~~three (3)~~ two (2) minutes, or less, unless extended to three (3) minutes by leave of the Moderator (which will automatically be given in 2016) and yield the floor. The same one (1) minute warning light will be turned on when you have used up the first ~~two~~ (2) minutes.
 - d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
 - e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.
 - f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.
3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will continue in the normal course as set forth in these Rules.

4. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

5. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B. and C., above.

- a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.
- b. If you plan to offer a main motion that contains more than twenty-five (25) words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.
- c. No motion or amendment of a motion that exceeds ten (10) words in length will be accepted, unless it shall have been offered to the Moderator in writing.
- d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
- e. The Moderator will accept no motion proposing a layout, taking, acceptance of gift, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
- f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under

consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.

- g. The Moderator will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
- h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

6. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, or asking questions, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

7. Wayland's practice with respect to some common subsidiary motions is generally as follows:

- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
- b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.
- c. You may move to advance or postpone to a time certain within the then current session of the meeting consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

8. Upon the expiration of forty-five (45) minutes after the main motion under any article shall have been seconded, or put before the meeting by the Moderator, unless extended to sixty minutes by leave of the Moderator (*which will be automatically given in 2016*), the Moderator will terminate debate thereon, unless the Town Meeting shall have voted by majority vote to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the total time. ~~sixty (60) minutes~~. The aforesaid ~~sixty (60) minute time~~ limit does not apply to debate under the omnibus budget article.

9. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator the Moderator may, but need not, defer the termination of debate for a reasonable time to

permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time if the Moderator determines that the person offering the motion discloses significant new information to the Town Meeting concerning said article, which existed but had not been disclosed or made available to the Meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria; provided however, the debate and action on said motion shall be deferred until all other articles have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number "1" if they wish to register an "aye" or the number "2" if they wish to vote "no". In the event that a voter wishes to abstain, he or she may (but need not) press "3". Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset offered by the Checkers, he or she will be provided with a colored piece of paper or cardboard and directed to sit in a special section reserved for those who will not be using an electronic handset to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who has such a colored paper or cardboard, collect those ballots within thirty seconds and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and declare the vote on the motion before the meeting.
- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets may retain them if they wish to leave the room for any reason, but they must hand their handset to an exit attendant if they plan to leave the building.

2. In the event that electronic voting is for any reason not to be employed, the Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, he will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's

results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures."

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

E. Adjournment

1. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote, provided, however, that the Moderator will permit no such motion if it shall be offered after debate shall have been terminated upon a pending motion until the final declaration of the vote taken upon the motion then under consideration.

2. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

3. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. QUESTIONS

In the event that you have a question concerning the conduct of the meeting, you need further information to cast your vote, or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

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The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us to do the Town's business.

Dennis J. Berry, Moderator

~~March 1, 2016~~ November 15, 2016

How to Vote Electronically

Town Meeting, Wayland High School, Tuesday November 15th at 7:00 pm

During the April 2015 Annual Town Meeting, Wayland's citizens approved a resolution endorsing the use of wireless electronic voting for all sessions of all town meetings through fiscal year 2019. Instead of shouting out *Aye* or *No*, raising our hands, or standing to be counted, we'll use electronic handsets to register our votes quickly, accurately, and privately during the upcoming Annual Town Meeting.

The handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we push buttons to vote: the 1 button for *Yes*, or the 2 button for *No*. Your vote is displayed on your handset's screen and wirelessly transmitted to a computer that counts votes and displays results for the Moderator to announce. Nothing but these totals is permanently recorded, so your vote will remain private.

Town Meeting will be held in the High School Field House. You can use any check-in station; waiting in one line based on the first letter of your last name is no longer required. As you're checking in, you'll be issued a handset for your **exclusive** use during that session. Voting with a handset issued to anyone else is **strictly forbidden**.

If your phone, tablet, or laptop supports Wi-Fi, please disable this feature, as doing so will enhance performance of the electronic voting system.

Before each vote, the Moderator will summarize the motion or amendment being decided. He'll then announce the beginning of a 30 second interval during which you can convey your vote, and a "voting light" near the Moderator will be illuminated. To vote *Yes*, push your handset's 1 button. To vote *No*, push your handset's 2 button. If you accidentally push the wrong button, you can change your vote by pushing the correct button. If you don't want to participate in a particular vote, don't push any buttons during the 30 second voting interval; if you don't want to participate but accidentally push the 1 button or the 2 button, you can clear your unintentional vote by pushing the 3 button. When the 30 second interval is over, the "voting light" will be extinguished, and the Moderator will announce that the vote is complete; shortly thereafter, the Moderator will announce the results.



You should check-in at least 5 minutes before a vote to be certain that your handset can be used in that vote. If pushing your handset's 1 button or 2 button during a vote produces a *can't vote yet* message on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to provide you with a paper ballot to record your vote.

If you inadvertently turn your handset off by pushing the power button in its lower-right corner, its display will be blank; push the power button briefly to turn your handset back on. Pushing any of your handset's other buttons during the voting interval will not change your vote, but for peace of mind, your handset will encourage you to *Re-Vote*; push the 1 button for *Yes* or the 2 button for *No*.

If you temporarily leave your seat during the meeting, please keep your handset with you. If you're visiting the restroom, you can leave your handset with the Exit Desk staff. When you leave the Field House – either during a session or at the close of a session – please place your handset in one of the bins at the Exit Desks. If you forget to turn in your handset, we'll give you a call the next day and ask you to return it.

Every handset will be tested before each session of Town Meeting, so the probability of a handset failing is very low. That said, if pushing your handset's 1 button or 2 button during a vote does not produce an *Yes* or *No* on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to provide you with a paper ballot to record your vote, and you'll be issued a new handset. We don't expect this to happen, but like the Boy Scouts, we'll be prepared.



If you're physically unable to use a handset to vote, inform the person who checks you in, and you'll be seated in an area where your votes will be manually counted by Help Desk personnel. If you're wondering how much radio energy is used by a handset to convey your vote wirelessly, it's less than 1% that of a typical cell phone and only for brief instants, employing the same frequencies used for Wi-Fi wireless internet access.

ELVIS: Wayland's Electronic Voting Implementation Subcommittee



ARTICLES SUBMITTED FOR ADMISSION TO WARRANT FOR SPECIAL TOWN MEETING

November 15, 2016

The following articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

CURRENT YEAR TRANSFERS

Sponsored by: Town Clerk

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; 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 funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Sponsored by: Town Clerk

To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

AMEND CHAPTER 36, SECTION 18 OF TOWN CODE, ATTENDANCE AND PARTICIPATION OF NONRESIDENT TOWN OFFICIALS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, by adding thereto the words "Town Counsel" as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

PETITION THE STATE LEGISLATURE TO REMOVE ALL POLICE PERSONNEL FROM THE PROVISIONS OF CIVIL SERVICE WITHOUT AFFECTING THE CIVIL SERVICE RIGHTS OF INCUMBENTS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act exempting all Town of Wayland Police Personnel from the provisions of Civil Service Law substantially the same as the following act:

AN ACT EXEMPTING ALL POLICE PERSONNEL IN THE TOWN OF WAYLAND POLICE DEPARTMENT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

Section 1: All police personnel in the Town of Wayland Police Department shall be exempt from the provisions of Chapter 31 of the General Laws and related regulations applicable thereto.

Section 2: The provisions of Section 1 of this act shall not impair the civil service status of the present employees of the Town of Wayland Police Department except for the purpose of promotion.

Section 3: This act shall take effect upon its passage.

AUTHORIZE LAND ACQUISITIONS FOR NATURAL DIVERSITY (LAND) GRANT PROGRAM FUNDING TO PURCHASE CONSERVATION RESTRICTION ON MAINSTONE FARM

Sponsored by: Community Preservation Committee and Conservation Commission

To determine whether the Town will vote: to

- a.) confirm its vote under Article 30 of the Warrant for the 2016 Annual Town Meeting to (i) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31-33 restricting the use of the land to conservation and passive outdoor recreation purposes, to be held by the Town of Wayland Conservation Commission pursuant to Massachusetts General Laws Chapter 40, Section 8C and by the Sudbury Valley Trustees, Inc, on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts containing 208.7 acres, more or less, which parcel of land to be covered by said conservation restriction is part of the parcel of land shown on Wayland Assessors Map as Parcel 35-031A and is shown as “87 Old Connecticut Path” on a plan entitled “Subdivision Plan of Land in Wayland Middlesex County Massachusetts” dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 100 of 2016 (Sheets 2 and 3 of 3), which plan is the basis for the sketch map attached to the Warrant for the Annual Town Meeting 2016 in Appendix K; (ii) appropriate \$12,000,000 to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.; and (iii) provide for said appropriation by (1) transferring \$2,100,000 from funds set aside in the Community Preservation Fund for open space

<p>These articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.</p>
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- (2) transferring \$2,900,000 from the uncommitted funds in the Community Preservation Fund; and
(3) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$7,000,000 in anticipation of future Community Preservation Fund revenues pursuant to Massachusetts General Laws Chapter 44B, Section 11;
- b.) authorize the Board of Selectmen to expend said funds in conjunction with \$3,000,000 to be provided by the Sudbury Valley Trustees, Inc. for a total project cost of \$15,000,000;
- c.) authorize the Conservation Commission to (i) file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Massachusetts General Laws Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article; and (ii) enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to affect said purchase; and
- d.) authorize the Town Administrator, with the approval of the Board of Selectmen, to accept grant funds and execute contracts, and any amendment thereto, in order to carry out the terms, purposes, and conditions of EEA DCS LAND Grant Program.

LANDSCAPING IN PARKING AREAS ZONING BYLAW

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Replace section 506.8.1 to read as follows:

506.8. Landscaping in parking areas.

506.8.1. A continuous landscape strip of a minimum width of 10 feet shall be provided along the perimeter of a parking lot which is accessory to a non-residential use on a lot that is in or adjacent to a residential district. This strip shall be adequately landscaped and maintained with natural and living materials so as to form an effective year round screen from adjacent properties in said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.

Existing language below

506.8. Landscaping in parking areas.

506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.

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HOME OCCUPATION

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

- (1.) In Section 198-04, strike the definition of "HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION)" and replace it with the following:

See, Sections 901.1.1 and 901.1.2

- (2.) Strike Section 901.1.2.4 and replace it with the following new paragraph:

The Customary Home Occupation shall not generate more than ten additional vehicle trips per day, as is predicted by the Institute of Transportation Engineers (ITE) trip generation manual or other competent evidence.

CONSERVATION CLUSTER DEVELOPMENTS

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

[Key to changes: underlining denotes additions; ~~strike throughs~~ denotes deletions]

1803.1 After notice and public hearing in accordance with Jaw, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Historical Commission, and the Board of Health, grant such a special permit, provided that:

1803.1.1 It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2 The area of the tract of land is not less than 5 acres. [Amended 5-5-2005 ATM by Art. 27]

1803.1.3 The total number of lots on which there is to be a single dwelling unit dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following: [Amended 5-5-2005 ATM by Art. 29]

~~1803.1.3.1~~ (a) ~~The number of building lots that could be created in the tract shown on such plan without a special permit hereunder, plus one lot for each 10 of such building lots that could otherwise be created; or~~

~~1803.1.3.2~~ (b) ~~The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones) situated within the floodplain or designated as~~

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~~wetlands by the Conservation Commission~~, by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.

1803.1.3.1 For purposes of demonstrating the number of lots under subsection 1803.1.3(a) above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer or land surveyor which shows the maximum number of lots which can be created on a conventional subdivision plan meeting all dimensional and other requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, which submittal shall include a list of requested waivers necessary to implement the subdivision plan, which the Planning Board shall review and determine whether to grant.

1803.1.3.32 Within the Residence Districts, the Planning Board ~~shall~~ may permit allow by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units ~~for attached buildings~~ shall not exceed the total that is allowed under § 198-18051803.1.43.

1803.1.3.4 3 Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may permit by Special Permit attached and detached dwelling units to be erected on single lot(s).
[Added 10-3-2012 STM by Art. 6]

1803.1.4 Each of the building lots shown on the plan ~~has~~ shall have adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5 Each of the building lots ~~shown on the plan is~~ shall be of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.

1803.1.6 The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built, ~~provided that a~~ All dwellings and accessory buildings, driveways and roadways shall be set back at least ~~45~~ 50 feet from the perimeter of the tract, except that the Planning Board may reduce this set back to not less than 25 feet if it furthers the interests of this by-law, and 15 feet from any open land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development.

1803.1.7 For Conservation Cluster Developments consisting of at least a majority of single-family detached dwellings, ~~At least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be open designated as Open Land, and the open land shall include all land not dedicated to roads or building lots.~~ For Conservation Cluster Developments consisting of at least a majority of ~~attached~~ single-family attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land, and the open land shall include all land not dedicated to roads or building lots. For the purpose of this article, “open land” is defined ~~as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private,~~ The Open Land shall be reserved to be used for open space, conservation, agriculture, outdoor passive recreation, park purposes or some combination of the foregoing. [Amended 5-5-2005 ATM by Art. 29]

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1803.4.82 Conveyance of ~~the open~~ Open land Land.

1803.4.8.12.1 The Open land Land shall be conveyed either:

~~1803.4.8.1.1~~ (a) To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land, ~~which shall accept it for park or open space use;~~

~~1803.4.8.1.2~~ (b) To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or

~~1803.4.8.1.3~~ (c) To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

1803.4.8.22.2 ~~If ownership is in~~ title to the Open Land is held by an entity other than the Town, there shall be sufficient rights in the Town to provide that such land shall be kept in an open or natural state, ~~and provisions shall be made satisfactory to the Planning Board so that the Town, through its Conservation Commission, Planning Board, or other board, can enforce any other restrictions or easements imposed upon the open~~ Open land Land by the Planning Board as conditions of its special permit ~~grant.~~

1803.4.92.3 Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the ~~open~~ Open land Land to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the ~~open~~ Open land Land.

1803.4.103 ~~If the land shown on the plan includes land~~ tract of land proposed for the Conservation Cluster development is located in two residence zones or two or more zoning districts, all of the land shall the entire tract, for all purposes of this ~~article~~ Bylaw, be considered as lying entirely within the zone or zoning district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residence zone or zoning district, all of the land shall be considered as lying within that zone or zoning district. [Amended 5-5-2005 ATM by Art.29 3

1803.1.11, respectively.

~~1803.4.114~~ No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the approved, recorded plan. [Amended 5-5-2005 ATM by Art. 29]

§ 198-1804. Conditions.

1804.1 The Planning Board may, in appropriate cases, impose as a condition of the special permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.

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§ 198-1805. Decision.

1805.1 In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:

1805.1.1 A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.

1805.1.2 A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

1805.1.3 The relation of the proposed development to long-range plans of the Town, if any.

1805.1.4 The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

1805.1.5 The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.

1805.1.6 If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.

1805.1.7 If the Planning Board denies the special permit, its reasons for so doing.

1805.1.8 If the Planning Board disagrees with the recommendations of the Conservation Commission, Historical Commission, or the Board of Health, it shall state its reasons therefor in writing.

1805.1.9 If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-1803.1-~~92.3~~92.3 above.

1805.2 Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

§ 198-1806. ~~Common~~ Open land.

1806.1 If a special permit is granted, the Planning Board shall impose as a condition that the ~~common~~ Open Land shall be conveyed, free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, ~~of any mortgage interest or security interest~~ and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot, unless the petitioner shall provide a

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cash performance bond in an amount sufficient to guarantee the conveyance of the Open Land as required by the special permit. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances. In any event, the Open Land shall be conveyed as required on or before one year after the conveyance of the last lot.

§198-1807. Duration of special permit.

1807.1 A special permit granted under this article shall lapse within 18 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

§ 198-1808. Amendments.

1808.1 Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:

1808.1.1 Grant any reduction in the size of the open land as provided in the permit;

1808.1.2 Grant any change in the layout of the ways as provided in the permit;

1808.1.3 Increase the number of building lots as provided in the permit; or

1808.1.4 Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

ASSISTED/INDEPENDENT LIVING AND NURSING HOME

Sponsored by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Amend the Table of Permitted Principal Uses by District by changing the designation for Line 24, "Assisted/Independent Living" from "SP" to "No" in Single Residence districts, and by changing the designation for Line 32, "Nursing Home" from "SP" to "No" in Single Residence districts.

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STREET ACCEPTANCE

Sponsored by: Planning Board

To determine whether the Town will vote to accept as a town ways the following streets laid out by the Board of Road Commissioners, Department of Public Works, Board of Selectmen:

Greenways
Summer Lane
Dylan Circle
Spencer Circle

TOWN WIDE RECREATION FACILITIES STRATEGIC PLAN

Sponsored by: Recreation Commission

To determine whether the Town will vote to allow the Recreation Commission to spend a sum of money from the Recreation Stabilization Fund to do a Town Wide Recreation Facilities Strategic Plan.

207/195 MAIN STREET AND MIDDLE SCHOOL FIELD FEASIBILITY STUDY

Sponsored by: Recreation Commission

To determine whether the Town will vote to allow the Recreation Commission to spend a sum of money from the Recreation Stabilization fund to do a Feasibility Study to investigate the construction of a potential new Multi-Purpose, Rectangular, Natural grass field at 207 and 195 Main Street in conjunction with the design of a potential new library, as well as to investigate the construction of a potential new multi-purpose, rectangular, artificial turf field where the current Middle School soccer/lacrosse field is situated or the 207 and 195 sites if found to be a feasible option.

APPROPRIATE FUNDS TO PURCHASE 107 OLD SUDBURY ROAD FOR WATER RESOURCE PROTECTION

Sponsored by: Board of Public Works

To determine whether the Town will vote to:

- a.) appropriate a sum of money to acquire, for water purposes, the fee or any lesser interest in the parcel of land located on 107 Old Sudbury Road, Wayland Massachusetts, containing the aggregate 2.06 acres, more or less, and shown as Lot 17-022 in the Town of Wayland Assessors' Atlas;
- b.) authorize the Board of Public Works [*Selectmen?*], with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of said parcel of land; and
- c.) determine whether said appropriate shall be provided by Water Enterprise Fund, or water borrowings.

These articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

APPROPRIATE FUNDS TO PURCHASE 8 GLEZEN LANE FOR WATER RESOURCE PROTECTION

Sponsored by: Board of Public Works

To determine whether the Town will vote to:

- a.) appropriate a sum of money to acquire, for water purposes, the fee or any lesser interest in the parcel of land located on 8 Glezen Lane, Wayland Massachusetts, containing the aggregate 1.82 acres, more or less, and shown as Lot 18-014 in the Town of Wayland Assessors' Atlas;
- b.) authorize the Board of Public Works [*Selectmen?*], with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for water purposes, the fee or any lesser interest in all or part of said parcel of land; and
- c.) determine whether said appropriate shall be provided by Water Enterprise Fund, or water borrowings.

MUNICIPAL FIELD IRRIGATION WAIVER BYLAW CHANGE

Sponsored by: Board of Public Works and Recreation Commission

191-6 (c) Municipal field waiver

Any municipally-owned field which uses prudent water conservation practices shall be exempt from the 15,000 square foot limit for new installations or expansions of existing irrigation systems. All irrigation improvements will be limited to the playing field area. All irrigation systems are subject to applicable regulations as well as approval by the Board of Public Works as Water Commissioners.

Nothing in this by-law shall limit the authority of the Board of Public Works to implement water restrictions, including for municipal irrigation systems.

AMEND FY2017 CAPITAL BUDGET TO ELIMINATE FUNDING FOR STONEBRIDGE WATER ACCESS ROAD AND WATER MAIN

Sponsored by: Petitioners

To determine whether the Town will vote to amend its vote under Article 8 of the Warrant for the 2016 Annual Town Meeting relative to the Fiscal Year 2017 Capital Budget to reduce to zero the amount allocated to Capital Budget Item 28: "Department of Public Works, Water - \$936,000. Title: Stonebridge Water Main Project."

These articles were submitted for consideration for inclusion in the Warrant for the Special Town Meeting to begin on Tuesday, November 15, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.



TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

PUBLIC NOTICE

At a meeting on Monday, August 15, 2016, the Board of Selectmen voted 4-0 to hold a Special Town Meeting on Tuesday, November 15, 2016, at 7:00 p.m. in the Wayland High School Field House, and the warrant for said Special Town Meeting will be open from Wednesday, August 24, 2016, at 8:30 a.m. through Thursday, September 1, 2016, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in the Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Thursday, September 1, 2016.

Posted August 16, 2016: Wayland Town Building
Wayland Public Library
Wayland Website

Posted August 25, 2016: Wayland Town Crier

*If you have any questions, call the Office of the
Town Administrator, at (508) 358-3620,
or email nbalmer@wayland.ma.us*

Posted August 2, 2016:

- Wayland Website
- Wayland Town Building
- Wayland Public Library

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. THE WARRANT

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting in accordance with applicable provisions of the Code of the Town of Wayland. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed (if this is an annual meeting), the report and recommendations of the Finance Committee, and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a TWO-THIRDS vote.

II. THE VOTERS

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the Bylaws of the Town and these rules and regulations.

B. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools, shall have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum unless they are registered voters of the Town.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. THE MODERATOR

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the Bylaws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. THE MEETING

A. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:30 p.m., or as soon thereafter as the Town Clerk has determined that a quorum of one hundred (100) registered voters has been checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

- a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:
 - 1) The main motion under the article being considered and a presentation in support thereof;
 - 2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a, below;
 - 3) An amendment to a main motion;
 - 4) A question seeking information concerning the motion or other matter then under discussion, or guidance from the Moderator as to procedure, including a point of order;
 - 5) An answer to a question seeking information; and
 - 6) A point of order or procedural motion, such as:
 - a) a motion to terminate debate;
 - b) a motion challenging the Moderator's declaration of a vote;
 - c) a motion questioning the presence of a quorum; and
 - d) a motion to adjourn.
- b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.
- c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:
 - a. "I move that . . .";
 - b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
 - c. "I rise to a point of order"; or
2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but
 - a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator prior to that article being called and complete the same within seven (7) minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support. The aforesaid seven minute time limit does not apply to the principal motions under the omnibus budget article.
 - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to that article being called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.
 - c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three (3) minutes, or less, and yield the floor. The same one (1) minute warning light will be turned on when you have used up the first two (2) minutes.
 - d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
 - e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.
 - f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.

3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will continue in the normal course as set forth in these Rules.

4. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

5. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B. and C., above.

- a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.
- b. If you plan to offer a main motion that contains more than twenty-five (25) words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.
- c. No motion or amendment of a motion that exceeds ten (10) words in length will be accepted, unless it shall have been offered to the Moderator in writing.
- d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
- e. The Moderator will accept no motion proposing a layout, taking, acceptance of gift, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business

hours.

- f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
- g. The Moderator will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
- h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

6. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, or asking questions, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

7. Wayland's practice with respect to some common subsidiary motions is generally as follows:

- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
- b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.
- c. You may move to advance or postpone to a time certain within the then current session of the meeting consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.
- d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

8. Upon the expiration of forty-five (45) minutes after the main motion under any article shall have been seconded, unless extended to sixty minutes by leave of the Moderator (*which will be automatically given in 2016*), the Moderator will terminate debate thereon, unless the Town Meeting shall have voted by majority vote to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the sixty (60) minutes. The aforesaid sixty (60) minute limit does not apply to debate under the omnibus budget article.

9. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time if the Moderator determines that the person offering the motion discloses significant new information to the Town Meeting concerning said article, which existed but had not been disclosed or made available to the Meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria; provided however, the debate and action on said motion shall be deferred until all other articles have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number "1" if they wish to register an "aye" or the number "2" if they wish to vote "no". In the event that a voter wishes to abstain, he or she may (but need not) press "3". Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset offered by the Checkers, he or she will be provided with a colored piece of paper or cardboard and directed to sit in a special section reserved for those who will not be using an electronic handset to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who has such a colored paper or cardboard, collect those ballots within thirty seconds and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and declare the vote on the motion before the meeting.
- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets may retain them if they wish to leave the room for any reason, but they must hand their handset to an exit attendant if they plan to leave the building.

2. In the event that electronic voting is for any reason not to be employed, the Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the

Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, he will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures."

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

E. Adjournment

1. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote, provided, however, that the Moderator will permit no such motion if it shall be offered after debate shall have been terminated upon a pending motion until the final declaration of the vote taken upon the motion then under consideration.

2. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

3. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. QUESTIONS

In the event that you have a question concerning the conduct of the meeting, you need further information to cast your vote, or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

VI. MISCELLANEOUS RULES

Residents of the Town of Wayland may, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the checkers at the entrance of the Field House and each other venue where town meetings are conducted, so long as said documents are germane to any of the articles set forth in the warrant.

The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us to do the Town's business.

Dennis J. Berry, Moderator
March 1, 2016

WARRANT ARTICLE PROCESS: Guide for Petitioners

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

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

ATM Time Line and Process

Date	Action	Responsibility
December	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting.</i> Potential articles and the submission process may be discussed with the Selectmen and experienced volunteers.	Board of Selectmen
On or before January 15 or such earlier time as may be fixed by the Board of Selectmen	<i>Submit petitioners' articles for Annual Town Meeting both on paper with signatures and by email in Microsoft Word.</i> Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide comments, arguments in favor, and arguments against their articles at the time of submission.	Town Administrator
January - March	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners</i> The Board may discuss substantive articles with petitioners or attend the Finance Committee's meeting with petitioners.	Board of Selectmen
January - March	<i>Study each petitioner's article and prepare a report for the Warrant</i> The Committee meets with petitioners to discuss their article. They may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including pro and con arguments and the Committee's recommendation.	Finance Committee
January - March	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report.</i> Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.	Petitioners
February	<i>Review articles for form and legal correctness, add required legal citation(s), indicating the quantum of vote required for Passage</i>	Town Counsel
Approximately 7 days prior to ATM	<i>Attend a warrant article hearing.</i> Petitioners should attend this hearing to review their warrant articles.	Selectmen with Moderator and Finance Committee
ATM	<i>Move the article and make a brief presentation on the merits of the article</i> Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies should be prepared for the moderator and made available for people attending Town Meeting.	Lead Petitioner or Sponsoring Board or Committee
ATM	<i>Consider each article at Annual Town Meeting</i> Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Amendments should be legibly written for submission to the moderator and made available to people attending Town Meeting.	Town Meeting attendees

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

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

Date Received: The date received will be stamped on the petition when it is received by the Town Administrator and forwarded to the Town Clerk for certification.

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER_____ DATE RECEIVED_____

DAY PHONE_____ EVENING PHONE_____

TITLE_____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE_____

ESTIMATED COST_____

ARTICLE: To determine whether the Town will vote to

Add comments and pro and con arguments on the next page. Thank you.

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

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

Page 2

COMMENTS

PRO ARGUMENTS

CON ARGUMENTS

PETITIONERS' ACCESS TO TOWN COUNSEL

Subject to these guidelines, Town Counsel is available to consult with registered voters who have been identified as the lead petitioner and desire to submit or who have submitted an article for consideration at an annual or special town meeting, as a "petitioner's article" without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) suggesting language that reflects the petitioner's legislative intent in presenting articles for insertion in the warrant; (2) suggesting language to insure compliance with procedural requirements; and (3) preparing the main motion for Town Meeting. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues relative to their articles.
2. Prior to the deadline for filing articles for insertion in the warrant for the annual Town Meeting, the Selectmen will conduct a "petitioners' workshop" at which prospective petitioners may ask general questions. The Town Administrator shall set reasonable limits on the scope of lead petitioner inquiries and the time allocated for consultation with Town Counsel.
3. Town Counsel may decline to assist the lead petitioner if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest. The Town Administrator may assign Special Counsel to assist the lead petitioner as appropriate.
4. Access to Town Counsel during Town Meeting sessions is not permitted.

Approved January 12, 2004; revised and restated on October 13, 2010; revised July 27, 2015

2016 SPECIAL TOWN MEETING SCHEDULE
(Schedule for fall STM to begin on TUESDAY, NOVEMBER 15, 2016)

August 15	Selectmen vote on August 15 th to open warrant for Special Town Meeting; Hold Petitioners' Hearing.
August 24	Warrant opens Wednesday, August 24, 2016 at 8:30 a.m. through Thursday, September 1, 2016 at 4:30 p.m. <u>Note new requirement - Articles must include board, committee and petitioner comments.</u>
September 1	Last day to submit articles for Special Town Meeting at 4:30 p.m. Petitioners' articles must be submitted to the Selectmen's office with at least 100 signatures.
September 5	<i>Labor Day</i>
September 12	Finance Committee: Special Town Meeting Article Hearing
September 19	<u>Deadline for submission of revised petitioner's and board and committee sponsors' comments on STM articles at 4:00 pm.</u>
September 26	Selectmen review, order and vote on articles
October 5	<u>Deadline for submission of Special Town Meeting article comments from Finance Committee</u>
October 10	<i>Columbus Day - Town offices closed</i>
October 14	Compilation of Warrant completed and all changes made; Final Warrant copied and delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director; <u>Warrant sent to printer.</u>
October 24	Motions for articles submitted by Town Counsel and provided to Moderator and Town Clerk. Draft motions posted for public review.
October 24	Selectmen meet to sign warrant.
November 1	Date by which warrant will be posted by Constable and mailing of warrants. (Town Code 36-2A, MGL c. 39, s. 10 - No later than 14 days before TM)
November 4 by 8:00 p.m.	Last day before Town Meeting to register to vote (No earlier than 10 days before STM).
November 7	Selectmen review proposed motions ; Selectmen conduct Special Town Meeting Warrant Hearing with Moderator, 7:15 p.m. Large Hearing Room, Town Building.
November 8	<i>Presidential Election</i>
November 15	Moderator's instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk ; Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution.
November 15	SPECIAL TOWN MEETING, TUESDAY 7:00 PM WAYLAND HIGH SCHOOL
November 16	Second day of Special Town Meeting, Wednesday 7:00 pm.

Note - Dates not set by general laws and town code may change.
Date of Document: 4/11/16