

TOWN OF WAYLAND

WARRANT



2011 ANNUAL TOWN MEETING

Thursday, April 7, 2011 7:30 P.M.

PLEASE NOTE:

**The location of the Annual Town Meeting
will be the**

WAYLAND MIDDLE SCHOOL GYMNASIUM

DOORS OPEN AT 6:00 P.M.

Use Side Entrance Door by Gymnasium

ANNUAL TOWN ELECTION

Tuesday, April 5, 2011

**Precincts 1 and 4
Precincts 2 and 3**

**Town Building Gymnasium
Wayland Middle School Gymnasium**

VOTING HOURS: 7:00 A.M. to 8:00 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 911
Days/Hours Available: Monday, 8:30 a.m. to 7:00 p.m.
Tuesday to Thursday, 8:30 a.m. to 4:00 p.m.
Friday, 8:30 a.m. to 12:30 p.m.

Individuals who need auxiliary aids for effective communication in programs and services of Wayland are invited to make their needs and preferences known to the ADA Compliance Coordinator. A minimum of fourteen days' notice is required.

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



TOWN OF WAYLAND

2011 ANNUAL TOWN MEETING WARRANT

WITH REPORT OF THE FINANCE COMMITTEE

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**NATIONAL TAKE-BACK INITIATIVE II**

***Wayland Public Safety Building
Saturday, April 30, 2011, from 10:00 A.M. – 2:00 P.M.***

On April 30, 2011, the DEA will coordinate a collaborative effort with state and local law enforcement agencies to remove potentially dangerous controlled substances from our nation's medicine cabinets. Collection activities will take place from 10:00 a.m. through 2:00 p.m. at sites established throughout the country. The National Take-Back Day provides an opportunity for the public to surrender expired, unwanted, or unused pharmaceutical controlled substances and other medications for destruction.

These drugs are a potential source of supply for illegal use and an unacceptable risk to public health and safety. This one-day effort is intended to bring national focus to the issue of increasing pharmaceutical controlled substance abuse.

- The program is anonymous.
- Prescription and over the counter solid dosage medications, i.e. tablets and capsules accepted.
- Intra-venous solutions, injectables, and needles will not be accepted.
- Illicit substances such as marijuana or methamphetamine are not a part of this initiative.

ADJOURNED MEETINGS

It is anticipated that if adjourned meetings are necessary to complete action on this warrant, they will be held on the following dates and times, subject to Town Meeting approval:

April 10 - Sunday	1:00 p.m.
April 11 – Monday	7:30 p.m.
April 13 – Wednesday	7:30 p.m.

and thereafter, as may be necessary, on dates as Town Meeting directs.

If you have any questions about the Articles, please attend **the Warrant Hearing on Monday, March 28, 2011, at 7:30 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-3621 before Town Meeting.

NOTICE REGARDING MOTIONS

This warrant for Wayland 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 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 at Town Meeting may differ from the underlying article, but it must be within the scope of that article.

If you are in doubt about the action Town Meeting might take under an article, you should plan to attend the 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 at the Selectmen's Office in the Wayland Town Building, or online at http://www.wayland.ma.us/Pages/WaylandMA_BComm/Moderator/Handbook2010.pdf.

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 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.

RULES OF CONDUCT FOR POLLING PLACES

The Moderator has determined that the Field House at Wayland High School and all other venues that may be used to conduct Wayland's town meetings are polling places within the meaning of Massachusetts General Laws Chapter 54, Section 65, because, among other things, the voters in town meeting assembled elect a number of town officers there each year.

Accordingly, no person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers nor may any person post, exhibit, circulate or distribute any poster, card, placard, handbill, broadside, picture, graphic, circular or other document intended to inform and/or influence the action of any voter within one hundred fifty feet of any such polling place including the interior of such polling place.

For further information, please see the "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" in Appendix A on page 140 of this warrant.

NO SMOKING NOTICE

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

HOW TO VOTE ELECTRONICALLY

At last year's Annual Town Meeting, Wayland voters approved an article proposing the use of electronic voting at this year's Annual Town Meeting, which will begin the evening of April 7th. Instead of shouting out Aye or No, raising our hands, or standing to be counted, we'll be using electronic handsets to register our votes quickly and accurately.

These handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we'll be pushing buttons to vote: the 1 button for *Aye*, or the 2 button for *No*. Your vote will be 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 will be permanently recorded, so your vote will remain private.

Because the new High School is under construction, this year's Annual town Meeting will be held in the Middle School's Gymnasium and Auditorium. We'll be using the north end of the Gym as a check-in area; as in past Town Meetings, check-in will be organized alphabetically by last name. As you're checking in, you'll be issued a handset for your use during that session.

Since electronic voting is new, we'll start the meeting off with a few "test votes" to get everyone comfortable with the procedure. The Moderator will pose a question like "Will the Red Sox win the pennant this year?", and give us 30 seconds to vote; during this interval, you'll be able to change your vote should you wish to do so; the system counts only the last button you pushed: the 1 button for *Aye*, and the 2 button for *No*. When the 30 second interval is over, the Moderator will announce that the vote is complete, and shortly thereafter announce the results. *Of course* the Red Sox will win the pennant.

Every vote taken throughout each session of Town Meeting will be conducted using electronic voting; each time, you'll have 30 seconds to convey your vote. If you don't want to participate in a particular vote, don't push any buttons during the 30 second voting interval; if you accidentally push the 1 button or the 2 button, you can clear your vote by



pushing the 3 button. If you inadvertently turn your handset off by pushing the power button in its lower-right corner; push this button again to turn your handset back on. Pushing any of your handset's other buttons will not change your vote, but for peace of mind, your handset will encourage you to *Re-vote*; push the 1 button for *Aye* or the 2 button for *No*.

If you leave your seat during the meeting, please keep your handset with you. When you leave the Middle School – either during a session or at the close of a session – please place your handset in one of the boxes at each building exit. 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 *Aye* or *No* on its display, please raise your hand; a Teller will quickly 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 we have a good turnout, then arriving voters will be seated in the Auditorium after the Gym is full. The colored dot on the back of your handset will indicate the room in which you're seated: red for the Gym and

green for the Auditorium. You'll only be able to vote if you are seated in the correct room. To be sure you can sit together with family or friends, plan to check-in around the same time.

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 Tellers. If you're wondering how much radio energy is used by a handset to convey your vote wirelessly, it uses half the power of a typical cell phone, and transmits for only a brief instant after you vote by pushing the 1 button or the 2 button, using the same frequencies as Wi-Fi wireless internet access.

Our use of electronic voting this spring is a *pilot* – a free test provided by Option Technology Interactive, one of several suppliers of electronic voting systems. We will carefully monitor the performance of this system during each session of this spring's Annual Town Meeting, and hold a public hearing afterward to gather your feedback and suggestions. If electronic voting works as well as we expect, we'll recommend that Wayland adopt it permanently – a recommendation that would require approval by the voters at a future Town Meeting.

ELVIS: Wayland's Electronic Voting Implementation Subcommittee

REPORT OF THE FINANCE COMMITTEE

To the Residents of Wayland:

The Finance Committee is pleased to present the Report of the Finance Committee and the FY2012 operating and capital budget recommendations.

Wayland is in sound financial shape. In January 2011, Moody's reaffirmed our Aaa bond rating with comments highlighting consistent financial performance, structurally balanced operations over the last five years, and conservative budgeting practices and financial management

The Finance Committee presents a FY2012 budget that does not require an operational override. This is the third year in a row that we have balanced the budget within the constraints of Proposition 2 1/2. Wayland has a strong cash position, and the Finance Committee has a multi-year plan to use our cash balances (e.g. negotiated settlements, capital items, offset operating budget shortfalls) to minimize the need for operational overrides and to mitigate future tax impact for residents.

However, like most other communities in Massachusetts, Wayland continues to feel the impact of the continued economic recession while confronting financial challenges caused primarily by decreasing aid from the State, slower growth in the local tax base, and continually growing employee-related costs for health insurance and retirement benefits. To address these challenges, the Finance Committee presented an updated long-range plan in December 2009. This plan includes a financial framework with the following major objectives in order to continue to present fiscally responsible budgets through 2015:

- Increase Real Estate Revenues
- Control Growth of Employee Costs
- Change How We Do Business
 - Regionalization/Collaboration
 - Reorganization
- Manage Capital Spending
- Impact Changes at State Level
- Maintain Overall Financial Health

The Finance Committee continues to be committed to achieving these objectives, and we encourage boards, committees, departments and residents to also support our long range plan.

As mentioned above, the Finance Committee is able to submit a balanced FY2012 operating budget because of continued fiscal restraint and the use of \$500,000 of free cash. The FY2012 operating budget includes the general fund as well as the Water and Enterprise funds (Septage and Wastewater).

To finance the capital portion of the budget, the Finance Committee is requesting a Proposition 2 1/2 debt exclusion vote for \$880,000 for Town and School projects. The debt exclusion is "better than tax neutral" because the new debt service required by the debt exclusion request is smaller than the amount of expiring debt service. This year we have also expanded our reporting on capital requests to better supplement materials available on the Town's website:

http://www.wayland.ma.us/Pages/WaylandMA_Finance/index.

This report will also describe the Finance Committee's role as defined in the Code of the Town of Wayland as well as our mission statement and financial strategy. This report will highlight the operating and capital budgets and further detail the challenges of balancing the operating budget under the demanding general economic conditions and other budget constraints. Additionally, it details the budget process, reviews revenues and expenses for the upcoming fiscal year (FY2012) and presents a 5-year capital plan. FY2012 non-operating budget expenses, capital requests and changes to free cash reserves are also depicted. The report concludes with a discussion of future budgetary concerns.

THE COMMITTEE

The Wayland Finance Committee is comprised of seven residents who are appointed by the Board of Selectmen. The members' three year terms are staggered which has allowed for a mix of new and more experienced members. Meetings are normally convened on Monday evenings with prior notice posted on the Town Building bulletin board and web site. Our meetings are open to the public and include a public comment period; residents wishing to offer public comment or to observe are welcome. Meeting minutes and other working documents and public presentations are available on the Finance Committee webpage on the Town website.

ROLE

The Code of the Town of Wayland charges the Finance Committee with two primary responsibilities. The Committee is required to prepare and present the Omnibus Budget (the Town's operating and capital budget), which appears as an article in the Annual Town Meeting Warrant. The Committee is also responsible for review and comment on articles submitted for inclusion in the Warrant.

MISSION STATEMENT

The mission of the Wayland Finance Committee is to define a financial strategy for the Town and to use this strategy as the basis for recommending to the Town a fiscally responsible operating and capital-spending plan. The Finance Committee seeks to balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

FINANCIAL STRATEGY

The Finance Committee's strategy is to recommend the following: 1) maintenance of quality Town services supplied by an efficient workforce, 2) continued infrastructure investment via a capital spending plan, and 3) preservation of appropriate levels of Free Cash and other reserve funds.

BUDGET PROCESS

Work on the proposed budget for FY2012 began at the conclusion of the 2010 Annual Town Meeting. The Finance Committee resolved to provide more capital information in the Warrant to supplement online materials and public meetings in hopes of making information more readily available to residents. The Committee also determined that boards sponsoring capital requests should play a more active role in the Capital Improvement Program (CIP) and Town Meeting process.

In early September, after reviewing various budget scenarios based on probable revenue and expense changes, ongoing contract negotiations, and the economic challenges facing the town in the upcoming fiscal year, the Finance Committee issued FY2012 Budget Guidelines on September 30, 2010. Departments and boards were instructed to compile budgets showing:

- Contractual increases based upon the contracts in force,
- Central reporting of estimated contract settlement amounts, and
- All non-salary accounts at FY2011 levels except for utility accounts which were adjusted as needed.

As this Warrant goes to print, some collective bargaining agreements have expired on June 30, 2010 or will expire on June 30, 2011. Those collective bargaining agreements are in negotiations. Therefore, the respective steps and lanes are being budgeted at levels designated in the prior contracts for budget purposes only. Any anticipated settlement expenses are being carried centrally in Unclassified - Reserve for Salary Settlement in the budget.

The FY2012 budget guidelines were presented and discussed publicly at the Finance Committee meeting on October 12, 2010. At this meeting, the Finance Committee reviewed Town finances and answered questions related to the guideline. The budget guidelines are available on the Finance Committee's website. Municipal and School budgets were due December 1, 2010.

Budget meetings were held on December 13, 2010 and continued on January 10, 18, 24, 27, 31 and February 7, 2011. In January 2011, the Committee met with boards, departments, and commissions to discuss specific budget requests. All participants were reminded that the capital budget was limited and that capital items may need to be included in a debt exclusion request.

On January 31, 2011, the Finance Committee deliberated and voted a draft budget. This draft budget was presented at a public forum on February 7, 2011. The presentation is available on the Finance Committee's website.

Subsequently, at the February 7, 2011 meeting, the Finance Committee unanimously (7-0) approved the recommended operating budget that appears in this warrant. The recommended capital budget was also approved unanimously (7-0) with the understanding that a debt exclusion would be required. The Finance Committee reviewed the debt exclusion request with the Board of Selectmen on February 14, 2011. On February 28, 2011, the Board of Selectmen voted unanimously to put the debt exclusion question on the ballot for the April 5, 2011 town election, and the Finance Committee and the Selectmen held a public forum on the debt exclusion. This presentation is available on the Finance Committee's website. The debt exclusion will also be discussed at the scheduled Warrant Hearing on March 28, 2011.

The Finance Committee revisited the capital budget on February 28, 2011 to consider new information relative to the request for a new DPW facility. A vote to reconsider the capital budget took place and the Finance Committee voted 5-0 to recommend the revised capital budget.

SUMMARY OF THE FY2012 OPERATING BUDGET

There are multiple components to the operating budget. The one with which residents are most familiar is the General Fund Operating Budget which funds most municipal and all school operations. Three other municipal operating budgets (Water, Wastewater and Septage) are added to reach the total Omnibus Budget for the Town of Wayland. These three budgets are reported as separate line items to meet State requirements for reporting on enterprise (Wastewater, Septage) and like (Water) funds.

Total revenue in FY2012 is estimated to be \$71.8 million excluding the \$500,000 free cash shown in Table 1. Expenses total \$70.9 million. The result is a budget deficit of about \$980,000. This operating deficit is being funded by \$500,000 from free cash reserves, approximately \$360,000 in

ambulance receipts and \$120,000 in bond premiums from the most recent bond issuance (January 2011).

To understand the deficit, it is important to analyze the changes in revenues and expenses between FY2011 and FY2012:

Table 1: Total Revenue Changes				
Description	Projected FY2011	Budget FY2012	Difference	% Change
Real Estate Taxes				
Tax Levy	\$51,490,173	\$53,180,341	\$1,690,168	
Allowance for 2.5%	\$1,287,774	\$1,330,386	\$42,612	
Debt Exclusion	\$2,933,339	\$5,561,919	\$2,628,580	
New Tax Levy Growth	\$416,727	\$325,000	-\$91,727	
Total Real Estate Taxes	\$56,128,013	\$60,397,646	\$4,269,633	7.61%
State Revenues	\$4,486,387	\$4,262,068	-\$224,319	-5.00%
Local Receipts	\$3,325,000	\$3,140,000	-\$185,000	-5.56%
Water Receipts	\$3,337,197	\$3,403,133	\$65,936	1.98%
Enterprise Receipts	\$331,330	\$601,408	\$270,078	81.51%
Free Cash	\$250,000	\$500,000	\$250,000	100.00%
Total Revenue	\$67,857,927	\$72,304,255	\$4,446,328	6.55%

1. Revenue between FY2011 and FY2012 as shown in Table 1 is increasing by \$4,446,328.

Sources of revenue and changes from FY2011 are as follows:

- Under Proposition 2½, the tax increase is limited to 2½% of the overall tax levy. For FY2012, this represents approximately \$1.3 million.
- Tax revenue will increase by approximately \$2,600,000 in FY2012 in support of the high school debt exclusion.
- New growth, the tax on new and upgraded properties, is estimated to generate \$325,000 of new revenue, down from over \$415,000 in FY2011. This lower revenue number anticipates a reduction in new home construction and renovation activity related to the economic downturn. The volume of building permits is starting to increase; however, there is a lag before that activity is shown in new tax growth.
- State aid revenue is estimated to decrease by \$225,000 or about 5% from FY2011 levels. Next fiscal year, state aid will comprise about 6% of our total revenue. Since only a small percentage of Wayland's budget is funded by state aid, the recent proposed cuts included in the preliminary state budget have had less impact here than in many communities. The actual state aid amounts for FY2012 will not be known until the final state aid allocations are made in July.
- Local receipts are actually increasing by approximately \$260,000, but we changed our accounting practice for one source of local receipts, the Transfer Station, for FY2012 as we look to combine this service with the Town of Sudbury. For FY2012, we are moving

transfer station fees of \$450,000 from the general fund to a Transfer Station revolving fund, so the net result is a reduction of approximately \$185,000 in local receipts.

- Enterprise receipts are increasing by approximately \$270,000, primarily related to new user fees to support the debt service on the new Wastewater treatment plant.
- Free cash of \$500,000 is being appropriated to balance the budget. See Table 3 for more detail on free cash usage.

Table 2: Total Operating Expense Changes

Description	Budget FY2011	Budget FY2012	Difference	% Change
General Fund Budget	\$62,360,810	\$66,902,456	\$4,541,646	7.28%
Water Fund Budget	\$3,337,197	\$3,403,133	\$65,936	1.98%
Septage Fund Budget	\$52,990	\$40,233	-\$12,757	-24.07%
Wastewater Mgmt District Budget	\$278,340	\$561,175	\$282,835	101.61%
Total Expenses	\$66,029,337	\$70,906,997	\$4,877,660	7.39%

1. Operating expenses (as shown in Table 2) and non-operating expenses between FY2011 and FY2012 are increasing by approximately \$4.87 million. Significant items include:

- Step and Lane salary increases of \$500,000 are carried within budget line items. The Unclassified - Reserve for Salary Settlement account contains funds for FY2012 settled and pending contracts.
- Debt service is increasing by \$2,800,000, primarily as a result of the issuance of the second tranche of debt for the high school renovation/expansion. A portion of this is the bond premium which will be applied to offset this increase netting to \$2.6 million as shown in Table 1. This represents an 4.5% increase in the budget.
- Pension costs are increasing by \$280,000 because we are prepaying a portion of our unfunded liability obligation. Pension expense represents the cost to provide pensions to Town employees; it does not include teachers whose pensions are covered by the State. The January 2010 assessment for FY12 payment reflects the market conditions of 2008/2009.
- Utility costs are estimated to be flat for the coming year.
- State/county charges and abatements are expected to decrease by \$400,000.
- Health care costs are expected to increase by \$200,000. This increase is required to fund higher insurance costs (for active and retired employees). In the past several years, Wayland has implemented health care initiatives that are beginning to realize annual savings in employee and retiree health care costs. To date, these initiatives have saved Wayland taxpayers over \$1.6 million.
- The Septage Budget has positive changes to benefits (pension) resulting in savings of about \$13,000. Through this budget, the Town funds the unfunded pension obligations of retired Septage employees.
- Wastewater debt service on the new treatment plant results in over \$280,000 in additional expenses; impact will be covered through user fees rather than taxes.

FY2012 OMNIBUS BUDGET

The Omnibus Budget lists various Town operating expenses, unclassified expenditures such as employee health insurance, and debt and interest.

OPERATING EXPENSES

The FY2012 Omnibus Budget article General Fund portion proposes operating expenses of \$66,902,456. This represents an increase of \$4.54 million or about 7.3 % from FY2011.

NON-APPROPRIATED EXPENSES

The Town is also responsible for funding non-operating budget expenses that are not appropriated in the budget. The Town funds State and County assessments (\$325,000) and real estate abatements (\$1,230,000). Additional miscellaneous non-operating budget charges are expected to equal \$325,000 (primarily cash capital items discussed in the Finance Committee Comments of Article 6, see pages 37-48). The Finance Committee estimates that these non-operating budget expenses will total \$1,882,440. Water and Enterprise Funds expenses total \$4,004,541. See Tables 3 and 4 below.

Table 3: FY2012 Non-appropriated or non-operating budget expenses

Description	Amount
Real Estate Abatements	\$ 1,230,000
State and County Assessments	\$ 327,440
Miscellaneous	\$ 325,000
Total	\$ 1,882,440

The Omnibus Budget expenses, General Fund, plus the non-operating budget expenses total \$72,789,437.

Table 4: Total Town Expenses for FY2012

Expense	Amount
General Fund Budget	\$ 66,902,456
Water	\$ 3,403,133
Septage	\$ 40,233
Wastewater	\$ 561,175
Non-appropriated expenses	\$ 1,882,440
Total	\$ 72,789,437

UNFUNDED LIABILITIES

The Town carries two accounting entries to track unfunded liabilities -- one for unfunded pension obligations and one for unfunded other post-employment benefits (OPEB), primarily healthcare. Annual payments are being made toward each of these and regular revaluations are conducted.

Massachusetts Department of Revenue (DOR) defines the unfunded pension liability:

Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is redetermined every three years and is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.

Wayland is mandated by the State to fund the pensions of all employees except teachers, who are covered by the State pension system. Starting in 1988, the State has required towns to pay toward their unfunded pension obligations and to complete payment by 2028. This past year, the Massachusetts legislature voted to extend the funding period to 2040. Wayland has been paying its obligation since 1988, and a reassessment of the accounting liability is completed every two years. The most recent valuation of the Town's pension liability is \$36,202,965 as of January 1, 2010. Wayland pays approximately \$3.1 million per year towards this balance to fully fund by 2040 and for FY2012 is making a prepayment of approximately \$300,000 to reduce future impact to operating expenses.

Massachusetts DOR defines OPEB:

Post-employment benefits other than pensions generally take the form of health insurance and dental, vision, prescription, or other healthcare benefits provided to eligible retirees, including in some cases their beneficiaries. They may also include some type of life insurance. As a group, these are referred to as OPEB.

The State has not mandated that communities begin payments toward OPEB; however, as part of our financial management plan, the Town has been making payments of approximately \$1 million per year since FY2009. As of December 31, 2008, the Town's OPEB obligation totaled \$40,087,950. No date has yet been set by the State for funding completion.

CAPITAL REQUESTS

Capital requests for FY2012 total \$4,740,000. If approved at Town Meeting, the Town will need to borrow to fund most of these investments. Borrowing monies is prudent because it spreads the cost of buying the asset (debt service) over its useful life. The Finance Committee's capital recommendations were based on properly maintaining the current infrastructure and replacing vehicles and equipment that have outlived their useful lives. Capital expenditure requests are listed on the final page of the Omnibus Budget under the title "Capital Budget". Additional information supporting each capital expenditure requested is available on the pages following the request (beginning on page 37) and on the Finance Committee's webpage in the Capital Improvement Plan "CIP" folder (http://www.wayland.ma.us/Pages/WaylandMA_Finance/FY12%20CIP%20Capital%20Appropriation%20Requests.pdf).

Capital expenditures are generally funded in three manners:

- Cash capital items: regularly occurring, replaceable equipment and vehicles with a life span of less than 5 years, funded with cash within the operating budget or from cash reserves. Cash capital items have no impact on the tax rate and are funded within the Proposition 2 ½ levy.
- Non-exempt capital items: regularly occurring, replaceable equipment and vehicles with an individual unit cost of less than \$100,000, funded by borrowing and limited to the capacity within the existing debt service. Therefore, non-exempt capital items result in no change in the tax rate and are funded within the Proposition 2 ½ levy.
- Exempt capital items: includes all building repairs as well as equipment and vehicles with an individual unit cost greater than \$100,000. These items are typically funded with a debt exclusion and normally result in a temporary increase in the tax rate.

This year, the Finance Committee decided to deviate from the above policy to take advantage of more borrowing capacity within the non-exempt borrowing budget. As shown in the expanded capital commentary (pages 37-48), items are being funded within the non-exempt capital budget that would normally be subject to a debt exclusion vote. Two of the largest dollar capital items (school technology, field planning and development) are presented as exempt items.

Also new for FY2012, the Finance Committee requested that new and replacement computers be funded through the operating budget rather than the capital budget. This is more in keeping with the expense and lifespan of the equipment.

The Finance Committee's recommendation and expanded commentary for FY2012 capital items are found in Article 6, FY2012 Omnibus Budget following the capital budget request (itemized numbers relate to the listing of expenditure requests in the budget on page 36). The items include maintenance and investment in buildings and infrastructure, vehicle purchases, compliance projects, items related to last year's floodwaters, and technology improvements.

The detailed CIP forms for each capital request were posted on the town website on the Finance Committee page in early February 2011 and are available for review (http://www.wayland.ma.us/Pages/WaylandMA_Finance/FY12%20CIP%20Capital%20Appropriation%20Requests.pdf). Individual requestors are responsible for the content, and questions about any particular project or item should be directed to the requesting authority.

The Finance Committee has requested the \$880,000 exempt capital items be voted at the ballot as a single question debt exclusion. The Finance Committee unanimously (5-0) recommends approval of the FY2012 capital budget.

Typically, a debt exclusion increases the amount of property tax revenue a community may raise for a limited period of time in order to fund these specific projects. However, in FY2012, the debt exclusion will be "better than tax-neutral," meaning that the approved increase in borrowing to fund the exempt capital items listed above is less than the debt exclusion borrowings (principal and interest payments) that are maturing. For the average house, if the debt exclusion is approved at both the ballot and Town Meeting, there will be an approximate \$20 savings in taxes per year over the life of the items. This can also be stated as a reduction of \$0.03/thousand in the tax rate. Borrowings for the remaining capital requests will be funded through the normal operating budget.

FIVE-YEAR CAPITAL PLAN

Capital planning is part of the overall financial plan for the Town of Wayland that the Finance Committee prepares each year as specified by the Code of the Town of Wayland. Capital needs fall into four categories: equipment, buildings, land and roads. During 2008, the Town formalized the capital planning process by implementing a new Capital Improvement Program or "CIP". The CIP establishes new policies and procedures for capital planning and debt management and focuses attention on community objectives and fiscal capacity, coordinates both the capital and the operating budgets, facilitates communication and planning between departments and boards to reduce duplication and keeps the public informed about future capital needs. Refinements will be made as we continue to improve this program.

The accompanying five-year capital plan in this warrant is the starting point for capital expenditures to be considered in future years. Capital requests are summarized by department, board or commission. Capital items beyond next fiscal year for FY2013 through FY2016 have not been formally presented by departments or approved by the Finance Committee and are presented for planning purposes only. Significant facility projects listed on the five-year plan include potentially funding a new DPW Garage and Library/Senior Center.

FREE CASH

Table 5 depicts free cash allocated to close prior year operating budget deficits. For FY2012, the operating budget will be balanced using \$500,000 of free cash.

Table 5: Free Cash Allocated To Annual Revenue

Fiscal Year	Free Cash Appropriated
FY2004	\$ 2,400,000
FY2005	\$ 1,869,000
FY2006	\$ 300,000
FY2007	\$ 0
FY2008	\$ 0
FY2009	\$ 0
FY2010	\$ 1,100,000
FY2011	\$ 250,000
FY2012	\$ 500,000

The town's free cash balance was certified at \$8.5 million at the start of FY2011. This gives us a reserve equaling approximately 13.2% of our FY2010 operating expenses. The Finance Committee is committed to maintaining the Town's Free Cash Reserves at recommended levels over the next few

years and has a multi-year plan to use free cash. Moody's Investor Services latest review (January 2011) reaffirmed our credit rating of Aaa and continues to recommend reserves of 5-10% or greater. The Finance Committee's Debt Management Policy also recommends reserve levels of 5-10% of operating expenditures.

Given conservative budgeting of anticipated revenues, some unanticipated unexpended appropriations, and contributions to free cash, Wayland's free cash balance has grown over the last four years. Specifically, over the last year, free cash growth occurred primarily because of the FY2011 budget reductions and resulting year end budgetary returns (\$603,000), utility savings (\$525,000), no reserve fund transfers (\$225,000) and lower than expected special education (SPED) expenses (\$400,000). The Finance Committee anticipated using cash to balance the FY2012 budget to minimize the tax increase for residents while maintaining services. After using the \$500,000 of free cash for the operating budget and \$1,000,000 for capital repairs to the Public Safety Building (discussed below), our balance will still be above the upper range recommended by Moody's.

In FYs 2011 and 2012, the Finance Committee has recommended using relatively small amounts of free cash to balance the operating budget. Residents should understand that any cash used to balance the operating budget does not have a revenue stream to replace it the following budget year. All else being equal, to support the same services, the amount of cash required to balance the budget needs to be doubled in the second year and doubled again the following year. This results in maintaining a level of services that cannot be supported through normal revenue sources. As a result, the Finance Committee is recommending judicious use of free cash in the upcoming years. Cash should be used for one-time expenses, not for operating budgets.

As Table 5 shows, large amounts of free cash were used to balance the operating budget in FY2004 and FY2005. This resulted in driving our free cash levels down to 2.2% and resulted in three years where the Town voted to raise taxes to add funds to free cash (FYs 2007, 2008 and 2009).

The Finance Committee has a multi-year plan to use free cash to fund stipends that are part of negotiated union contract settlement commitments and to mitigate the need for future operational overrides. Additionally, the Finance Committee's long-range plan anticipates the judicious use of free cash reserves through FY2015 to offset the service impact of expense reductions and to mitigate property tax increases to residents.

LONG RANGE PLANNING

Wayland, like other towns across the State, has grappled with state aid reductions, healthcare and pension expense increases and steadily rising heat and transportation costs. While Wayland has fared better than other towns, these economic issues continue to challenge our financial situation. The Finance Committee has continued to spend considerable time and effort researching and supporting implementation of actions needed to help balance the budget. Those actions include:

- Implementing changes in health care programs for current employees and retirees,
- Supporting opportunities for more shared services where appropriate, and
- Instituting administrative efficiencies, including consolidating support functions across municipal and school departments.

The Finance Committee has also focused on planning for major long-term facility projects by closely monitoring current capital budget requests, managing within our debt management policy and ensuring that the Town maintains its Aaa credit rating.

FINANCIAL TRENDS

As the Finance Committee reported during the budget planning process, Town finances are sound, but we are challenged by general economic conditions causing reductions in state funding, stable to slightly positive new tax growth and continuing growth in employee benefit costs. The free cash reserves that have been built up during the past four years put us in a strong reserve position; using \$500,000 in cash to balance the FY2012 is a planned financial decision.

For FY2012, on average, property taxes will increase approximately \$809, or 7.0% per household based upon an average house value of \$592,825. This is primarily due to the debt service on the previously approved high school project. A strong school system, semi-rural character, willingness to support overrides, and the proximity of access to Boston are all given as factors that make a Wayland highly desirable community, despite a slowly improving real estate market.

To help put this into perspective, the Finance Committee reviews the average single family tax bill of its peer towns. Wayland's average tax bill ranks 6th in the State behind Weston, Sherborn, Lincoln, Dover and Carlisle. When the Warrant went to print, twenty-six (26) communities did not have on the DOR website. The average house value, tax rate and average single family tax bill for the Finance Committee's peer towns is shown below (all data from the DOR online) in Table 6:

Table 6: Peer Community Data for FY2011

Town	Avg House Value	Tax Rate	Avg Tax Bill	% Commercial
Weston	\$1,390,240	\$11.39	\$15,835	4
Lincoln	\$1,000,638	\$12.37	\$12,378	2
Carlisle	\$722,226	\$16.13	\$11,650	1
Wayland	\$592,825	\$19.35	\$11,471	4
Concord	\$839,569	\$13.19	\$11,074	8
Sudbury	\$627,988	\$17.03	\$10,695	5
Medfield	\$564,396	\$15.02	\$8,477	4
Sharon	\$412,373	\$19.47	\$8,029	5
Lynnfield	\$527,219	\$13.49	\$7,112	7
Marshfield	\$383,681	\$11.29	\$4,332	6
Cohasset	no data	no data	no data	no data

Wayland's tax rate of \$19.35 for FY2011 is the 5th highest in Massachusetts behind Springfield, Sharon, Bolton, and Shutesbury with 26 communities yet to post their data to the DOR. Last year, Wayland's tax rate was 7th highest in the State. Much of this increase is due to the debt service on the new high school.

The general downward economic trend is expected to persist for the near term; this will likely require additional flat budgeting and the use of reserves to avoid regular operational overrides. Our earliest projections show that the FY2013 budget will also be difficult to balance with many variables (reduced state aid, new collective bargaining contracts, planned workflow consolidations; savings from initiatives already implemented) impacting both revenues and expenses. The Finance Committee will continue to explore a number of measures to present a balanced budget in FY 2013 including combined services, additional sources of revenue and, likely, the use of free cash reserves.

Once again in 2011, Wayland is one of a small number of towns in the Commonwealth of Massachusetts that earned an Aaa bond rating in from Moody's Investors Service. This rating, Moody's highest, reflects the Town's conservative budgeting and strong financial operating results, management, policies and underlying demographic and economic factors and allows the Town to borrow at the lowest municipal rates available.

CONCLUSIONS

The Finance Committee voted 7-0 to recommend the FY2012 operating budget and voted 5-0 to recommend the FY2012 capital budget. In general, Wayland's revenues, expenses and real estate tax burden compare favorably to peer towns, and this is an area that the Finance Committee continues to monitor on a regular basis. The Finance Committee believes it is in the best interest of the citizens to support the FY2012 budget and the debt exclusion to maintain core services and infrastructure.

The Finance Committee extends thanks and appreciation to the Town's employees, municipal and school department heads, and the various committees for their support during this year's budget preparation.

Once again, Wayland faces a challenging financial year in FY2012 and in future years with the constraints within our budget. The Finance Committee will continue to use all diligence in preparing future budgets that will balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

Respectfully submitted,

Cherry Karlson, Chair

Paul Grasso

Tom Greenaway

David J. Gutschenritter

Sam H. Peper

Richard M. Stack, Vice Chair

Bill Steinberg

TOWN OF WAYLAND FIVE YEAR CAPITAL PLAN

	2012	2013	2014	2015	2016	Year 1-5 Total
ASSESSOR						
Equipment						0
Vehicle						0
Land/Improvements						0
Subtotal	0	0	0	0	0	0
INFORMATION TECHNOLOGY						
Equipment	50,000	385,000	100,000	225,000	225,000	985,000
Vehicle						0
Land/Improvements						0
Subtotal	50,000	385,000	100,000	225,000	225,000	985,000
CONSERVATION						
Equipment						0
Vehicle		35,000				35,000
Land/Improvements	135,000	210,000	200,000	200,000	200,000	945,000
Subtotal	135,000	245,000	200,000	200,000	200,000	980,000
TOWN SURVEYOR						
Equipment						0
Vehicle						0
Land/Improvements						0
Subtotal	0	0	0	0	0	0
FACILITIES						
Building Repairs	290,000	190,000	1,005,000	850,000	550,000	2,885,000
Equipment						0
Vehicle						0
Land/Improvements						0
Subtotal	290,000	190,000	1,005,000	850,000	550,000	2,885,000
POLICE						
Equipment	40,000	30,000				70,000
Vehicle						0
Land/Improvements						0
Subtotal	40,000	30,000	0	0	0	70,000
JCC						
New Building/Major Renovations	1,000,000					1,000,000
Equipment		35,000	75,000	80,000		190,000
Vehicle						0
Land/Improvements						0
Subtotal	1,000,000	35,000	75,000	80,000	0	1,190,000
FIRE						
Equipment			35,000		60,000	95,000
Vehicle	75,000	40,000		265,000		380,000
Land/Improvements						0
Subtotal	75,000	40,000	35,000	265,000	60,000	475,000
BUILDING & ZONING						
Equipment						0
Vehicle				35,000		35,000
Land/Improvements						0
Subtotal	0	0	0	35,000	0	35,000

	2012	2013	2014	2015	2016	Year 1-5 Total
DPW						
New Building/Major Renovations	175,000	13,575,000				13,750,000
Equipment	265,000	505,000	180,000			950,000
Vehicle	500,000	60,000	155,000			715,000
Land/Improvements	655,000	1,625,000	1,625,000	1,625,000	1,625,000	7,155,000
Infrastructure	320,000	75,000	200,000	275,000	0	870,000
Subtotal	1,915,000	15,840,000	2,160,000	1,900,000	1,625,000	23,440,000
BOH						
Equipment						0
Vehicle						0
Land/Improvements						0
Subtotal	0	0	0	0	0	0
COA						
New Building/Major Renovations						0
Equipment						0
Vehicle						0
Land/Improvements						0
Subtotal	0	0	0	0	0	0
LIBRARY						
New Building/Major Renovations			1,800,000	16,200,000		18,000,000
Equipment						0
Vehicle						0
Land/Improvements						0
Subtotal	0	0	1,800,000	16,200,000	0	18,000,000
RECREATION						
New Building/Major Renovations						
Equipment	75,000	55,000	75,000	50,000	100,000	355,000
Vehicle						0
Land/Improvements						0
Subtotal	75,000	55,000	75,000	50,000	100,000	355,000
SCHOOL						
New Building/Major Renovations						0
Building Repairs	100,000	1,480,000	2,265,000	1,025,000	50,000	4,920,000
Equipment	350,000	550,000	400,000	425,000	425,000	2,150,000
Vehicle	50,000					50,000
Land/Improvements						0
Subtotal	500,000	2,030,000	2,665,000	1,450,000	475,000	7,120,000
WATER						
New Building/Major Renovations				1,100,000	11,000,000	12,100,000
Building Repairs	100,000	100,000	100,000	350,000	4,850,000	5,500,000
Equipment	50,000	840,000				890,000
Vehicle					60,000	60,000
Land/Improvements						0
Infrastructure	510,000	500,000	500,000	500,000	500,000	2,510,000
Subtotal	660,000	1,440,000	600,000	1,950,000	16,410,000	21,060,000
WASTEWATER						
New Building/Major Renovations						0
Building Repairs						0
Equipment						0
Vehicle						0

	2012	2013	2014	2015	2016	Year 1-5 Total
Land/Improvements						0
Infrastructure						0
Subtotal	0	0	0	0	0	0

SUMMARY BY DEPARTMENT

ASSESSOR	0	0	0	0	0	0
INFORMATION TECHNOLOGY	50,000	385,000	100,000	225,000	225,000	985,000
CONSERVATION	135,000	245,000	200,000	200,000	200,000	980,000
TOWN SURVEYOR	0	0	0	0	0	0
FACILITIES	290,000	190,000	1,005,000	850,000	550,000	2,885,000
POLICE	40,000	30,000	0	0	0	70,000
JCC	1,000,000	35,000	75,000	80,000	0	1,190,000
FIRE	75,000	40,000	35,000	265,000	60,000	475,000
BUILDING & ZONING	0	0	0	35,000	0	35,000
DPW	1,915,000	15,840,000	2,160,000	1,900,000	1,625,000	23,440,000
BOH	0	0	0	0	0	0
COA	0	0	0	0	0	0
LIBRARY	0	0	1,800,000	16,200,000	0	18,000,000
RECREATION	75,000	55,000	75,000	50,000	100,000	355,000
subtotal	3,580,000	16,820,000	5,450,000	19,805,000	2,760,000	48,415,000
SCHOOL	500,000	2,030,000	2,665,000	1,450,000	475,000	7,120,000
TOTAL G/F DEPARTMENTS	4,080,000	18,850,000	8,115,000	21,255,000	3,235,000	55,535,000
NON-DEPARTMENTAL						
WATER	660,000	1,440,000	600,000	1,950,000	16,410,000	21,060,000
WASTEWATER	0	0	0	0	0	0
TOTAL NON-G/F DEPARTMENTS	660,000	1,440,000	600,000	1,950,000	16,410,000	21,060,000
GRAND TOTAL	4,740,000	20,290,000	8,715,000	23,205,000	19,645,000	76,595,000

SUMMARY BY TYPE

NEW BUILDING/MAJOR RENOVATIONS	1,175,000	13,575,000	1,800,000	17,300,000	11,000,000	44,850,000
BUILDING REPAIRS	490,000	1,770,000	3,370,000	2,225,000	5,450,000	13,305,000
EQUIPMENT	830,000	2,400,000	865,000	780,000	810,000	5,685,000
VEHICLE	625,000	135,000	155,000	300,000	60,000	1,275,000
LAND/IMPROVEMENTS	790,000	1,835,000	1,825,000	1,825,000	1,825,000	8,100,000
INFRASTRUCTURE	830,000	575,000	700,000	775,000	500,000	3,380,000
SUB-TOTAL ALL DEPTS BY TYPE	3,565,000	6,715,000	6,915,000	5,905,000	8,645,000	31,745,000
TOTAL ALL DEPTS BY TYPE	4,740,000	20,290,000	8,715,000	23,205,000	19,645,000	76,595,000

SUMMARY BY TYPE- EXCLUDES WATER/WASTEWATER
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NEW BUILDING/MAJOR RENOVATIONS	1,175,000	13,575,000	1,800,000	16,200,000	0	32,750,000
BUILDING REPAIRS	390,000	1,670,000	3,270,000	1,875,000	600,000	7,805,000
EQUIPMENT	780,000	1,560,000	865,000	780,000	810,000	4,795,000
VEHICLE	625,000	135,000	155,000	300,000	0	1,215,000
LAND/IMPROVEMENTS	790,000	1,835,000	1,825,000	1,825,000	1,825,000	8,100,000
INFRASTRUCTURE	320,000	75,000	200,000	275,000	0	870,000
SUB-TOTAL ALL DEPTS BY TYPE	2,905,000	5,275,000	6,315,000	5,055,000	3,235,000	22,785,000
TOTAL ALL DEPTS BY TYPE	4,080,000	18,850,000	8,115,000	21,255,000	3,235,000	55,535,000
WATER/WASTEWATER	660,000	1,440,000	600,000	1,950,000	16,410,000	21,060,000

TABLE NO. 1 - WAYLAND INCOME AND EXPENSE STATEMENT

	FISCAL 2008	FISCAL 2009	FISCAL 2010	FISCAL 2011	FISCAL 2012
BUDGET	53,144,960	56,117,307	62,019,837	66,029,337	70,906,997
ARTICLES	8,802,239	15,121,939	5,150,316	3,475,000	4,920,000
TOTAL TOWN EXPENSE	61,947,199	71,239,246	67,170,153	69,504,337	75,826,997
OVERLAY	623,553	1,039,311	1,106,754	1,676,989	1,230,000
NET REC FROM STATE	(2,052,157)	(2,044,382)	(1,419,895)	(4,199,174)	(3,934,628)
LOCAL RECEIPTS	(3,640,001)	(3,435,001)	(3,505,000)	(3,325,000)	(3,140,000)
OTHER SOURCES: FREE CASH, BORROWINGS, ETC.	(9,097,947)	(15,047,633)	(9,643,640)	(7,529,139)	(9,584,723)
TO BE RAISED BY TAXATION	47,780,647	51,751,541	53,708,371	56,128,013	60,397,646

AVERAGE TAX BILL WILL INCREASE BY APPROXIMATELY 7.0% IN FY 12

TABLE NO. 2 - HISTORICAL BUDGET SUMMARY (General Fund Only)

FISCAL YEAR	SCHOOL	TOWN	TOTAL	INCREASE	%
FY 2012	\$31,096,713	\$35,805,743	\$66,902,456	\$4,541,649	7.3%
FY 2011	\$30,596,713	\$28,623,893	\$59,220,606	\$403,440	0.7%
FY 2010	\$31,111,713	\$27,705,453	\$58,817,166	\$2,699,858	4.8%
FY 2009	\$30,091,713	\$26,025,595	\$56,117,308	\$2,972,347	5.6%
FY 2008	\$28,722,212	\$24,422,749	\$53,144,961	\$2,395,484	4.7%
FY 2007	\$28,407,893	\$22,341,584	\$50,749,477	\$1,813,024	3.7%
FY 2006	\$27,379,743	\$21,556,710	\$48,936,453	\$2,420,683	5.2%
FY 2005	\$26,067,251	\$20,448,519	\$46,515,770	\$1,337,108	3.0%
FY 2004	\$25,650,251	\$19,528,411	\$45,178,662	\$2,058,038	4.8%
FY 2003	\$24,599,201	\$18,521,423	\$43,120,624	\$2,739,700	6.8%

TABLE NO. 3

TOWN REVENUES (GF)	FY 08	FY 09	FY 10	FY 11	FY 12
TAX LEVY	47,780,649	51,751,543	53,708,371	56,128,013	60,397,646
STATE AID	4,822,824	5,129,702	4,666,700	4,486,387	4,262,068
LOCAL RECEIPTS	3,640,000	3,435,000	3,505,000	3,325,000	3,140,000
AVAILABLE FUNDS	510,736	250,694	1,440,653	610,612	985,182
TOTAL	56,754,209	60,566,939	63,320,724	64,550,012	68,784,896

TABLE NO. 4 (General Fund Only)					
% OF BUDGET BY DEPARTMENT	FY 08	FY 09	FY 10	FY 11	FY 12
GENERAL GOVERNMENT	5.8%	5.8%	4.9%	4.6%	4.5%
PUBLIC SAFETY	9.6%	9.3%	9.5%	8.8%	8.2%
SCHOOLS	54.1%	53.6%	52.8%	49.1%	46.5%
REG VOC SCHOOL	0.7%	0.8%	0.7%	0.6%	0.4%
DPW	3.6%	3.6%	4.7%	4.3%	3.5%
HEALTH	1.2%	1.1%	1.1%	1.1%	1.0%
LIBRARY	1.8%	1.7%	1.6%	1.5%	1.4%
RECREATION	1.4%	1.4%	0.1%	0.0%	0.0%
DEBT & INTEREST	7.2%	7.3%	7.3%	8.0%	11.6%
RETIREMENT				5.0%	5.1%
UNCLASSIFIED	14.5%	15.4%	15.3%	15.0%	15.9%
FACILITIES			2.0%	2.0%	1.8%

TABLE NO. 5 (General Fund Only) DEPARTMENTAL INCREASES				
	BUDGET FY 11	BUDGET FY 12	INCREASE	% INCREASE
GENERAL GOVERNMENT	2,871,272	2,978,539	107,267	3.7%
PUBLIC SAFETY	5,486,240	5,501,159	14,919	0.3%
SCHOOLS	30,596,713	31,096,713	500,000	1.6%
REGIONAL VOC SCH	390,000	280,000	(110,000)	-28.2%
DPW	2,701,091	2,328,588	(372,503)	-13.8%
HEALTH	662,251	695,440	33,189	5.0%
LIBRARY	927,430	952,550	25,120	2.7%
RECREATION	0	0	0	0.0%
DEBT & INTEREST	4,985,645	7,776,459	2,790,814	56.0%
RETIREMENT	3,140,204	3,420,633	280,429	8.9%
UNCLASSIFIED	9,377,000	10,657,000	1,280,000	13.7%
FACILITIES	1,222,964	1,215,375	(7,589)	-0.6%
TOTAL	62,360,810	66,902,456	4,541,646	7.3%

COMMONWEALTH OF MASSACHUSETTS

To the Residents of Wayland:

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 residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to come to their respective polling places (Precincts 1 and 4 in the Gymnasium of the Town Building and Precincts 2 and 3 in the Gymnasium of the Middle School) on:

TUESDAY, APRIL 5, 2011, BETWEEN 7:00 A.M. and 8:00 P.M.

to vote for the following Town officers by ballot for the following terms of office:

One member of the Planning Board for five years; and

One Town Moderator, two members of the Board of Assessors, two members of the Board of Selectmen, two members of the School Committee, two members of the Board of Health, one Commissioner of Trust Funds, two Library Trustees, one associate member of the Planning Board, one member of the Board of Public Works, and one Recreation Commissioner for three years; and

One member of the School Committee for one year;

As well as such other Town Officers as may be necessary and to vote "Yes" or "No" upon the following question:

"Shall the Town of Wayland be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (i) purchase school technology equipment, and (ii) plan and develop additional athletic and playing fields?"

You are also required to notify all such residents of Wayland to meet in the Middle School Gymnasium on

THURSDAY, APRIL 7, 2011, AT 7:30 P.M.

to act on the following Articles:

ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN

Proposed by: Board of Selectmen

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees by:

1. Recognizing citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. Recognizing employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2011, subject to a minimum of 20 years of service; and
3. Requesting Town Meeting to observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2010 Annual Town Meeting.

The following citizens are recognized for their extensive service to the Town:

Gossels, C. Peter R.	Finance Committee	1966-1968
	Town Counsel	1968-1979
	Codification Committee	1968-1982
	Code Enforcement Committee	1968-1982
	Special Counsel	1979-1982
	Town Moderator	1982-2011
	Chairman, Town Meeting Procedures Review Committee	02/08/10-06/02/10
	Ex officio, Town Meeting Advisory Committee	11/2010-Annual Town Meeting 2011
	Ex officio, Town Meeting Facilities Subcommittee	09/2010-Annual Town Meeting 2011
	Ex officio, Town Meeting Electronic Voting Implementation Subcommittee	09/2010-Annual Town Meeting 2011
	Ex officio, Town Meeting Procedures Subcommittee	09/2010-ATM 2011
Berry, Dennis J.	Board of Selectman	1991-1997
	Route 30 Development Committee	04/29/96-06/30/99
	Housing Task Force	1991-1994
	Charter Commission	1989-1991
	Operational Review Committee	1993-1994
	Growth Policy Study Committee	1975-1977
	Housing Authority	1977-1982
	Public Safety Building Committee	03/03/97-06/30/04
	Public Safety Designer Committee	06/08/98
	Town Administrator Search	06/06/05
	DPW Assessment Committee	10/17/05-06/30/08
	Town Meeting Procedures Review Subcommittee	02/08/10-06/02/10
	Town Meeting Facilities Subcommittee	09/9/10-2011 ATM
	Chair, Town Meeting Procedures Subcommittee	09/2010-2011 ATM
	Assistant to the Town Moderator	09/2010-Present
	Town Meeting Electronic Voting Implementation Subcommittee	10/01/10-2011 ATM

Dyer, John C.	Planning Board	1970-1977
	Metropolitan Area Planning Council	1971-1980
	Assessment & Valuation Study	1996-1999
	Septage Committee	07/13/99-06/30/10
	MWRA/Weston Aqueduct Committee	2001-2004
	Veteran's Memorial Committee	01/14/02-06/30/10
	Public Ceremonies Committee	07/20/04-Present
	375 th Anniversary Commemoration Comm	12/20/10-12/31/13
Burton, Gary	Superintendent of Schools	1994-2011
	Growth Policy Committee	1995-1997
	CAN/Raytheon Committee	1995-1998
	Town Center Committee	1998-2002

The following town and school employees and retirees served the Town and have passed away since the 2010 Annual Town Meeting:

Charles E. Kiley, III	May 29, 2010	Landfill Supervisor
George F. Norton	October 22, 2010	Police Officer
Peter Regan	November 4, 2010	Firefighter
Josephine "Jo" Mula	December 10, 2010	Vice Principal, Middle School
Dorothy Virginia Reed Blades	December 23, 2010	Schools & Police Department.
Richard A. Gladu	January 8, 2011	Deputy Fire Chief

FINANCE COMMITTEE COMMENTS: This is a standard article that allows recognition and commendation of certain citizens and employees.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 2: HEAR REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

FINANCE COMMITTEE COMMENTS: This is a standard article that allows reports commissioned by the Town to be heard.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority.

See Reports at Appendix B at page 149. For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 3: CHOOSE TOWN OFFICERS*Proposed by: Board of Selectmen*

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot.

As Trustees of the Allen Fund:	Sema Faigen Benjamin W. Johnson III Michael B. Patterson
As Fence Viewers:	The Selectmen
As Field Drivers:	The Constables
As Measurers of Wood and Bark:	Paul Doerr Lewis S. Russell Jr. Harry F. Sweitzer
As Surveyors of Lumber:	Susan W. Pope Jean B. Pratt Harry F. Sweitzer

FINANCE COMMITTEE COMMENTS: This is a standard article that allows the Town to fill various positions.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 1.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 4: PAY PREVIOUS FISCAL YEAR UNPAID BILLS*Proposed by: Board of Selectmen**Estimated Cost: Unknown*

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.

FINANCE COMMITTEE COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. At the printing of the warrant, there were no known unpaid bills.

ARGUMENTS IN FAVOR: This is a bill for services that the Town has received, and it should be paid.

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

RECOMMENDATION: The Finance Committee defers recommendation until Annual Town Meeting. Vote: 5-0.

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

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

ARTICLE 5: CURRENT YEAR TRANSFERS*Proposed by: Finance Committee**Estimated Cost: \$225,000*

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.

CURRENT YEAR TRANSFERS FY 2011	
PURPOSE	AMOUNT
1 SNOW REMOVAL	\$135,000
2 TOWN COUNSEL	\$80,000
3 SEPTAGE PROFESSIONAL EXP	\$10,000
TOTAL CURRENT YEAR TRANSFERS	\$225,000
FUNDING SOURCES:	
UNRESERVED FUND BALANCE	\$215,000
SEPTAGE RETAINED EARNINGS	\$10,000
TOTAL	\$225,000

FINANCE COMMITTEE COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget. These transfers are required for the following reasons:

Snow Removal (\$135,000): This request covers snow removal overages for the fiscal year. The funding source for this item is Unreserved Fund Balance (free cash).

Town Counsel (\$80,000): The legal expense line item in the budget is labeled Town Counsel, which incorporates the three items listed in the table below. This amount is needed primarily to cover costs incurred for litigation related to the Public Safety Building. For FY2011, \$225,000 was appropriated for legal services and these additional funds will be sourced from Unreserved Fund Balance (free cash). These funds are payable as shown below:

Category	YTD a/o 3-4-11	Pending Bills	Total
Town Counsel	\$89,200	\$46,000	\$135,200
Public Safety Building	\$238,500	\$5,000	\$243,500
Other Firms	\$32,300	\$49,400	\$81,700
Total	\$360,000	\$100,400	\$460,400
Available Funds			
FY2011 appropriation	\$225,000		
FY2010 carryover	\$155,381		\$380,381
Current Year Transfer Request			\$80,019

Septage Professional Expense (\$10,000): This request covers expenses related to the valuation of the existing plant/equipment. The funding source for this item is Septage retained earnings.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

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

ARTICLE 6: FY 2012 OMNIBUS BUDGET

Proposed by: Finance Committee

To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes, and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: The Finance Committee provides comments in support of the operating and capital budgets in the Report of the Finance Committee beginning on page 5 of this Warrant. Expanded descriptions of the capital items follows the capital budget motion and can be found on pages 37-48; item numbers on the descriptions refer to the numbers listed in the capital budget motion.

ARGUMENTS IN FAVOR: This budget reflects the cost of operating the Town in an efficient manner in order to deliver services to the residents of Wayland.

ARGUMENTS OPPOSED: Some residents might consider the budget excessive, while other residents might believe that insufficient funds have been budgeted to perform all desired services.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0 for the operating budget; 5-0 for the capital budget.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

MOTION UNDER ARTICLE 6:

- 1) “That the report of the Finance Committee respecting the Fiscal Year 2012 Budget be accepted; and that each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2012 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$70,906,997 which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated, \$68,820,407 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$125,182 shall be provided by transfer from Premium on Bonds Account, \$500,000 shall be provided by transfer from unreserved fund

balance, \$500,000 from Water surplus, \$40,233 from Septage Retained Earnings, \$361,175 from Wastewater revenues, \$200,000 from Wastewater Retained Earnings.

- 2) For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 6 at the Annual Town Meeting, as follows:

“That the Town Administrator be charged with responsibility for (1) the operation, maintenance, and administration of the Wayland Town Building, the Public Safety Building, the DPW Garage, the Baldwin Pond Water Treatment Plant, and the Cochituate Town Building, their equipment, and their grounds, as well as (2) the supervision, except for matters relating to policy, of all employees in those buildings, other than elected officials, non-salaried appointed officials, and employees of the School Department;”

“That the Director of Youth and Family Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Family Services and Staff at the Annual Town Meeting;”

“That property tax abatements granted to eligible senior citizens under Section 80 and 81 of Chapter 127 of the Acts of 1999 be funded by transfer from the overlay account;”

“That the Town create for Fiscal Year 2012 the Transfer Station revolving fund by vote of the 2011 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Board of Public Works for transfer station programs and activities, to be funded by user fees and recycling receipts collected; and that the amount to be expended not to exceed the sum of \$750,000;” and

“That the Town continue for Fiscal Year 2012 the revolving fund established by vote of the 2006 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Recreation Commission for recreation programs and activities, to be funded by user fees collected; and that the amount to be expended not to exceed the sum of \$850,000;” and

“That the Town continue for Fiscal Year 2012 the revolving fund established by vote of the 1994 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws for use by the Council on Aging for education, cultural and entertainment programs and purposes, to be funded by receipts from said programs; and that the amount to be expended not exceed the sum of \$50,000.”

For more information about this article, contact Michael DiPietro, Finance Director, at (508) 358-3611, email mdipietro@wayland.ma.us, or Cherry Karlson, Chair, Finance Committee, at email cckarlson@comcast.net.

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
SELECTMEN				
	PURCHASE OF SERVICES	\$45,454	\$20,400	\$27,000
	SUPPLIES	-\$734	\$7,800	\$8,800
1	TOTAL EXPENSES	\$44,720	\$28,200	\$35,800
	TOTAL SELECTMEN	\$44,720	\$28,200	\$35,800
TOWN OFFICE				
	SALARIES	\$356,414	\$358,700	\$358,700
2	TOTAL PERSONNEL SERVICES	\$356,414	\$358,700	\$358,700
	PURCHASE OF SERVICES	\$13,957	\$17,000	\$17,500
	SUPPLIES	\$60,278	\$51,800	\$54,800
3	TOTAL EXPENSES	\$74,235	\$68,800	\$72,300
	TOTAL TOWN OFFICE	\$430,648	\$427,500	\$431,000
PERSONNEL BOARD				
	SALARIES	\$0	\$6,750	\$6,750
4	TOTAL PERSONNEL SERVICES	\$0	\$6,750	\$6,750
	PURCHASE OF SERVICES	\$5,085	\$10,000	\$10,000
5	TOTAL EXPENSES	\$5,085	\$10,000	\$10,000
	TOTAL PERSONNEL BOARD	\$5,085	\$16,750	\$16,750
FINANCE				
	SALARIES	\$281,320	\$274,315	\$285,958
6	TOTAL PERSONNEL SERVICES	\$281,320	\$274,315	\$285,958
	PURCHASE OF SERVICES	\$30,555	\$72,400	\$73,200
	SUPPLIES	\$4,090	\$5,000	\$5,000
7	TOTAL EXPENSES	\$34,645	\$77,400	\$78,200
	TOTAL FINANCE	\$315,965	\$351,715	\$364,158
ASSESSOR				
	SALARIES	\$156,540	\$210,000	\$222,300
8	TOTAL PERSONNEL SERVICES	\$156,540	\$210,000	\$222,300
	PURCHASE OF SERVICES	\$55,063	\$110,020	\$111,800
	SUPPLIES	\$2,104	\$1,500	\$2,000
9	TOTAL EXPENSES	\$57,167	\$111,520	\$113,800
	TOTAL ASSESSOR	\$213,707	\$321,520	\$336,100
TREASURER				
	SALARIES	\$181,997	\$181,869	\$183,600
10	TOTAL PERSONNEL SERVICES	\$181,997	\$181,869	\$183,600
	PURCHASE OF SERVICES	\$22,891	\$37,250	\$37,250
	SUPPLIES	\$743	\$1,700	\$1,700
11	TOTAL EXPENSES	\$23,635	\$38,950	\$38,950
	TOTAL TREASURER	\$205,632	\$220,819	\$222,550

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
TOWN COUNSEL				
	PURCHASE OF SERVICES	\$202,251	\$225,000	\$235,000
	SUPPLIES	\$2,792	\$3,000	\$4,000
12	TOTAL EXPENSES	\$205,043	\$228,000	\$239,000
	TOTAL TOWN COUNSEL	\$205,043	\$228,000	\$239,000
INFORMATION TECHNOLOGY				
	SALARIES	\$79,399	\$80,746	\$80,746
13	TOTAL PERSONNEL SERVICES	\$79,399	\$80,746	\$80,746
	PURCHASE OF SERVICES	\$107,011	\$157,500	\$159,000
	SUPPLIES	\$35,433	\$20,500	\$73,000
14	TOTAL EXPENSES	\$142,444	\$178,000	\$232,000
	TOTAL INFORMATION TECHNOLOGY	\$221,843	\$258,746	\$312,746
TOWN CLERK				
	SALARIES	\$114,977	\$114,752	\$116,074
15	TOTAL PERSONNEL SERVICES	\$114,977	\$114,752	\$116,074
	PURCHASE OF SERVICES	\$7,718	\$11,800	\$11,800
	SUPPLIES	\$411	\$1,600	\$1,600
16	TOTAL EXPENSES	\$8,129	\$13,400	\$13,400
	TOTAL TOWN CLERK	\$123,106	\$128,152	\$129,474
ELECTIONS				
	SALARIES	\$32,182	\$22,700	\$18,000
	TOTAL PERSONNEL SERVICES	\$32,182	\$22,700	\$18,000
	PURCHASE OF SERVICES	\$1,097	\$1,000	\$1,200
	SUPPLIES	\$11,277	\$17,500	\$12,000
	TOTAL EXPENSES	\$12,373	\$18,500	\$13,200
17	TOTAL ELECTIONS	\$44,556	\$41,200	\$31,200
REGISTRAR				
	SALARIES	\$275	\$275	\$275
18	TOTAL PERSONNEL SERVICES	\$275	\$275	\$275
	PURCHASE OF SERVICES	\$3,584	\$4,625	\$4,625
19	TOTAL EXPENSES	\$3,584	\$4,625	\$4,625
	TOTAL REGISTRAR	\$3,859	\$4,900	\$4,900
CONSERVATION				
	SALARIES	\$113,946	\$123,608	\$126,659
20	TOTAL PERSONNEL SERVICES	\$113,946	\$123,608	\$126,659
	PURCHASE OF SERVICES	\$7,525	\$12,500	\$12,500
	SUPPLIES	\$10,865	\$8,600	\$8,600
21	TOTAL EXPENSES	\$18,390	\$21,100	\$21,100
	TOTAL CONSERVATION	\$132,335	\$144,708	\$147,759

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
PLANNING				
	SALARIES	\$102,215	\$109,586	\$110,700
22	TOTAL PERSONNEL SERVICES	\$102,215	\$109,586	\$110,700
	PURCHASE OF SERVICES	\$1,234	\$3,000	\$3,000
	SUPPLIES	\$444	\$2,000	\$2,000
23	TOTAL EXPENSES	\$1,679	\$5,000	\$5,000
	TOTAL PLANNING	\$103,893	\$114,586	\$115,700
SURVEYOR				
	SALARIES	\$146,253	\$147,844	\$151,520
24	TOTAL PERSONNEL SERVICES	\$146,253	\$147,844	\$151,520
	PURCHASE OF SERVICES	\$11,092	\$11,800	\$12,800
	SUPPLIES	\$3,318	\$4,150	\$4,150
25	TOTAL EXPENSES	\$14,409	\$15,950	\$16,950
	TOTAL SURVEYOR	\$160,663	\$163,794	\$168,470
FACILITIES				
	SALARIES	\$276,376	\$273,504	\$277,225
26	TOTAL PERSONNEL SERVICES	\$276,376	\$273,504	\$277,225
	PURCHASE OF SERVICES	\$181,663	\$156,260	\$167,150
	UTILITIES	\$482,504	\$772,000	\$746,000
	SUPPLIES	\$29,374	\$21,200	\$25,000
27	TOTAL EXPENSES	\$693,540	\$949,460	\$938,150
	TOTAL FACILITIES	\$969,916	\$1,222,964	\$1,215,375
HISTORICAL COMMISSION				
	PURCHASE OF SERVICES	\$110	\$200	\$200
28	TOTAL EXPENSES	\$110	\$200	\$200
	TOTAL HISTORICAL COMMISSION	\$110	\$200	\$200
SURFACE WATER QUALITY COMMISSION				
	PURCHASE OF SERVICES	\$63,043	\$43,500	\$43,500
29	TOTAL EXPENSES	\$63,043	\$43,500	\$43,500
	TOTAL SURFACE WATER QUALITY COMM	\$63,043	\$43,500	\$43,500
HISTORIC DISTRICT COMMISSION				
	PURCHASE OF SERVICES	\$0	\$275	\$275
30	TOTAL EXPENSES	\$0	\$275	\$275
	TOTAL HISTORIC DISTRICT COMMISSION	\$0	\$275	\$275
PUBLIC CEREMONIES				
	PURCHASE OF SERVICES	\$943	\$2,500	\$2,500
31	TOTAL EXPENSES	\$943	\$2,500	\$2,500
	TOTAL PUBLIC CEREMONIES	\$943	\$2,500	\$2,500
POLICE				
	SALARIES	\$1,998,418	\$2,087,989	\$2,052,500
32	TOTAL PERSONNEL SERVICES	\$1,998,418	\$2,087,989	\$2,052,500

	FISCAL YEAR 2012 BUDGET	EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	PURCHASE OF SERVICES	\$108,309	\$125,550	\$131,550
	SUPPLIES	\$149,654	\$173,800	\$173,200
33	TOTAL EXPENSES	\$257,963	\$299,350	\$304,750
	TOTAL POLICE	\$2,256,381	\$2,387,339	\$2,357,250
	JOINT COMMUNICATIONS			
	SALARIES	\$395,127	\$478,000	\$479,100
34	TOTAL PERSONNEL SERVICES	\$395,127	\$478,000	\$479,100
	PURCHASE OF SERVICES	\$13,008	\$15,100	\$15,100
	UTILITIES	\$13,260	\$12,500	\$13,500
	SUPPLIES	\$6,924	\$6,300	\$8,300
35	TOTAL EXPENSES	\$33,192	\$33,900	\$36,900
	TOTAL JOINT COMMUNICATIONS	\$428,319	\$511,900	\$516,000
	EMERGENCY MANAGEMENT			
	PURCHASE OF SERVICES	\$12,983	\$14,800	\$16,000
	SUPPLIES	\$6,238	\$7,000	\$7,000
36	TOTAL EXPENSES	\$19,222	\$21,800	\$23,000
	TOTAL EMERGENCY MANAGEMENT	\$19,222	\$21,800	\$23,000
	DOG OFFICER			
	PURCHASE OF SERVICES	\$20,103	\$21,000	\$21,000
	SUPPLIES	\$0	\$3,000	\$3,000
37	TOTAL EXPENSES	\$20,103	\$24,000	\$24,000
	TOTAL DOG OFFICER	\$20,103	\$24,000	\$24,000
	FIRE			
	SALARIES	\$2,027,753	\$2,090,092	\$2,125,700
38	TOTAL PERSONNEL SERVICES	\$2,027,753	\$2,090,092	\$2,125,700
	PURCHASE OF SERVICES	\$37,877	\$55,700	\$55,700
	SUPPLIES	\$94,223	\$105,000	\$109,000
39	TOTAL EXPENSES	\$132,100	\$160,700	\$164,700
	TOTAL FIRE	\$2,159,852	\$2,250,792	\$2,290,400
	BUILDING & ZONING			
	SALARIES	\$274,916	\$269,609	\$269,609
40	TOTAL PERSONNEL SERVICES	\$274,916	\$269,609	\$269,609
	PURCHASE OF SERVICES	\$11,583	\$13,800	\$13,800
	SUPPLIES	\$7,232	\$7,000	\$7,100
41	TOTAL EXPENSES	\$18,814	\$20,800	\$20,900
	TOTAL BUILDING & ZONING	\$293,730	\$290,409	\$290,509
	TOTAL PUBLIC SAFETY	\$5,177,607	\$5,486,240	\$5,501,159
42	SCHOOLS	\$30,438,924	\$30,596,713	\$31,096,713
43	REGIONAL VOCATIONAL SCHOOLS	\$421,426	\$390,000	\$280,000

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
DPW				
	SALARIES	\$1,466,381	\$1,546,891	\$1,419,088
	TOTAL PERSONNEL SERVICES	\$1,466,381	\$1,546,891	\$1,419,088
	PURCHASE OF SERVICES	\$590,299	\$773,400	\$557,200
	SUPPLIES	\$377,062	\$380,800	\$352,300
	TOTAL EXPENSES	\$967,361	\$1,154,200	\$909,500
44	TOTAL DPW	\$2,433,742	\$2,701,091	\$2,328,588
BOARD OF HEALTH				
	SALARIES	\$521,169	\$536,021	\$561,200
45	TOTAL PERSONNEL SERVICES	\$521,169	\$536,021	\$561,200
	PURCHASE OF SERVICES	\$114,584	\$112,480	\$120,250
	SUPPLIES	\$7,526	\$13,750	\$13,990
46	TOTAL EXPENSES	\$122,110	\$126,230	\$134,240
	TOTAL BOARD OF HEALTH	\$643,279	\$662,251	\$695,440
VETERANS SERVICES				
	SALARIES	\$3,755	\$3,850	\$3,850
47	TOTAL PERSONNEL SERVICES	\$3,755	\$3,850	\$3,850
	PURCHASE OF SERVICES	\$7,074	\$7,500	\$8,500
	SUPPLIES	\$2,827	\$6,000	\$6,000
48	TOTAL EXPENSES	\$9,901	\$13,500	\$14,500
	TOTAL VETERANS SERVICES	\$13,656	\$17,350	\$18,350
COUNCIL ON AGING				
	SALARIES	\$159,199	\$158,782	\$160,032
49	TOTAL PERSONNEL SERVICES	\$159,199	\$158,782	\$160,032
	PURCHASE OF SERVICES	\$69,631	\$45,200	\$45,200
	SUPPLIES	\$6,065	\$7,300	\$7,300
50	TOTAL EXPENSES	\$75,696	\$52,500	\$52,500
	TOTAL COUNCIL ON AGING	\$234,895	\$211,282	\$212,532
YOUTH SERVICES				
	SALARIES	\$135,709	\$140,750	\$140,750
51	TOTAL PERSONNEL SERVICES	\$135,709	\$140,750	\$140,750
	PURCHASE OF SERVICES	\$3,446	\$3,850	\$3,850
	SUPPLIES	\$909	\$975	\$975
52	TOTAL EXPENSES	\$4,355	\$4,825	\$4,825
	TOTAL YOUTH SERVICES	\$140,064	\$145,575	\$145,575
LIBRARY				
	SALARIES	\$704,361	\$719,470	\$739,750
53	TOTAL PERSONNEL SERVICES	\$704,361	\$719,470	\$739,750

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	PURCHASE OF SERVICES	\$38,565	\$44,300	\$44,300
	SUPPLIES	\$187,378	\$163,660	\$168,500
54	TOTAL EXPENSES	\$225,943	\$207,960	\$212,800
	TOTAL LIBRARY	\$930,304	\$927,430	\$952,550
	POOL			
	SALARIES	\$18,217	\$0	\$0
	TOTAL PERSONNEL SERVICES	\$18,217	\$0	\$0
	PURCHASE OF SERVICES	\$0	\$0	\$0
	UTILITIES	\$0	\$0	\$0
	SUPPLIES	\$7,309	\$0	\$0
55	TOTAL EXPENSES	\$7,309	\$0	\$0
	TOTAL POOL	\$25,527	\$0	\$0
	DEBT AND INTEREST			
	DEBT SERVICE	\$4,244,864	\$4,985,645	\$7,776,459
56	TOTAL EXPENSES	\$4,244,864	\$4,985,645	\$7,776,459
	TOTAL DEBT AND INTEREST	\$4,244,864	\$4,985,645	\$7,776,459
	RETIREMENT			
	PURCHASE OF SERVICES	\$3,005,975	\$3,140,204	\$3,420,633
57	TOTAL EXPENSES	\$3,005,975	\$3,140,204	\$3,420,633
	TOTAL RETIREMENT	\$3,005,975	\$3,140,204	\$3,420,633
	UNCLASSIFIED			
	INSURANCE GENERAL	\$668,655	\$670,000	\$680,000
	INSURANCE 32B	\$6,795,662	\$7,466,000	\$7,640,000
	MEDICARE	\$483,780	\$590,000	\$590,000
	UNEMPLOYMENT	\$125,192	\$130,000	\$175,000
	NON CONTRIBUTORY RETIREMENT	\$16,731	\$18,000	\$19,000
	POLICE/FIRE DISABILITY	\$2,196	\$15,000	\$15,000
	RESERVE FOR SAL ADJ	\$0	\$75,000	\$1,100,000
	OCCUPATIONAL HEALTH	\$3,182	\$8,000	\$8,000
	EMPLOYEE ASSISTANCE PROGRAM	\$0	\$0	\$0
	TOWN MEETING	\$14,519	\$40,000	\$40,000
	STREET LIGHTING	\$126,917	\$140,000	\$140,000
	RESERVE FUND	\$0	\$225,000	\$250,000
58	TOTAL UNCLASSIFIED	\$8,236,834	\$9,377,000	\$10,657,000
	TOTAL GENERAL FUND BUDGET	\$59,192,161	\$62,360,810	\$66,902,456

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
WATER FUND				
	SALARIES	\$765,301	\$974,604	\$981,621
	TOTAL PERSONNEL SERVICES	\$765,301	\$974,604	\$981,621
	PURCHASE OF SERVICES	\$377,168	\$462,000	\$452,000
	UTILITIES	\$270,451	\$375,000	\$350,000
	SUPPLIES	\$386,057	\$353,250	\$395,000
	DEBT SERVICE	\$1,117,203	\$1,172,343	\$1,224,512
	TOTAL EXPENSES	\$2,150,878	\$2,362,593	\$2,421,512
59	TOTAL WATER DEPARTMENT	\$2,916,180	\$3,337,197	\$3,403,133
SEPTAGE FUND				
	SALARIES	\$50,704	\$52,990	\$30,233
	TOTAL PERSONNEL SERVICES	\$50,704	\$52,990	\$30,233
	PURCHASE OF SERVICES	\$203,009	\$0	\$10,000
	UTILITIES	\$26,638	\$0	\$0
	SUPPLIES	\$8,674	\$0	\$0
	DEBT SERVICE	\$0	\$0	\$0
	TOTAL EXPENSES	\$238,321	\$0	\$10,000
60	TOTAL SEPTAGE DEPARTMENT	\$289,025	\$52,990	\$40,233
WASTEWATER MGMT DISTRICT COMM				
	PURCHASE OF SERVICES	\$168,176	\$148,000	\$148,000
	CAPITAL	\$0	\$0	\$0
	DEBT SERVICE	\$46,912	\$130,340	\$413,175
	TOTAL EXPENSES	\$215,089	\$278,340	\$561,175
61	TOTAL WASTEWATER MGMT COMM	\$215,089	\$278,340	\$561,175
GRAND TOTAL OMNIBUS BUDGET		\$62,612,454	\$66,029,337	\$70,906,997

CAPITAL BUDGET - FY2012			RECOMMENDED	
INFORMATION TECHNOLOGY (TOWN)				
1	COMPUTER EQUIPMENT	C	50,000	
CONSERVATION				
2	HAMLIN WOODS DAM REPAIRS	B	100,000	
3	STORMWATER MAPPING	C	35,000	
FACILITIES				
4	BUILDING REPAIRS	B	290,000	
POLICE				
5	COMPUTER EQUIPMENT	C	40,000	
JCC				
6	BUILDING REPAIRS	FC	1,000,000	
FIRE DEPARTMENT				
	VEHICLE-CHIEFS VEHICLE	C	35,000	
	VEHICLE-PARAMEDIC SUV	C	40,000	
7	TOTAL VEHICLES		75,000	
DPW				
	WATER PUMPS	B	60,000	
	PACKARD SWAP TRUCK ATTACHMENT	B	60,000	
	GANG MOWER	B	95,000	
	WACKER LOADER	B	50,000	
8	TOTAL EQUIPMENT		265,000	
	VAC TRUCK	B	300,000	
	SWAP TRUCK	B	200,000	
9	TOTAL VEHICLES		500,000	
10	DESIGN-NEW DPW FACILITY	B	175,000	
11	DRAINAGE IMPROVEMENTS	B	200,000	
12	FIELD RENOVATIONS	B	125,000	
13	HANNAH WILLIAMS PARK IMPROVEMENTS	B	120,000	
14	FIELD DEVELOPMENT & ANALYSIS	E	530,000	
DPW-WATER				
15	PUMP STATION UPGRADES	WB	100,000	
16	GENERATOR	WC	50,000	
17	SYSTEM UPGRADES-ROUTE 27/30 INTERSECTION	WB	510,000	
RECREATION				
18	BEACH IMPROVEMENTS	C	75,000	
SCHOOL DEPARTMENT				
19	TECHNOLOGY	E	350,000	
20	VEHICLE	C	50,000	
21	BUILDING REPAIRS	B	100,000	
GRAND TOTAL			4,740,000	
SUMMARY				
	BORROW	B	1,875,000	
	DEBT EXEMPT ITEMS - BORROW	E	880,000	
	CASH CAPITAL	C	325,000	
	FREE CASH	FC	1,000,000	
	WATER BORROWING	WB	610,000	G/F 4,080,000
	WATER CASH CAPITAL	WC	50,000	WATER 660,000
			4,740,000	4,740,000

The following pages represent expanded commentary on the items requested in the capital budget motion. The numbers on the items refer to the numbers listed in the proposed FY2012 capital budget. This information is not part of the capital budget motion.

FY2012 Capital Budget (requested) Expanded Commentary

-
1. **Budget: Information Technology– Town \$50,000**
- Title: Computer Equipment – Town Building** **Project Advocate(s):**
 Town Administrator
 Director, Information Technology
- Description:** This request funds the virtualization of the server equipment in the head end room (location for server, switches and other hardware to run a computer network).
- Justification:** Server infrastructure is not current and is greater than 3 years old.
- Relationship to General Plan:** Second year request in the continued implementation of the five year strategic plan presented in 2009.
- History:** The total expenditure will be \$100,000. The Finance Committee requested that \$50,000 of the total request (replacement computers) be funded through the Town IT budget and be offset by utility savings in the Facilities budget.
- Schedule:** This assumes a three-year replacement cycle with computer funding continuing through the operating budget. Hardware/infrastructure requests will be funded through capital. **In the 5 Year Capital Plan?** Yes
- Source of Funds:** Cash Capital **Request:** \$50,000
-

- Budget: Conservation \$100,000**
2. **Title: Hamlin Woods Dam Repairs** **Project Advocate(s):**
 Conservation Administrator
 Chair, Conservation Commission
- Description:** Repair earthen dam and gatehouse at Hamlin Woods (Rice Road) to mitigate possible flood damages.
- Justification:** The Conservation Commission hired Haley & Aldrich, a professional engineering firm, to inspect the dam. The report recommended many actions related to the dam and the gatehouse. This request is made to begin the recommended action steps to improve the safety of the earthen dam.
- Relationship to General Plan:** One Time Repair
- History:** During the March 2010 rains, water overtopped the dam at Rice Road (southern end of Hamlin Woods Conservation area).
- Schedule:** FY2012 **In the 5 Year Capital Plan?** No
- Source of Funds:** Non-exempt borrowing **Request:** \$100,000
-

Budget: Conservation \$35,000**3. Title: Storm Water Mapping****Project Advocate(s):**

Conservation Administrator

Chair, Conservation Commission

Description: Mapping of the storm water drains from Route 20 to the Lincoln town line.**Justification:** Mapping the drains is a requirement for EPA Phase II communities like Wayland. The estimate to complete the mapping is from the same company who mapped our other storm drains. Additionally, this information may help with an improved maintenance program.**Relationship to General Plan:** Compliance with EPA Phase II.**History:** The mapping of storm water drains south of Route 20 has been completed.**Schedule:** FY2012**In the 5 Year Capital Plan?** No**Source of Funds:** Cash Capital**Request:** \$35,000**Budget: Facilities: Building Repairs \$290,000****4a. Title: Renovations - Town Building****Project Advocate(s):**

Town Administrator

Director, Facilities Management

Description: Three elements make up this request: painting and carpet replacement on the second floor of the building and upgrading the bathroom facilities on the first floor near the Council on Aging offices.**Justification:** Carpet and painting are part of general maintenance of facilities. Bathroom renovations will complete all bathrooms in Town Building. The bathrooms are used daily by a number of Town employees and also by residents who visit and use the Town Building for meetings and exercise. The facilities will be renovated in order to meet 2010 ADA standards for accessible design and have not been updated since the 1977 renovation to the building. Title III of the ADA requires accessible construction of public buildings and facilities.**Relationship to General Plan:** Maintenance of Town Building.**History:** Ongoing maintenance of Town Building.**Schedule:** FY2012**In the 5 Year Capital Plan?** Yes**Source of Funds:** Non-exempt borrowing**Request:** \$85,000 estimate**Budget: Facilities: Building Repairs****4b. Title: Parking Lot Reconstruction –
Town Building****Project Advocate(s):**

Town Administrator

Director, Facilities Management

Description: Remove the existing pavement and regrade and repave the Town building parking lot and roadways.**Justification:** The parking lot and roadways have settled leaving uneven, broken and/or cracked surfaces that create a safety hazard. This is due to sub-surface erosion and the high ground water tables in the area.

Relationship to General Plan: Maintenance of town infrastructure.

History: Ongoing maintenance at Town Building.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$150,000 estimate

Budget: Facilities: Building Repairs

- 4c. **Title: Wireless Fire Alarm Master Box Installation**

Project Advocate(s):

Town Administrator

Director, Facilities Management

Fire Chief

Description: Install wireless fire alarm boxes on all Town and School buildings.

Justification: New construction in Town (e.g. high school, CVS, TD Bank, new Water treatment plant) is required to install wireless fire alarm boxes. Conversion of existing Town-owned facilities to wireless will demonstrate the Town's commitment to this technology and allow the wired system to be phased out.

Relationship to General Plan: Investment supplements gift funds.

History: As part of the Town Center Development Agreement, \$50,000 was gifted for installation of the receivers for wireless fire alarm boxes. This work has been completed and the receivers are in place.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$55,000 estimate

Budget: Police \$40,000

5. **Title: Computer Equipment – Police Department** **Project Advocate(s):**

Town Administrator

Director, Information Technology

Police Chief

Description: Upgrade police department computer infrastructure for both hardware and software. The cost breakdown is \$20,500 for hardware, \$11,500 for server upgrade and \$8,000 for software.

Justification: Police departments are required by State law to have separate systems and data storage from the Town. Current systems are greater than 5 years old.

Relationship to General Plan: Future purchases of computers will be funded in the operating budget.

History: Maintenance of Police IT infrastructure.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Cash Capital

Request: \$40,000

Budget: Joint Communications Center \$1,000,000

6. **Title: Building Repairs - Public Safety Building** **Project Advocate(s):**

Town Administrator

Director, Facilities Management

Description: Relocate mechanical, electrical and communications equipment from the basement to an area at grade level or above at the Public Safety Building (PSB). Additionally, repairs will be made to the concrete slab in the basement. Both efforts should allow for safe, continuous operation of the Public Safety Building.

Justification: Following the floods of March 2010, additional repairs are needed on the PSB to mitigate flood damage and avoid future flood related expenses.

Relationship to General Plan: Funding for this project is requested to come from Free Cash because this is an extraordinary one time request to relocate existing systems. This request was not part of the 5 year capital plan. Funding repairs through free cash will have no impact on FY2012 taxes; for further information on the Town's cash balances, please see the Finance Committee Report section on Free Cash at page 13.

History: The Board of Selectmen appointed a citizen committee (Public Safety Building Advisory Committee) to review the completed study and assist in oversight of the project.

Schedule: FY2012

In the 5 Year Capital Plan? No

Source of Funds: Free Cash

Request: \$1,000,000

Budget: Fire Department Vehicles \$75,000

7a. **Title:** Fire Department Vehicle– *Fire Chief SUV* **Project Advocate(s):**

Town Administrator

Fire Chief

Description: Replace the Fire Chief's emergency vehicle with a new vehicle. The existing vehicle will be transferred to another Town department for non-emergency use.

Justification: The Fire Chief's current vehicle is seven years old and will have close to 100,000 miles by the start of FY2012.

Relationship to General Plan: This emergency vehicle is regularly scheduled for replacement in the capital plan after seven years of service.

History: Regular vehicle replacement.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Cash Capital

Request: \$35,000 estimate

Budget: Fire Department Vehicles

7b. **Title:** Fire Department Vehicle – *Paramedic SUV* **Project Advocate(s):**

Town Administrator

Fire Chief

Description: Replace the present fire paramedic SUV intercept vehicle.

Justification: When the Town started the Advanced Life Support (ALS) service in 2009, it was with an 8 year old retrofitted vehicle (2003 Ford Expedition) with approximately 18 months of life left. The vehicle has already had significant repair issues and has approximately 110,000 miles of emergency use.

Relationship to General Plan: This vehicle was not part of the previous vehicle replacement schedule as ALS was a new service in 2009.

History: ALS was a new service in 2009. The FY2012 budget expands the service from 8 hours/day to

10 hours/day.

Schedule: FY2012

In the 5 Year Capital Plan? No

Source of Funds: Cash Capital

Request: \$40,000 estimate

Budget: Public Works Equipment \$265,000

8a. **Title: Water Pumps**

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Purchase two 6" water pumps to handle storm water in an emergency.

Justification: Owning the pumps will reduce the Town's response time in emergency flooding situations and assist with the Town's flood mitigation efforts.

Relationship to General Plan: Spring 2010 floods revealed vulnerabilities in emergency response plan that requires reliable access to water pumps.

History: Rental pumps were difficult to obtain during the floods of March 2010 thereby delaying response time. This item was not on the 5-year capital plan and is a request made in response to last year's flooding problems.

Schedule: FY2012

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt borrowing

Request: \$60,000 estimate

Budget: Public Works Equipment

8b. **Title: Trash Attachment for Multi-use
Swap Truck**

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Purchase a new trash packer for use on a Swap Truck. It will be used to haul trash from all of the fields, playgrounds and other Town properties.

Justification: The existing piece is beginning to require significant maintenance.

Relationship to General Plan: Regular replacement of equipment.

History: Existing trash packer is antiquated. This requested attachment will better handle the new trash barrels and reduce needed manpower both in daily work and in equipment maintenance.

Schedule: FY2012

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt borrowing

Request: \$60,000 estimate

Budget: Public Works Equipment

8c. **Title: Lawn Mower (Gang Mower)**

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Purchase a new lawn mower for mowing town parks, athletic fields and cemeteries.

Justification: This is a scheduled replacement of the Park department's very large lawn mower (#P-57, 2005 Toro with over 3200 hours). Over the last 12 months, repair parts have been in excess of \$5,000.

Relationship to General Plan: Regular replacement of equipment.

History: The gang mower is used seven months of the year and mows hundreds of acres per week. It plays a crucial role in the mowing of all athletic fields and other large turf areas in Town.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$95,000 estimate

Budget: Public Works Equipment

8d. **Title:** Wacker Loader

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Purchase a Wacker vehicle as a scheduled replacement for an existing Bobcat (#L-21, 1992 Bobcat).

Justification: This vehicle is better suited for the DPW's needs as it can lift its bucket over the side of a truck, travel safely on the road at about 25 mph and can plow sidewalks. It is a versatile piece of equipment that can be used year round.

Relationship to General Plan: Regular replacement of aging equipment.

History: This equipment is more versatile than the Bobcat it will replace.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$50,000 estimate

Budget: Public Works Vehicles \$500,000

9a. **Title:** DPW Vehicle – *Catch Basin Vacuum Truck*

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Purchase a new truck equipped with a vacuum to clean out storm drain structures; the truck has a water jetting attachment that can also clean out adjoining pipes.

Justification: The truck will be used to clean out catch basins and can be used for excavating around water main breaks. The vehicle will provide the DPW with the capability to comply with the more stringent DEP requirements and eliminate the approximately \$14,000 per year catch basin contract. Cost estimate is based on the State vehicle bid list.

Relationship to General Plan: Critical piece of equipment for preventative maintenance of storm water management system.

History: Last year, \$57,000 was spent on rental equipment to deal with flooding near the Library and aqueduct areas. This item was not on the 5-year capital plan, but was added because of storm water regulations and expenses related to last year's flooding events.

Schedule: FY2012

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt borrowing

Request: \$300,000 estimate

Budget: Public Works Vehicles9b. **Title: DPW Vehicle – *Multi-use Swap Truck*****Project Advocate(s):**Chair, Board of Public Works
Director, Department of Public Works**Description:** Purchase a replacement vehicle for one of the DPW dump trucks (#H-19, 1999 Volvo 6 wheel dump truck).**Justification:** This truck will be used as a sander and plow truck and can also work as a dump truck, watering truck or a trash packer truck (see capital item 8b above). This vehicle can be utilized all year round unlike the typical dump truck that works December through April. Cost estimate is based on the State vehicle bid list.**Relationship to General Plan:** Regular vehicle replacement.**History:** The DPW owns one swap truck and it is a more useful vehicle than a dump truck.**Schedule:** FY2012**In the 5 Year Capital Plan?** Yes**Source of Funds:** Non-exempt borrowing**Request:** \$200,000 estimate**Budget: Public Works \$175,000**10. **Title: DPW Garage – *New Facility Design*****Project Advocate(s):**Chair, Board of Public Works
Director, Department of Public Works
Director, Facilities Management**Description:** Funding of site evaluation through schematic design for a new Department of Public Works facility.**Justification:** Funds will be used to determine (1) need, (2) revisit the program developed during the 2007 feasibility study commissioned by the former Board of Road Commissioners and the former Parks and Recreation Commission and make needed adjustments to accommodate the present DPW structure into the future, (3) review sites and (4) develop schematic design plans to provide a more accurate cost estimate. These funds will bring the project to a level to allow for further public and Town Meeting discussion and in-depth evaluation and will build on the study commissioned earlier.**Relationship to General Plan:** Investment in infrastructure. A building committee will be assigned to oversee this project.**History:** The current facility is in dire need of extensive renovations and repairs for personnel and workflow efforts and structural issues, and the building is undersized for Town operations. It has been on the capital plan for many years.**Schedule:** FY2012**In the 5 Year Capital Plan?** Yes**Source of Funds:** Non-exempt borrowing**Request:** \$175,000**Budget: Public Works \$200,000**11. **Title: Drainage Improvements – *Rolling Lane; Wayland Public Library*****Project Advocate(s):**Chair, Board of Public Works
Director, Department of Public Works

Description: Install drainage improvements at the Library (\$160,000) and at Rolling Lane (\$40,000) to assist in reducing future flooding damage. At the Library, a drain will be installed from the Library to a drainage ditch behind the Wayland Depot. At Rolling Lane, an oversize leaching field will be installed with a drain line.

Justification: This will provide good access to a pump drain in the event of another flooding event. The Rolling Lane work is being completed this spring with the temporary support of FEMA funds pending appropriation of this request at Town Meeting.

Relationship to General Plan: Investment in infrastructure.

History: Both areas experienced flooding in dimension and depth not previously experienced. Installation of mitigation measures recommended by Town's consulting engineers needed to protect public buildings and private residences from water damage.

Schedule: FY2011 and FY2012

In the 5 Year Capital Plan? No

Source of Funds: Non-exempt borrowing

Request: \$200,000

Budget: Public Works - Parks \$125,000

12. **Title: Field Renovations**

Project Advocate(s):

Chair, Board of Public Works

Director, Department of Public Works

Description: Upgrade and improve Wayland parks and athletic fields with a continued effort to irrigate fields, improve equipment (bleachers, goals) and repair turf areas. The funds may also be used to purchase small equipment to aide in these efforts.

Justification: The fields are in need of upgrading given their current conditions and the heavy use of these fields by town residents. This request is directly from the recommendations of the Master Field Use study. The Gale report identifies several areas where conditions have deteriorated to the point of being safety issues.

Relationship to General Plan: Regular annual maintenance for park and athletic fields.

History: Part of an ongoing maintenance and renovation plan.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$125,000

Budget: Public Works - Parks \$120,000

13. **Title: Hannah Williams Park Improvements**

Project Advocate(s):

Department of Public Works

Director, Board of Public Works

Description: Replace the current wooden playground with a modern play structure that presents similar climbing and adventure challenges for young children (and parents). Future plans may include reconfiguring the property to make better use of the land spaces and provide for better access, parking and safety.

Justification: The Hannah Williams Playground is in very poor shape.

Relationship to General Plan: These funds will be used to completely rebuild the park and to understand future options for additional amenities at the site. A group of interested citizens is helping to coordinate this project.

History: It is a 25 year old wooden play structure that needs to be removed and replaced. It is difficult to maintain and has begun to seriously deteriorate and splinter. While the project had not been on the 5-year capital plan, discussions about updating the park have been ongoing.

Schedule: FY2012**In the 5 Year Capital Plan?** No**Source of Funds:** Non-exempt borrowing**Request:** \$120,000**Budget: Public Works - Parks \$530,000**14. **Title: Athletic Fields Development and Study****Project Advocate(s):**

Chair, Board of Public Works

Director, Department of Public Works

Chair, Recreation Commission

Director, Recreation

Description: Develop two full size grass fields at the Middle School (approximately \$500,000). Appropriate \$30,000 for an expanded study of additional sites including professional review of recreational uses for the Loker Recreation area and to look at alternative uses such as an indoor facility.

Justification: The development of these multipurpose fields (including Greenways and Loker) will provide additional field space to assist in meeting the heavy demands on the town's fields and will develop additional areas for active and passive recreation. The fields at the MS will not be available for use for about three years to allow the natural turf to mature.

Relationship to General Plan: The Recreation Commission, based on input from the Gale field study report and discussions with the community, recommended these two fields as a first step toward improving the active recreation resources available in Town.

www.wayland.ma.us/Pages/WaylandMA_Recreation/forms/

History: This field development was not in the 5-year capital plan as it is a new initiative brought about by the Field Use Master Plan Study. The \$30,000 being requested will supplement last year's ATM request for \$30,000 for a feasibility study of the Greenways area. The additional funds will be used to expand the study to include additional sites including other land at Greenways, the Loker Recreation and additional uses such as an indoor facility.

Schedule: FY2012**In the 5 Year Capital Plan?** No**Source of Funds:** Exempt Capital**Request:** \$530,000**Budget: Public Works – Water \$100,000**15. **Title: DPW Water – Pump Station Upgrades****Project Advocate(s):**

Chair, Board of Public Works

Director, Department of Public Works

Description: Upgrade the Town's water pump stations with chemical safety controls.

Justification: The Department of Environmental Protection (DEP) has mandated that the Town's pump stations be upgraded with chemical feed safety controls. In order to accomplish this, the pump stations require electrical upgrades to be brought to code.

Relationship to General Plan: This is a multi-year project to improve the pump stations and be able to provide safe drinking water to the Town.

History: DPW Water is treated as an enterprise fund; debt service on capital borrowings is paid through water rates. This is a new DEP mandate, so the repairs have not been listed on the previous 5 year capital plans.

Schedule: FY2012**In the 5 Year Capital Plan?** No**Source of Funds:** Water Borrowing**Request:** \$100,000

Budget: Public Works –Water \$50,00016. **Title: DPW Water – Generator****Project Advocate(s):**

Chair, Board of Public Works

Director, Department of Public Works

Description: This generator will be installed permanently in the Happy Hollow well pump station.**Justification:** DEP has mandated that the Town have a generator for our drinking water pump stations. This request will provide the DPW with the capability of operating the water supply system under emergency conditions.**Relationship to General Plan:** The new Baldwin Pond station has a permanent generator and a mobile generator (purchased last year) will be kept for use elsewhere.**History:** DPW Water is treated as an enterprise fund; debt service on capital borrowings is paid through water rates. This item will be paid via Water's free cash.**Schedule:** FY2012**In the 5 Year Capital Plan?** Yes**Source of Funds:** Water Cash**Request:** \$50,000**Budget: Public Works - Water \$510,000**17. **Title: DPW Water – Route 27/30 Intersection
Water Main Replacement****Project Advocate(s):**

Chair, Board of Public Works

Director, Department of Public Works

Description: Complete all the sub-surface work (remove and replace the water mains) prior to State funded intersection improvements which are anticipated in 2014.**Justification:** The water main under the Route 27/30 intersection is some of the original water system in Wayland and in some places there is only 4" pipe creating a very poor water distribution system in this area.**Relationship to General Plan:** Part of a multi-year plan to improve water delivery and infrastructure.**History:** DPW Water is treated as an enterprise fund; debt service on capital borrowings is paid through water rates.**Schedule:** FY2012**In the 5 Year Capital Plan?** Yes**Source of Funds:** Water Borrowing**Request:** \$510,000**Budget: Recreation \$75,000**18. **Title: Wayland Town Beach Improvements****Project Advocate(s):**

Chair, Recreation Commission

Director, Recreation

Description: Renovate the volleyball and shuffleboard courts in July 2011 (\$25K). Purchase and replace beach sand at Wayland Town Beach by spring 2012 (\$50K).**Justification:** New beach sand is needed to replace the beach sand that will be lost from drainage system upgrades and the construction of an updated beach house.**Relationship to General Plan:** This request is part of a 5 year plan to upgrade and improve the existing amenities at the Wayland Town Beach.

History: The current beach house (life guard shack) has been closed for the past year due to safety and health issues and drainage problems pending construction of a new facility. Town Meeting previously approved an appropriation of \$550,000 for beach house renovations in FY2008 and \$50,000 from cash for drainage improvements in FY2011. Plans for improved drainage and beach house renovations are underway.

Schedule: Summer 2011 – Spring 2012

In the 5 Year Capital Plan? Yes

Source of Funds: Cash Capital

Request: \$75,000

Budget: Schools \$350,000

19. **Title:** **Computer Equipment –
Wayland Schools**

Project Advocate(s):

Chair, School Committee

Description: Replacement of outdated computers for computer labs, laptop carts, offices, and classrooms for student use in the classroom (\$200K). Upgrade network infrastructure including Claypit Hill computer labs, central office rewiring, hub/switch replacements in classrooms, wired and wireless network growth including Loker, Happy Hollow and Claypit offices and libraries re-wiring (\$50K). Upgrade/expand data center including Virtual Desktop Interface (VDI) integration, backup systems and PC/imaging software (\$50K). Purchase computer peripherals (\$50K) including mounted projectors, interactive white boards, interactive response clickers, eReaders, printers, etc. No one-to-one student computer initiative costs are included in this request. Further information is available at the following link under "FY12 Technology CIP Report, CIP Item Analysis and Funding Request"

http://www.wayland.k12.ma.us/district/district_info/departments/superintendent/reports.htm.

Justification: Integration of instructional and information technologies will support, enrich, and extend student learning throughout the curriculum. Through integrated learning experiences, students will develop the technology literacy needed to acquire and manage knowledge, to succeed in school, and to thrive in an ever-changing, globally competitive world. Technology is a means for learning, not an end product of learning. Thus, technology will play a vital role in the process of teaching and learning that incorporates contextual learning, critical thinking, creativity, problem solving, and collaboration.

Relationship to General Plan: The School Committee requested \$675,000. The total request recommended by the Finance Committee is \$500,000. The Finance Committee requested that \$150,000 of the request (computers) be funded through the operating budget via utility savings. The School Committee subsequently decided to support \$100,000 through the operating budget via increased offsets. The remaining request for \$350,000 is for purposes as described above.

History: This is part of the School Department's multi-year technology capital plan with stated and measurable goals.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Exempt Capital

Request: \$350,000

Budget: Schools \$50,000

20. **Title:** **Vehicle – Wayland Schools**

Project Advocate(s):

Chair, School Committee

Description: Purchase a rack truck with a plow and lift gate to replace a 1996 Ford pick-up truck.

Justification: The vehicle will be used for snow removal at all schools and to move furniture, heavy equipment and supplies from building to building. A lift gate vehicle will make moving furniture and equipment safer and will reduce rental expenses currently incurred.

Relationship to General Plan: The truck replacement has been part of the capital plan.

History: Regular replacement of existing equipment.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Cash Capital

Request: \$50,000

Budget: Facilities: School Building Repairs \$100,000

21a. **Title:** *Building Repairs – Tile and Carpet Replacement at Claypit Hill School*

Project Advocate(s):

Director, Facilities Management

Chair, School Committee

Description: Remove and replace floor tiles in four classrooms and carpet in the corridor abutting the library (total approximately 4,900 sq.ft.). The project cost also includes removal and disposal of the floor tiles containing asbestos.

Justification: The current surfaces are damaged and in need of replacement for safety reasons.

Relationship to General Plan: Maintenance.

History: Part of a five-year replacement program.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$45,000 estimate

Budget: Facilities: School Building Repairs

21b. **Title:** *Parking Lot and Walkway Reconstruction Claypit Hill School*

Project Advocate(s):

Director, Facilities Management

Chair, School Committee

Description: Reconstruct and resurface the front circle and walkways, including about 282 linear sq.ft. of curbing, and reconstruct the handicap ramps. A total of about 9,600 sq. ft. of pavement will be replaced.

Justification: The current surfaces are damaged and in need of replacement for safety reasons.

Relationship to General Plan: Maintenance.

History: Maintenance of infrastructure.

Schedule: FY2012

In the 5 Year Capital Plan? Yes

Source of Funds: Non-exempt borrowing

Request: \$55,000 estimate

ARTICLE 7: APPROPRIATION OF MtBE LITIGATION SETTLEMENT MONIES FOR WATER MAIN IMPROVEMENT IN COCHITUATE*Proposed by: Petitioners**Estimated Cost: \$500,000*

To determine whether the Town will vote to appropriate \$500,000. to be expended by the Board of Public Works for the sole purpose of repairing and/or replacing water mains in Cochituate at the Route 27/30 intersection and nearby streets, as recommended for fire flow protection in the Department of Public Work's FY2012-FY2016 Capital Plan; and to determine whether said appropriation shall be provided by transferring \$500,000 – representing the approximate amount of the proceeds received by the Town of Wayland since 2008 from the Methyl Tertiary Butyl Ether (MtBE) products liability litigation settlements – from (1) the General Fund – Unreserved Fund Balance, (2) the Board of Selectmen's Legal Account, or (3) such other town account where said proceeds reside.

PETITIONERS' COMMENTS: Wayland has received over \$500,000 in class-action litigation settlement proceeds since 2008 because of groundwater contamination from MtBE, a gasoline additive now banned in many states. Some towns appropriated their monies in 2009-2010 for water system improvements as envisioned, e.g. monitoring wells, tank repairs, filtration, infrastructure upgrades, etc. Absent town meeting action, Wayland's unspent proceeds moved to the General Fund. The Board of Public Works' long-term capital improvement plan proposes spending \$500,000 annually for water main replacements/repairs. Some mains in densely-populated Cochituate are over a century old, undersized and/or clogged with mineral deposits. These mains service residences, churches, businesses and senior facilities, some wood-framed or without sprinkler systems. Officials cite compromised fire flow in some Cochituate water mains as an emergency. This warrant article offers voters a choice, to begin restoring adequate fire flow using existing MtBE monies instead of funding by borrowing, which increases town debt and taxpayer burden.

As provided by Sec. 36-5B of the Town Code, the 150 word sponsors report is written by petitioners and reflects their opinions. The Town of Wayland does not certify the truth or accuracy of any statements made in these arguments.

FINANCE COMMITTEE COMMENTS: The Petitioners, the Board of Selectmen, the Board of Public Works, and the Finance Committee all agree that the water lines at the intersection of Routes 27 and 30 should be replaced in the upcoming fiscal year. The petitioners' article proposes to fund the project in a different way from the Finance Committee's FY2012 capital budget recommendation in Article 6.

Finance Committee Capital Improvement Program

Each year, the Finance Committee prepares a capital budget. Under the Town's Capital Improvement Program, the Finance Committee takes into consideration various items for proposed capital projects:

- the Town's debt management policy;
- supplemental funding sources such as operating budget, reserve funds designated for capital expenditures, grants, proceeds from the sale of assets, or donations;
- operating costs and expenses associated with new facilities; and
- the relative costs of planned future capital needs.

Town of Wayland Finance Committee, Capital Improvement Plan Policies & Procedures,
http://www.wayland.ma.us/Pages/WaylandMA_Finance/CIPPolicyProcedures.pdf.

In this instance, the Finance Committee decided to recommend funding the Route 27/30 water improvements project through borrowing. The factors that drove this decision include:

- The Town operates the Water Department as a separate fund for accounting and reporting purposes. For this reason and in light of past experience, the Finance Committee seeks to minimize transfers between the Water Department and the General Fund.
- This project is only one in a multi-year series of water improvement projects, all of which have been funded (or which are planned to be funded) with debt and paid through water rates rather than taxes or the Unreserved Fund balance.
- The projected annual debt service for this project is about \$74,000 per year over 10 years.
- The Town is in a strong free cash position, which we should strive to preserve:
 - for the sake of our good bond ratings,
 - for use over multiple years to meet obligations under negotiated contract settlements and
 - to mitigate the need for future operational overrides, among other reasons.
- Large capital projects are typically funded with debt so as to better spread the cost of the project over the expected life of the improvement.

MtBE Litigation and Settlement

The Town of Wayland was one of many plaintiffs in complex nationwide litigation against gasoline refiners. The plaintiffs claimed that MtBE, among other chemicals, was a defective product sold by the gasoline refiners. The plaintiffs further claimed that the gasoline refiners had a legal duty to clean up MtBE and other gasoline additives. The gasoline refiners denied these claims. The Wayland Water Department's wells never contained detectable levels of MtBE.

Rather than trying the case in court, the Town settled with many of the defendants in 2008. Under the terms of the settlement, the Town received \$606,748 plus a commitment from the settling defendants that if any of the Town's wells became contaminated with MtBE above 5 parts per billion in the next twenty years, the settling defendants may pay for treatment. The cash component of the settlement was determined by taking into account the total number of contaminated wells, well size, historical MtBE levels, dates of MtBE detections, treatment for MtBE, impact on operations, state maximum contamination levels, litigation status, and other factors.

The proceeds of the settlement were deposited in the legal settlement account in the General Fund. At the end of each fiscal year, the balance in the legal settlement account is transferred to General Fund – Unreserved Fund Balance.

ARGUMENTS IN FAVOR: The Town's claim in the MtBE litigation was based on alleged water pollution by gasoline refiners. For this reason, the proceeds of the settlement should be used for Water Department projects. The Unreserved Fund Balance, last certified at about 13% of FY2010 operating expenses, is at the high end of the range recommended by the bond rating agencies and bond counsel, so use of these funds will not jeopardize the Town's bond rating this year. The town should use the MtBE settlement proceeds to fund the water improvements project this year instead of taking on \$500,000 in new debt through the Water Department.

ARGUMENTS OPPOSED: Water Department ratepayers should pay for water projects, not taxpayers. Large capital projects are typically funded with debt so as to better spread the cost of the project over the expected life of the improvement. There is no requirement under the terms of the settlement to use the proceeds for water projects, and the Water Department has not borne any historical costs attributable to MtBE pollution. The petitioners' article would disrupt the balance the

Finance Committee seeks to maintain between the debt management policy, the Town's Unreserved Fund balance position, and the long-term capital improvement program.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B.

For more information about this article, contact Linda Segal at lmlsegal@comcast.net or 508-655-0724.

ARTICLE 8: RESTATEMENT OF FY2011 SCHOOL DEPARTMENT BUDGET

Proposed by: Petitioners

Estimated Cost: \$30,000

To determine whether the Town will vote to appropriate a sum of money for a restatement of the fiscal year 2011 Wayland Public School budget at a detailed and subsidiary account level in the recommended best management practice on the MUNIS system and produce a report establishing fiscal year 2011 budget-to-actual School Department expenditures; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth of Massachusetts or Federal Government, by borrowing, or otherwise.

The restatement shall be performed by an independent, qualified consultant experienced in constructing detailed budgets for public school districts and conducted under the direction of the Operational Review Committee established by the Board of Selectmen, comprised of one member from each of the Finance Committee, Board of Selectmen, and School Committee and two members appointed by the Finance Committee. The Operational Review Committee will submit the completed report to the 2011 Special Town Meeting with findings and recommendations, said committee to be dissolved with the adjournment sine die of the 2011 Special Town Meeting.

PETITIONERS' COMMENTS: 'Business as usual' is not sustainable. Soaring healthcare costs and contractual obligations have eroded the funding appropriated to continue the tradition of excellence in education. In May 2010, voters at Town Meeting unanimously supported a resolution intended to avoid an override or cuts in services by calling for an independent review to recommend alternative ways of providing services and enhancing value while reducing expenses. The review included recommendations to develop a school budget document that would improve decision-making and provide better accountability to citizens.

The resulting Abrahams Group report noted over a dozen deficiencies in our present school budget document and reporting. Careful decision-making to maintain the quality of education while controlling costs requires a meaningful and accurate budget document. Findings cannot be rectified without implementing comprehensive changes and turning on controls in the Town's financial management software, MUNIS. Article 8 supports an independent consultant to conduct this one-time implementation.

As provided by Sec. 36-5B of the Town Code, the 150 word sponsors report is written by petitioners and reflects their opinions. The Town of Wayland does not certify the truth or accuracy of any statements made in these arguments.

FINANCE COMMITTEE COMMENTS: As the Schools represent the largest component of the Town's budget, there is an increasing focus on understanding budget drivers to expenses and revenues,

and on how those expenses and revenues are recorded. At the 2010 Annual Town Meeting, a resolution which established a committee to oversee an independent review of: 1) the budgeting and reporting format of the Wayland Schools, and 2) non-educational administrative positions within the Schools and Town, was passed unanimously.

An independent consulting firm with extensive experience in assessing and reviewing the financial reporting of various Massachusetts school districts was retained and performed the review of the reporting and budgeting format for Wayland (among other reviews of best practice accounting processes and controls). Utilizing the MUNIS reporting system already in place, The Abrahams Group (TAG) prepared a list of recommended adjustments and improvements to the budgeted and actual expenditure format to be put into place such that the FY 2012 budget would be restated and actual expenditures would match the budget format at a detailed account level.

In the resolution, though, it was stated that the FY 11 budget would be restated (retroactively) into the recommended format as well. This did not take place because it was not in the final engagement letter due to a higher focus on administrative redundancies between the Schools and the Town. The intent of this article is to restate the FY 2011 budget and actual expenditures and revenues into the recommended format. This is consistent with the recommendations of TAG, specifically Finding 11 in their Final Draft Report as of January 5, 2011, specifically Findings 1 and 11 of Section I of the report ("School Budget and Interim Financial Reporting"):

http://www.wayland.ma.us/Pages/WaylandMA_BComm/Finance/WaylandReport.pdf

It should be noted that the amount requested in this article (\$30,000) was estimated and provided by the Petitioner, and has not been verified. The exact nature of the reconciliation activities needed in the event this article passes have not yet been defined.

It is the opinion of the Finance Committee that there is more value in this article in restating the FY 2011 actual expenses as opposed to the FY 2011 budget. Further, we strongly recommend that the School Business Manager be closely involved in drafting the RFP for this effort.

ARGUMENTS IN FAVOR: Primarily, this article is an effort to improve the FY 2013 budget process by having a robust history of actual and budget data in a consistent and detailed format by which to compare the proposed FY 2013 budget figures. This would be most helpful to the School Committee itself as well as the Wayland taxpayer. The Abrahams Group noted that the school budget document should include historical actual spending data for two prior fiscal years.

Of note, the present school budget document records only one year of actual spending data, and the account classification data is in question. In October 2009, the non-personnel budget was frozen due to the economic conditions and possible reductions in local state aid. How much was spent at each school was dependent upon timing of the expenditures. Many of the actual FY 2010 figures were far lower than the subsequent budget figures for FY 2011 and FY 2012. Also, expense offsets (credits) are embedded in some actual figures, making it hard to compare to budgeted figures in the same (or similar) account categories.

Per the text of The Abrahams Group report, "A School Department's budget is most effective when it is useful to the School Committee, the community, School Department staff, the Finance Committee and Town Meeting; many different users or readers. It is the key opportunity to annually present a document that can be a policy document, a financial plan and an operations guide to the School Department for the coming fiscal year." The reconciliation of FY 2011 actual School expenditures is

not simply an exercise in a vacuum to restate historical data. It is a tangible step forward to ensure that the generation, consolidation, analysis, and communication of the FY 2013 School budget is clear and correlated with actual drivers and historical trends and at a detailed level, thus creating more confidence that all School monies are properly accounted for.

It has been acknowledged by all parties involved with review of this article that the current School Business Administrator has been proactive in his efforts to improve School revenue and expenditure reporting, and the intent of the article is not to diminish those efforts. In fact, the article is an attempt to fulfill the petitioner's understanding of the intent of the original scope of the Resolution approved at the 2010 Annual Town Meeting; requesting an independent consultant to perform the restatement is an attempt to minimize the incremental workload of the School Business Administrator and Business Office. The article is also not intended to be mutually exclusive of any future efforts to add accounting resources to the School Business Office.

ARGUMENTS OPPOSED: Some may see the cost of this endeavor as too expensive for the value that can be gained. The cost of the current Abrahams Group study (encompassing reporting format, non-educational, and in-school administrative staffing and responsibilities) is \$54,000. Spending up to another \$30,000 simply to restate budget and actual expenses and revenues for what will be a prior period seems unwarranted.

Further, this effort – even if assumed to be performed by an outside firm – will still create a drain on the limited time resources of the School Business Administrator. Requirements to fully reconcile all expenses and revenues back to a format that was not in existence when the expense was generated may be impossible, or at least too burdensome to the existing staff (who may be busy in their own rite preparing other analytical data for the new superintendent).

It can be argued that the \$30,000 would be better spent towards a new accountant/analyst within the School Business Office who could provide similar data on a go-forward basis, though the cost of an additional accounting resource would not be a “one-time” event; it would be an incremental hire within the School Business Office.

It is possible that even if this article passes, that given the time constraints of creating and issuing an RFP, awarding the bid and finally conducting the restatement, the work will not be complete before the School Department begins the budget process in October 2011 for FY2013.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact Donna Bouchard at donnabouchard@lfusa.com or 774-270-4421

ARTICLE 9: COMPENSATION FOR TOWN CLERK

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk, pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2011, which salary and compensation is printed below.

SALARY SCHEDULE – TOWN CLERK

	<u>FY 2011</u>	<u>FY 2012</u>
Town Clerk	\$ 66,112.00	\$ 66,773.00

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to set the salary of the Town Clerk. Because the Town Clerk is an elected position, the salary of the Town Clerk does not fall within the Personnel Wage and Salary Classification Plan and Town Meeting must approve the salary of this position (the article sets the salary, the budget appropriates the monies). This process treats the Town Clerk in a manner comparable to other appointed Department Heads which may enjoy benefits not available to elected officials, such as automatic step increases, merit increases that recognize performance, and cost of living adjustments.

Last year, the Town Clerk's salary was not increased. This year it is being increased 1%. The increase is consistent with amounts being proposed for non-union personnel and in the Wayland Teachers Association contract settlement.

ARGUMENTS IN FAVOR: The salary proposed reflects a fair compensation for work performed considering all relevant factors and is consistent with increases being given to other comparable positions within the town.

ARGUMENTS OPPOSED: Some would say that given current economic conditions, town employees should have their wages held flat or reduced.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108.

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

ARTICLE 10: PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN

Proposed by: Personnel Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix D) previously adopted by the Town.

FINANCE COMMITTEE COMMENTS: This Article is requesting Town Meeting to approve changes to the Wage and Classification Plan as presented. This article only impacts non-union employees of the town. There are no amendments to the Town By-laws related to Personnel this year.

The Wage and Classification Plan allows for periodic wage increases for non-union employees based on employee longevity and provides for reasonable wage growth over time. The Wage Classification Tables, as included in this warrant, reflect a 1.0% increase for all non-union employees as of July 1, 2011. This follows a 0.0% increase as of July 1, 2010.

Although not part of this article, it should be noted that, the Town is making changes to employees'

health insurance plans. Changes are both in the design of the plans and the monthly contribution rates. In exchange for health insurance changes in union contracts settled to-date, the Town has paid one-time stipends of 1.26% and 1.50% of base wages. Comparable one-time stipends will be paid to non-union employees in Fiscal Year 2012 for health insurance changes.

For informational purposes only, those union employees in bargaining units with negotiated labor contracts have their wages tables listed as well. Those unions still in negotiations are designated as "Contract Negotiations in Progress".

The Personnel Board voted 4-0 in favor of this article.

ARGUMENTS IN FAVOR: The Wage and Classification Plan allows for periodic wage increases for non-union employees based on employee longevity and provide for reasonable wage growth over time depending on economic conditions. Changes to the union schedules are required to reflect new salary levels that result from executed union contracts and are provided for informational purposes only.

ARGUMENTS OPPOSED: Some would say that given current economic conditions, town employees should have their wages held flat or reduced.

RECOMMENDATION: The Finance Committee recommends approval Vote: 6-0

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108A.

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

See Personnel Wage and Salary Classification Plan at Appendix D at page 158. For more information about this article, contact John Senchyshyn, Human Resources Director/Assistant Town Administrator, at (508) 358-3623, or email jsenchyshyn@wayland.ma.us.

ARTICLE 11: SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the following surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

Department	Vehicle/Equipment	Year
Public Works	Bobcat Skid Steer Loader	1992
Public Works	Volvo 6-yard Dump Truck with Snow and Ice Package	1993

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to sell used vehicles or other personal property.

ARGUMENTS IN FAVOR: The proceeds of the sale of used property are deposited in the Town's general fund.

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

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 12: ACCEPT GIFTS OF LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to accept gifts of land. At the time of printing of the Warrant, there are no known gifts of land. Absent gifts, the proposed motion to be offered at Town Meeting will be, “Moved, that the Town encourage residents to consider a tax-deductible donation of land to the Town for conservation purposes and thank those who have made such donations.”

ARGUMENTS IN FAVOR: Acquisition of land by the Town gives the Town more control over the use of such gifted land.

ARGUMENTS OPPOSED: Land gifted to the Town may result in a slight reduction in the property tax base.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 13: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Proposed by: Board of Selectmen and Board of Assessors

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2012.

FINANCE COMMITTEE COMMENTS: This is an annual article that provides tax exemptions to assist the elderly, disabled veterans, and other fixed income residents. With the passage of this article at each Annual Town Meeting, certain residents may avail themselves exemptions in the following amounts: \$4,350 for widows or widowers; \$875 for the blind; \$1,000 for the elderly, and \$800 for disabled veterans. The title of Article refers to “Increasing Real Estate Tax Exemptions Amounts” because the exemptions listed above are the amounts in the state statute. In FY2010, 83 taxpayers

were granted exemptions for a total amount of \$129,551.33. This amount represents the statutory exemptions granted and does not include the Circuit Breaker Match and CPA exemptions.

ARGUMENTS IN FAVOR: The article adds minimal tax burden to each taxpayer and provides needed support to the elderly and certain only residents coping with the increasing burden of paying property taxes on fixed income.

ARGUMENTS OPPOSED: To allow the exemptions to eligible residents, the remaining taxpayers must pay slightly more in property taxes.

RECOMMENDATION: The Finance Committee recommends approval. Vote 4-0.

QUANTUM OF VOTE: Majority – see Section 4 of Chapter 73 of the Acts of 1986.

For more information about this article, contact Ellen Brideau, Director of Assessing, at (508) 358-3659 or ebrideau@wayland.ma.us.

ARTICLE 14: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Community Preservation Committee

Estimated Cost: \$180,000

To determine whether the Town will vote to set aside for later spending \$60,000.00 for open space, but not including land for recreational use, \$60,000.00 for historic resources, and \$60,000.00 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6.

FINANCE COMMITTEE COMMENTS: The Community Preservation Act (CPA) was signed into law by the State of Massachusetts on September 14, 2000 and became effective 90 days later on December 13, 2000. The Town of Wayland approved adoption of the CPA and a CPA surcharge in the amount of 1.5% of annual tax payments during the April 2001 Town Meeting.

The CPA enables communities to levy a property tax surcharge on real property for the purpose of creating a community preservation fund and qualifying for state matching funds. This property tax surcharge is calculated and based upon a homeowner's tax payments and not upon assessed valuation. The CPA also establishes a Community Preservation Committee (CPC) that makes recommendations on how the money shall be spent. Town Meeting may appropriate amounts in the Community Preservation Fund for purposes and amounts not greater than amounts recommended by the CPC.

Each fiscal year, upon recommendation of the CPC, Wayland must set aside for future spending, the following share of annual Community Preservation Fund revenues:

- 1) 10% for open space
- 2) 10% for historic resources
- 3) 10% for community housing

Once these allocations are met, the CPC recommends how the remaining 70 percent of annual CPA revenues are to be divided among the three purposes including recreational usage within the statutory definition of open space. Recreational purposes may include land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.

As of June 2010, the Wayland CPA fund had a balance of:

Open Space	\$1,940,548
Historic Resources	659,076
Community Housing	175,000
Committed	241,576
Uncommitted	3,578,338
Total	\$6,594,538

This article would approve the specific set aside of \$180,000 of the uncommitted portion of Wayland CPA funds for housing, open space and historic preservation.

The Community Preservation Committee voted 8-0 in favor of this warrant article.

ARGUMENTS IN FAVOR: This \$180,000 set aside will ensure that the town continues to balance the needs of housing, open space and historic preservation in the spirit of what the Community Preservation Act was enacted for. Total CPC funds reserved for open space will total \$2,000,548 funds reserved for historic resources will total \$719,076 and funds reserved for community housing will total \$235,000 with approval of this article.

ARGUMENTS OPPOSED: None. This set-aside amount is required under Massachusetts General Laws Chapter 44B, Section 6.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 6.

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net.

ARTICLE 15: PRESERVATION AND DIGITIZING OF HISTORIC RECORDS

Proposed by: Community Preservation Committee, Historical Commission

Estimated Cost: \$160,000

To determine whether the Town will vote to appropriate a sum of money for the purpose of preserving and digitizing selected historic documents important to the history of Wayland which are now held in the town vault; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth of Massachusetts or Federal Government, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: Pursuant to Massachusetts General Laws, Chapter 66, Section 8, Wayland must establish procedures, processes and systems to ensure that “no public record created prior to 1870 may be destroyed. All such records are considered to have historical value requiring their permanent retention.”

This article requests an appropriation of \$160,000 from the Wayland Community Preservation Act (CPA) fund that has been already set aside for historic resources purposes, encompassing \$120,000 for conservation of records and necessary actions necessary to ensure long-term preservation of Wayland’s historic town records (e.g. photographic materials, rare books, maps, birth and death records, architectural drawings) and \$40,000 for digital imaging services so that residents may have

online access to these records. Approval of this article will preserve historical records currently stored in a vault at the Town Building including:

Soldiers/Officers 1861 Rebellion	Road Book 1683-1909
Volume 1, Wayland Town Meeting Minutes 1780-1817	Militia Roll 1874-1878
Volume 2, Wayland Town Meeting Minutes 1817-1853	Militia Rosters 1840-1873
Volume 3, Wayland Town Meeting Minutes 1854-1882	Chattel Mortgages 1843-1859
Volume 4, Wayland Town Meeting Minutes 1883-1901	Chattel Mortgages 1859-1875
Volume 5, Wayland Town Meeting Minutes 1901-1919	Perambulations of Town Lines 1839-1864
Wayland Vital Records to 1850	Writs of Attachment 1842-1865
Marriage Intentions 1906-1915	Sudbury Records 1638-1703, Volume 1 each
Marriages Book 3 No 1, 1843-1860 + 1796-1844 each	Sudbury Records 1730-1733, Volume 2 each
1130 Manuscript docs/Photostats 1868-1925 births	Sudbury, Volume 1 1676-1779 B/M/D
1600 Manuscript docs 1785-1933 marriages	Sudbury Records 1733-1760, Volume 3 each
1350 manuscript docs 1800-1925 deaths	Sudbury PCT 1, B/M/D 1753-1844
93 Town Meeting Warrants 1816-1843	Book 3, B/D/M 1796-1844 E. Sudbury
Index to Deaths 1843-1860 each	Index Book 3, Marriage Intentions each
Index Book 3, Deaths 1796-1844 each	Index Book 3, Births 1796-1844 each

The Community Preservation Committee voted 8-0 in favor of this warrant article. The Historical Commission voted 5-0 in favor of this warrant article.

ARGUMENTS IN FAVOR: This initiative, championed by Wayland's Town Clerk, addresses a concern that the Town's records and historic collections need preservation, including both physical presentation and electronic image capture. Although the focus of this project is limited to the Town records maintained at the Town Building, this project will also serve as a long-term model and test case to expand and enhance the preservation efforts of the Town's other historic documents and artifacts, currently cared for by the Library, Historical Society and other entities. Other town records may be incorporated at a later date.

At the November 2009 Special Town Meeting, the Town appropriated \$10,000 for a phase I review of the Town's records. Northeast Document Conservation Center was hired to survey the Town's records and prepare a formal report summarizing which town materials have the greatest need for conservation. Under phase I, the Historic Commission examined building conditions, storage and handling procedures, disaster preparedness and town policies that impact preservation. A formal report was prepared by the consultant identifying potential hazards to the collection from the environment, or from storage or handling. It also identified actions necessary to ensure long-term preservation of collections (such as improving storage enclosures and fire protection, for example). The report prioritized the needs of the collections and identifies steps necessary to achieve preservation.

Approval of this article will allocate the funds needed to preserve and digitize historical records as defined under the Phase I study and in compliance with Massachusetts General Laws, Chapter 66, Section 8, The use of CPC funds to maintain the town historical records meets the spirit and intent of the Community Preservation Act.

ARGUMENTS OPPOSED: The Finance Committee is unaware of any opposition to this article.

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net, or Lois Toombs, Town Clerk, ltoombs@wayland.ma.us, (508) 358-3631.

ARTICLE 16: ADOPT BYLAW ALLOWING USER FEE BILLS TO BE SENT WITH PROPERTY TAX BILLS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 72 of the Code of the Town of Wayland by designating the first paragraph of §72-2 regarding the collection of accounts by the Treasurer and Collector as Paragraph “A” and by adding the following new paragraph to § 72-2:

“B. The Treasurer/Collector of Taxes may include in the envelop or electronic message in which property tax bills are sent notices for rates, fees or charges assessed by the Town of Wayland for water use, wastewater management system or sewer use or solid waste collection or disposal, provided that the bills or notices shall be separate and distinct from the property tax bills.”

FINANCE COMMITTEE COMMENTS: The provision of the 2010 Municipal Relief Act which allows municipalities to establish an electronic billing program does not require a town meeting vote or by-law to establish the program. The program may be established by vote of the Board of Selectmen. However, in order to include water, sewer or other utility service bills in the same envelope or e-mail message as the property tax bill, a by-law is needed. (See Massachusetts General Laws Chapter 40, Section 22f, at Appendix E on page 163 of this warrant.)

Currently §72-2, Treasurer and Collector, Collection of Accounts states;

“The Treasurer/Collector of Taxes shall collect, under the title of “Town Collector,” all accounts due the Town of Wayland and, in the collection of such accounts, shall have all the remedies provided by the General Laws for the collection of taxes on personal estate. This section shall not apply to the collection of interest on investments of sinking or trust funds. All bills for accounts due the Town of Wayland shall state that all checks, drafts or money orders shall be made payable to, or to the order of, the Town of Wayland and not to, or to the order of, any officer, board or commission.”

This additional language (Paragraph B above) would permit the Town Treasurer to include bills for water, wastewater, sewer or solid waste collection user fees in the same envelope or electronic message to each resident.

In order to begin consolidated billings, the Town would have to implement additional software enhancements to the VADAR billing software system. The Treasurer and Finance departments are currently working together to develop a plan to upgrade the VADAR system. This upgrade may require additional funds either from a future Town operating or capital budget.

ARGUMENTS IN FAVOR: This would result in time and cost savings by bundling user fee bills with property tax bills and would reduce administrative labor, paper and mailing costs.

ARGUMENTS OPPOSED: The Finance Committee is unaware of any opposition to this article.

RECOMMENDATION: The Finance Committee recommends approval. Vote 4-0.

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 Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 17: ACQUIRE TOWN OF SUDBURY'S INTEREST IN SEPTAGE FACILITY

Proposed by: Board of Selectmen

Estimated Cost: \$130,000

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 or otherwise, all of the Town of Sudbury's right, title and interest in and to the Septage Treatment Facility and the parcel of land upon which it is situated known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of the Town of Sudbury's right, title and interest in said facility and parcel of land;
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise; and
- d.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to enter into and execute all necessary and appropriate instruments and agreements, including, without limitation, intermunicipal agreements, in connection with said acquisition.

FINANCE COMMITTEE COMMENTS: The Wayland/Sudbury Septage Facility ended operations on December 1, 2009, following a lengthy process whereby the Boards of Selectmen of Sudbury and Wayland determined that, even with significant expenditures for capital improvements to meet the permitting requirements of the Department of Environmental Protection (DEP), the aging facility had little chance of being economically viable over the long term. While all regulatory requirements with regard to past DEP Administrative Consent Orders have been completed, the plant as currently configured is not usable as a septage treatment facility.

The Town of Sudbury, through an inter-municipal agreement with Wayland which extends until 2017, has an interest in the Septage Facility and parcel of land, which can either remain through the life of the agreement, or be extinguished through the sale of Sudbury's interest to Wayland.

On April 6, 2010, Sudbury Town Meeting voted to authorize the Sudbury Board of Selectmen to extinguish their agreement with the Town of Wayland and to negotiate and sell Sudbury's right, title and interest in and to the Septage Treatment Facility to the Town of Wayland. Approval of this article will authorize the Wayland Board of Selectmen (BoS) to acquire the Town of Sudbury's rights,

title and interest in and to the Septage Treatment Facility so that the Town of Wayland may develop the 7.63 acre property or sell the property for commercial use at some point in the future.

Under the current inter-municipal agreement, the Town of Sudbury does not have responsibility for any demolition costs of the facility. In turn, the inter-municipal agreement does not obligate Wayland to demolish the facility and return the site to its pre-facility condition. If the property is developed or sold for commercial use at some point in the future, Wayland would be responsible for the demolition of the building; however, that cost would be considered as part of the development cost of a future construction project, or included in the net proceeds from the sale of the property. Demolition costs have been estimated at approximately \$250,000. There is no indication of any hazardous material on the site, and all stored chemicals have been disposed.

This identical article was presented at Wayland's Annual Town Meeting, May 2010 as Article 17; the article failed to pass after citizens requested detailed information on the depreciated value of the building and an actuarial valuation of the unfunded liabilities for health insurance and retirement benefits for the three former employees. A thorough valuation of the property and assessment of unfunded employee liabilities has now been completed.

Septage Facility Financial Valuation

	Sudbury	Wayland	Total
Building	\$131,500	\$131,500	\$263,000
Equipment	\$0	\$0	\$0
Septage Fund	\$120,327	\$120,327	\$240,653
Pending Receivables	\$0	\$0	\$0
<u>Collected Receivables</u>	<u>\$2,869</u>	<u>\$2,869</u>	<u>\$5,737</u>
TOTAL ASSETS	\$254,696	\$254,696	\$509,390
<u>Employee Costs</u>	<u>\$125,077</u>	<u>\$125,077</u>	<u>\$250,154</u>
CURRENT LIABILITIES	\$125,077	\$125,077	\$250,154
NET ASSETS	\$129,619	\$129,619	\$259,236

An appraisal of the building and equipment was completed by American Appraisal in October 2010. Recognizing that the building will never be used as a treatment facility, the appraisal is based on general industrial use, and the building was valued at \$263,000. The appraisal also looked at the value of the remaining equipment. The three wastewater containment vessels cannot be used again; however, the other equipment may have a market with used equipment dealers, and an orderly liquidation is in progress which may result in up to \$150,000 to be shared between the Towns.

An actuarial study of the legacy employee benefit costs was completed by The Segal Company, a specialist in benefits and compensation calculations. For the three former employees, the actuarial study calculated the total of the pension and OPEB unfunded liabilities at \$250,154.

The Septage enterprise fund has a balance of \$240,653 as of July 1, 2010 according to the MA Department of Revenue certification.

Pending receivables total \$27,370 from five septage haulers and are over 120 days old. The majority of the receivables are owed by two haulers; some balances date back to FY06 and FY07 and one of the two is a company that went out of business. Sudbury holds a small balance of \$5,737 in previously collected shared receivables. The pending receivables are likely uncollectible and were reviewed in the recent annual audit.

The cost of the buy-out consists of the net of Sudbury's share of 50% of the assets (value of the building, any resale/scrap value of equipment and pending receivables from septage haulers) less their share of 50% of the liabilities (legacy costs of the former and retired employees and any residual funds not needed for future health/retirement costs). Since the equipment is business-specific and there may not be a ready resale market for it, the equipment has been eliminated from the calculation below. Instead, if the equipment can be sold, it will be negotiated with Sudbury that proceeds from the purchasers will be payable 50% to Wayland and 50% to Sudbury.

The source of funds for purchasing Sudbury's share will be free cash. This will be the source regardless of when the inter-municipal agreement is dissolved - now or in 2017. The Septage fund can only be used to support septage operations and cannot be used to purchase Sudbury's share; rather, it is an asset in the calculation of the net cost.

ARGUMENTS IN FAVOR: Wayland cannot sell or develop the Septage Facility property until Wayland purchases Sudbury's right, title and interest in and to the Septage Treatment Facility and the parcel of land. Approval of this article will allow Wayland to sell or develop the 7.63 acre property now rather than waiting for the inter-municipal agreement to expire in 2017.

Previous objections to a similar article presented at the May 2009 Wayland Town Meeting related to a lack of confidence in the building valuation and the estimate for legacy employee benefit costs. Under this article, the Septage Facility financial valuation was provided by third party experts, not by Wayland staff.

ARGUMENTS OPPOSED: Wayland should not purchase Sudbury's interest in the Septage Facility until there is a plan for the site.

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

QUANTUM OF VOTE: a.) Two-thirds – see Massachusetts General Laws Chapter 40, Section 14. b.) and c.) Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8. d.) Majority – see Massachusetts General Laws Chapter 40, Sections 4 and 4A.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 18: AMEND SPECIAL ACT ESTABLISHING DEPARTMENT OF PUBLIC WORKS BY TRANSFERRING DUTIES OF WASTEWATER MANAGEMENT DISTRICT COMMISSION TO BOARD OF PUBLIC WORKS

Proposed by: Wastewater Management District Commission, Board of Public Works

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 which amends Chapter 347 of the Acts of 2008 by abolishing the Wayland Wastewater Management District Commission and transferring its authority and powers to the Board of Public Works effective July 1, 2012, substantially the same as follows:

[key to revisions; underlining = additions; ~~striketrough~~ = deletions]

CHAPTER 347 of the Acts of 2008

CHAPTER 347 AN ACT AUTHORIZING THE TOWN OF WAYLAND TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

SECTION 1. Chapter 130 of the acts of 1962 is hereby repealed.

SECTION 2. Chapter 254 of the acts of 1966 is hereby repealed.

SECTION 2A. Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, is hereby repealed.

SECTION 3. There is hereby established in the town of Wayland a department of public works, in this act called the department, which shall be under the supervision, direction and control of the town administrator.

SECTION 4. (a) There shall be a board of public works consisting of 5 members, in this act called the board. From the effective date of this act until not earlier than the 2010 annual town election, the members of the board shall be designated as follows:

(i) 1 member who shall be appointed by the board of road commissioners;

(ii) 1 member who shall be appointed by the board of water commissioners;

(iii) 1 member who shall be appointed by the park and recreation commission;

(iv) 1 member who shall be appointed by the board of health; and

(v) 1 member who shall be appointed by the board of selectmen. In making their appointments to the board, the board of road commissioners, the board of water commissioners, the park and recreation commission and the board of health shall consider their respective current and former members. When the initial board first enters upon the performance of its duties it shall file written notice thereof with the town clerk whereupon the board of road commissioners and the board of water commissioners shall be abolished and the park and recreation commission shall thereafter be known as the recreation commission. Vacancies occurring in the board after its initial appointment and before the 2010 annual

town election shall be filled by roll call vote of the board of selectmen and the remaining members of the board acting jointly. Commencing with the 2010 annual town election, the manner of selection of the members of the board shall be by election at the annual town election. The initial members thereof shall be elected to terms as follows, 1 to serve for 1 year, 2 to serve for 2 years, and 2 to serve for 3 years and thereafter when the term of member expires, such member's successor shall be elected for a term of 3 years. In all cases, each member shall serve until his successor is appointed or elected and qualified. Vacancies in the elected board shall be filled in accordance with section 11 of chapter 41 of the General Laws. All members of the board shall be registered voters of the town.

(b) The board shall have the powers and duties vested by general or special law or by town by-law in the following boards, commissions and officers, except as provided in this act:-

- (1) road commissioners and board of road commissioners;
- (2) surveyors of highways;
- (3) superintendent of streets;
- (4) water commissioners and board of water commissioners;
- (5) park commissioners, except conducting recreation activities or programs;
- (6) cemetery commissioners;
- (7) tree warden; ~~and~~
- (8) sewer commissioners, with respect to the town's wastewater managements system, including, but without limiting the generality of the foregoing, the following rights and powers which shall be exercised consistent with the official planning documents adopted from time to time by boards and commissions of the town including, without limitation, the town of Wayland Open Space and Recreation Plan;

(a) to adopt rules, regulations, and procedures in connection with the performance of its functions and duties, and regarding the use of, and connection to, the wastewater management system. As used in this act, "wastewater management system" means the wastewater collection, treatment and disposal systems serving more than one facility as defined in Title V of the state environmental code to be constructed and or to be in the possession of and under the jurisdiction, control and regulation of the board, but owned by the town, including all plants, works, instrumentalities or parts thereof, lands, easements, rights in land and water rights, rights of way, contract rights, franchises and privileges, all publicly constructed main, trunk, intercepting, connecting, lateral, outlet and other sewers, outfalls, pumping and ventilating stations, disposal and treatment plants, or works, structures, equipment, vehicles, appliances and adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such wastewater disposal systems, and all facilities, betterments, extensions, improvements and enlargements thereto hereafter constructed or acquired. Any such wastewater management system shall be subject to the rules and regulations of said board of health of the town, applicable laws of the commonwealth and any approvals required thereunder. The board may, by regulation, prescribe civil penalties, which shall enure to said town, in accordance with section ten of chapter eighty-three of the General Laws for the violation of any rule or regulation prescribed by the board. The board may further assess fines not exceeding three hundred dollars for each violation of its rules and regulations in accordance with section twenty-one of chapter forty of the General Laws;

(b) to maintain an office in the town at such place or places as it may determine;

(c) to apply for, receive, accept, administer, expend and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state and federal governments, donation or appropriation of any property or money

in aid of the purposes of the board and to accept contributions of money, property, labor or other things of value;

(d) to acquire in the name of said town by purchase, lease, lease-purchase, sale and leaseback, gift or devise, or to obtain options for the acquisition of, any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties;

(e) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any property, real or personal, tangible or intangible, or any interest therein, consistent with all requirements of the General Laws;

(f) to enter onto any land to make surveys, borings, soundings and examinations thereon, provided that the board shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations; and to acquire by eminent domain any interest in real property within said town in the name of the board in accordance with the provisions of chapters seventy-nine and chapter eighty A of the General Laws or any alternative method provided by law; provided, however, that said board shall not exercise the power of eminent domain without the prior approval of the town meeting and the selectmen of the town. The board may order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any wastewater disposal project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof may be reimbursed by the board for reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with any such order of the board relating to any such structure in public ways or lands. If any such owner shall fail to comply with any such order of the board relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the board may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the board by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for reimbursement of cost provided for above. This section shall not apply to facilities on property of the commonwealth under the control of the department of highways or the metropolitan district commission or installed under license or permits granted by said department or commission, except with its approval;

(g) to contract for and purchase wastewater disposal and treatment services from, and to provide wastewater disposal and treatment services to, any person, private or public corporation or public instrumentality or town, the commonwealth and the federal government when necessary or convenient for the operation of the wastewater management system;

(h) to construct, improve, extend, enlarge, maintain and repair the wastewater management system; provided, however, despite anything else in this act to the contrary, the power granted in this clause to construct, extend and enlarge the wastewater management system shall be limited in that the board shall not:

(i) provide service to replace, repair or upgrade an existing facility's system at the same design flow unless and until the board of health has approved such replacement, repair or upgrade; unless

there is a request by said board of health based on the need to protect the public health, welfare, or the environment, or unless the facility's system is provided for in a permit issued by the Massachusetts department of environmental protection; or

(ii) provide service to a new facility's system or for an increase in design flow to an existing facility's system if that new system or increase in design flow could not have been permitted in the absence of this act or Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, unless there is a request by said board of health based on the need to protect the public health, welfare, or the environment, or unless the facility's system is provided for in a permit issued by said department of environmental protection; or

(iii) compel the owner of a home, facility or lot who can demonstrate compliance with Title V of the state environmental code and the regulations of said board of health to join the wastewater management system, unless required to do so by said board of health or otherwise required to do so by law; or

(iv) notwithstanding the provisions of section three of chapter eighty-three of the General Laws, require the connection of any home, facility or lot to the wastewater management system;

(i) to use monies borrowed or appropriated by the town for the purposes of this act or Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, provided that the principal of, premium, if any, and interest on all notes and bonds issued by the town for the wastewater management system, unless otherwise provided by the town, shall be payable solely from the funds provided therefor from revenues as herein provided, but shall be general obligations of the town for payment of which the full faith and credit of said town shall be pledged;

(j) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(k) to exercise the powers and privileges of, and to be subject to limitations upon towns and cities provided by the provisions of sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act;

(l) to provide financing, technical and administrative assistance and to provide or cause to be provided maintenance for systems, including alternative systems, serving single facilities, as defined in Title V of the state environmental code;

(m) to administer and execute the provisions of section one hundred and twenty-seven B 1/2 of chapter one hundred and eleven of the General Laws as they pertain to inadequate septic tanks; provided, however, that said board of health has first made findings consistent with its authority as provided in said section one hundred and twenty-seven B 1/2 as to any affected owner;

(n) to create an overall wastewater policy and plan for said town;

(o) to fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for wastewater collection, treatment and disposal and other services, facilities and commodities furnished or supplied by it based on sewer capacity or on water usage or both sewer capacity and water usage. Subject to the provisions of this paragraph, fees, rates, rents, assessments, delinquency charges and other charges of general application shall be adopted and revised by the

board at least annually in accordance with procedures to be established by the board for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The board shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the legislative and executive bodies of said town and be published in a newspaper of substantial circulation in said town at least one month in advance of the hearing. No later than the date of such publication, the board shall make available to the public and deliver to the selectmen its most recent financial statement, the proposed schedule of fees, rates and charges and its proposed operating and capital budgets for its next fiscal year. The board may combine its fees, rates and other charges for wastewater services provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements and other charges established by the board shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions. Subject to paragraph (f) of section 4 of this act, the fees, rates, rents, assessments and other charges established by the board in accordance with this paragraph shall be so fixed and adjusted in respect to the aggregate thereof so as to provide revenues at least sufficient (1) to pay the current expenses of the board relative to the wastewater management system, (2) to pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by said town for said system as the same become due and payable, (3) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (4) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the wastewater management system and (5) to pay or provide for any amounts which the board may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of bonds issued for the board relative to said system.

(i) On or before one year after the effective date of this act and annually thereafter, the board shall prepare a proposed capital improvement program for the next three succeeding fiscal years and shall adopt a capital improvement budget for the next succeeding fiscal year for the wastewater management system. Such program and budget shall include a description of the projects proposed to be undertaken during such periods, the costs proposed to be incurred on such projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, rents and other charges of said system. The program and budget shall be annually prepared and the budget shall be presented for approval to the town meeting without review or approval of the board of selectmen. The board shall submit its capital budget for said system to the finance committee for review and recommendation. The board shall hold at least one public hearing on said proposed capital improvement program and budget prior to adoption, which hearing may be combined with a hearing provided in this paragraph (o), notice of which shall be delivered to said board of selectmen and be published in a newspaper of substantial circulation in the town at least one month in advance of the hearing. No later than the date of such publication the board shall make available to the public and deliver to said board of selectmen copies of the proposed program and budget. The annual operating budget of the wastewater management system shall be submitted to the finance committee for review and recommendation, and all funds expended by the board relative to said system shall be subject to appropriation by town meeting;

(ii) The board shall undertake a study and examination of its estimated expenses and costs of constructing, maintaining, operating and improving the system, and shall prior to one year after the effective date of this act promulgate in accordance with this paragraph a schedule of fees, rents, rates and other charges sufficient thereafter to satisfy the requirements of this paragraph (o). Such schedule shall become effective upon promulgation. Such schedule shall provide for the metering, monitoring and other measuring of, and charging for, wastewater management services provided by the board to consumers of such services in said town, including said town, the commonwealth and all independent

agencies and authorities of said town and the commonwealth, and any exemptions from such charges provided to the commonwealth or said town under any general or special law, are hereby declared inapplicable as of the date such schedule shall be in force; provided, however, that no betterment or special assessment shall be made by the board under the authority of chapters forty, eighty, eighty-three of the General Laws or any other provision of law against property owned by the commonwealth or any town of the commonwealth, or any political subdivisions thereof. The board shall have the benefit, without further acceptance of sections sixteen A and sixteen B of said chapter eighty-three. Applications for abatements in accordance with section sixteen E of said chapter eighty-three shall be made within thirty days after the date of such demand. Upon written application, the board shall issue lien certificates in accordance with section twenty-three of chapter sixty of the General Laws. No recordation of certificates issued by said town pursuant to said section twenty-three of said chapter sixty shall affect liens for the unpaid fees, rates, assessments, and other charges of the board;

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act; and

(q) consistent with the constitution and laws of the commonwealth, the board shall have such other powers as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act relative to the wastewater management system; provided, however, that nothing in this act shall impose any duty on the board to maintain groundwater levels within or without the boundaries of said town; and

(89) any other public works related powers and duties that may be, from time to time, vested in the board by general or special law, town by-law or town meeting vote.

(c) The town's sanitary landfill and any other solid waste disposal facilities or services that may be provided, made available or arranged by the town shall be under the supervision and control of the board.

(d) In addition, the board shall be responsible for the custody, care, management, control, operation, repair and maintenance of all town-owned land, equipment, facilities, vehicles and other personal property and accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the board of road commissioners, the board of water commissioners, ~~and~~ the park and recreation commission and the Wayland wastewater management district commission and used by the commissions for public works or park purposes. In consultation with the recreation commission, the board shall annually establish a plan for the periodic maintenance, repair and improvement of all town-owned land on which programs, events and activities are conducted or coordinated by the recreation department. The board shall be responsible for carrying out the plan.

(e) The board shall have the authority to adopt and amend rules and regulations relative to all matters and affairs under its jurisdiction. Prior to adopting or amending such rules and regulations, the board shall hold a public hearing thereon, notice of which, giving the time, date and place shall be placed in a newspaper of general circulation in the town, once in each of 2 successive weeks, with the first such publication being not less than 14 days before the hearing. Any such rules and regulations so adopted or amended shall be filed in the office of the town clerk whereupon they shall take effect. After any such rules and regulations are so filed, they may be published and included in the code of the town of Wayland or in separate pamphlets and shall be posted on the town's official website or on the official website of the board and a copy shall be filed in the town library.

(f) The town is hereby authorized to establish an Enterprise Fund in accordance with the provisions of section fifty-three F 1/2 of chapter forty-four of the General Laws for the operation of the wastewater

management system.

SECTION 5. The town administrator, in consultation with the board, shall appoint and fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with, a director of public works, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The director shall exercise and perform, under the operational and administrative direction of the town administrator and the policy direction of the board, the powers, rights and duties which have been transferred to the department and as set forth in the town's by-laws. The director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as director of public works. The director shall be a managerial and confidential employee as such is defined by chapter 150E of the General Laws and relevant case law from the Massachusetts labor relations commission.

SECTION 6. No existing contract, agreement or liability shall be affected by the abolition or modification of a board, commission or office effectuated by this act, but the board shall in all respects be the lawful successor of the boards, commissions and offices so abolished or modified.

SECTION 7. Each regular full-time or part-time employee of a board, commission or office abolished or modified by this act shall be transferred to and become an employee of the department. No such employee shall forfeit rate of compensation, grade, step or time of service solely on account of the establishment of the department. All collective bargaining agreements or employment contracts in force on the effective date of this act shall not be affected by this act. Nothing in this section shall be construed as limiting the town's rights, including, but not limited to, the right to determine the level of services, to reorganize, to create and abolish positions, to combine positions, reclassify positions, modify the organizational structure of the department of public works or to negotiate and agree to amendments, modifications or revisions to any collective bargaining agreement or employment contract or to amend or modify any by-law of the town.

SECTION 8. (a) Upon the filing of written notice in accordance with subsection (a) of section 4, the town's park and recreation commission shall be thereafter known as the recreation commission. The recreation commission shall consist of 5 members elected for terms of 3 years. The terms of the members of the recreation commission shall be staggered in the same manner as the terms of the park and recreation commission. The members of the park and recreation commission in office immediately prior to the effective date of this act shall continue in office as members of the recreation commission provided for in this section.

(b) The recreation commission shall have the power and authority to conduct recreation programs and activities on land or in facilities or buildings owned, leased or held by the town for park, playground or recreation purposes and, with the approval of the school committee, for school purposes.

(c) The recreation commission shall also be responsible for the custody, management, control and operation of all accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the park and recreation commission and held or employed for playground or recreation purposes.

(d) The town administrator, in consultation with the recreation commission, shall also have the power and authority to appoint and fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with, a recreation director, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The recreation director shall exercise and perform, under the supervision and direction of the board and the administrative direction of the town administrator, the powers, rights and duties of the commission set forth in this

section and the town's by-laws. The recreation director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as the recreation director. The recreation director shall be a managerial and confidential employee as such is defined by chapter 150E of the General Laws and relevant case law from the Massachusetts labor relations commission.

SECTION 9. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute. Insofar as the provisions of this act relative to the town's wastewater management system are inconsistent with the provisions of any general or special law, administrative order or regulation, or law of said town other than rules and regulations of the board of health, the provisions of this act shall be controlling. It being necessary for the welfare of the town of Wayland and its inhabitants, this act shall be liberally construed to effect its purposes.

SECTION 109. This act shall take effect on ~~July 1, 2009~~ July 1, 2012.
~~Approved October 6, 2008~~

FINANCE COMMITTEE COMMENTS: This article proposes to start the process of moving the functions of the Wastewater Management District Commission (WWMDC) under the Board of Public Works (BOPW) in order to consolidate all functions dealing with water in one department. This move requires passage of this article and subsequent action by the state legislature to amend the duties of the BOPW. The WWMDC has overseen the operation and finances of the Wastewater Management District (WWMD) in the center of Wayland since 1999. The current Wastewater Treatment Plant (WWTP) has been in operation for almost 40 years, and a new WWTP is currently being constructed. The anticipated transfer of control from the WWMDC to the BOPW would occur after the new WWTP comes on line. The proposed schedule would have a transfer on July 1, 2012, which gives time to complete the WWTP construction and for the state legislature to act.

WWMDC Background:

In 1994, the Wastewater Management Committee was formed by the Town of Wayland to investigate options to on-site septic systems and to provide the Town with proposals for developing such options. Town Meeting instructed the Selectmen to develop the necessary legislation to create an administrative body capable of developing and carrying out construction and maintenance of small-scale alternative systems where applicable. In 1995, the Wastewater Management Committee employed the firm of Camp Dresser & McKee Inc. to study three areas to provide information from each area that would help in analyzing the future needs of the Town. These areas were:

- Route 20 Area
- Dudley Pond
- Cochituate Area, including Mel's Plaza and the Villa Restaurant

In November 1995, Camp Dresser & McKee provided a report for the WWMDC, which was created by the State Legislature in 1996 under Chapter 461 of the Acts of 1996. The WWMDC decided to provide wastewater service for the Route 20 Area only. In 1999, the Town acquired the Raytheon wastewater treatment plant that had been constructed in 1971 and then upgraded in 1974. The WWMDC constructed a collection system along Route 20 from the intersection with Route 27 and on Route 27 north to the split near the library to the treatment plant. Businesses and residents in the Route 20 Area were invited to join the system. The system became operational in 2000. The system operates under a permit issued jointly by the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP).

WWMDC Operations:

The WWMDC is composed of three commissioners and an operational executive and has jurisdiction over the following functions:

- operation of the WWTP using a contractor, with day-to-day contact with the operators via the facilities manager for Wayland,
- actions pertaining to users including setting rates and joining or leaving the WWMD,
- administrative matters handled by the WWMDC operational executive, including sending out bills, monitoring funds and the budget, setting meeting agendas, writing minutes, and tending to administrative details for the WWMDC,
- oversight of the design, the bidding, and the construction of the new WWTP,
- interaction with DEP on permitting.

The 5-year renewal of the NPDES operating permit jointly issued by the state DEP and the federal EPA, issued in September 2008, was appealed by the Department of the Interior and a Sudbury resident. The modified permit was reissued in October 2009 with very strict regulations pertaining to discharge of phosphorus. The permitted discharge from the wastewater treatment plant to the wetland adjacent to Sudbury River or to the Sudbury River is an annualized average of 52,000 gallons per day. The average discharge during FY2010 was approximately 11,000 gallons per day.

As a result of these strict regulations, the old age of the current plant (built in 1971), and the need to maintain existing rated capacity, plans been made to construct a new treatment plant. The design of the new plant was completed in FY2010. Construction of the new treatment plant commenced in February, 2011 with operations expected to begin operations in spring 2012, well ahead of the DEP deadline to meet the more stringent discharge requirements.

WWMDC Operating Finances:

A requirement of the State Legislation is that the wastewater system and the WWMDC be self-sustaining as an Enterprise Fund. Thus, Wayland General Fund monies may not be used to subsidize the WWMDC. The WWMDC currently operates as an Enterprise Fund and will continue under the same structure following the merger. The cost of the system and the WWMDC is financed by betterments, privilege fees, and user fees. User fees are billed quarterly and are based on allocated capacity and winter water use to exclude outdoor use. A penalty is assessed for water usage exceeding 50 % of capacity.

In FY2010, WWMDC income was \$211,673 and expenses were \$214,240 for a slight operating deficit of \$2,566. The WWMDC's cash balance as of June 30, 2010 was \$250,375. Unlike the DPW merger, there is no economic argument either for or against this merger. There are no employees of WWMDC and operations are managed by a third-party contractor. Currently there are about 40 customers that are billed quarterly. Administration of the WWMDC plant is currently handled by a part-time clerk and construction and legal support for the plant construction is provided by Town officials.

New WWTP:

As a result of new strict regulations, the old age of the current plant (built in 1971), and the need to plan for future growth plans have been made to construct a new treatment plant. Town Meeting, both in April 2008 and November 2008, approved a total budget of \$5.6 million for the new plant. The design of the new plant was completed in FY2010. Construction of the new treatment plant commenced in February, 2011 with operations expected to begin operations in spring 2012, well ahead

of the DEP deadline to meet the more stringent discharge requirements. As of June 30, 2010, the total expenditures for the new plant were \$642,045, for engineering design, an emergency generator, and road access.

Summary: In summary, a yes vote on this article would start the process of moving the functions of the WWMD under the BOPW in order to consolidate all functions dealing with water in one department. Following passage of this article, the Selectmen would request action by the state legislature to amend the duties of the BOPW to include those of the WWMD and the WWMD would cease to exist. The anticipated transfer of control from the WWMD to the BOPW would occur on July 1, 2012, after the new WWTP comes on-line.

Both the WWMD and BOPW boards voted unanimously to support this merger.

ARGUMENTS IN FAVOR: This merger would create a single department to manage all water related functions within the town and possibly lead to some operational efficiency. The timely addressing of issues related to wastewater would be enhanced by having the Director of Public Works overseeing the WWMD and having direct knowledge of its status. As anticipated by this article, a reasonable time for the transfer from the WWMD to BOPW is after the completion of the new WWTP. Both the WWMD and its operational executive will be available until the transfer to consult with the BOPW, and the town's facilities manager will provide continuity of oversight.

ARGUMENTS OPPOSED: Some would argue that a separate wastewater organization would provide more autonomy and focus on this function.

RECOMMENDATION: The Finance Committee recommends approval. Vote 4-0.

QUANTUM OF VOTE: Majority – see Massachusetts Constitution Amendment Article 2, Section 8(1).

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, email fturkington@wayland.ma.us, or Fred Knight, Chair, Wastewater Management District Commission, at fred@knightway.org.

ARTICLE 19: AMEND ZONING BYLAW – ZONING BYLAW RECODIFICATION

Proposed by: Planning Board

To determine whether the Town will vote amend the Town's Zoning Bylaw, Chapter 198 of the Town Code as follows:

By deleting the text shown below as strike-out and by adding the text shown below in underlining as being added, and by adding the following three Attachments to the end of the Bylaw: Table of Dimensional Requirements, Table of Permitted Principal Uses by Districts, and Table of Permitted Accessory Uses by District; text that is not being changed is shown for informational purposes only; page numbers are shown for reference purposes only and are not part of the proposed amendments.

Chapter 198: ZONING

[HISTORY: Adopted by the Special Town Meeting of the Town of Wayland 10-11-1972 by Art. 10. Amendments noted where applicable. (Note: The numbering and format of the Zoning Bylaw as it appears in this chapter was adopted by the Annual Town Meeting 5-14-1998 by Art. 46.)] Note that all revision dates will need to be updated to include the most recent amendments.

GENERAL REFERENCES

Billboards and advertising signs — See Ch. 97.

Aquifer Protection District — See Ch. 300.

Conservation cluster development — See Ch. 301.

Site plan review and approval — See Ch. 302.

Subdivision of land — See Ch. 303.

ARTICLE 1 General Provisions

§ 198-101. Purpose.

- 101.1. For the purpose of promoting the health, safety, convenience, ~~morals~~ and welfare of the inhabitants of the Town of Wayland, the height, number of stories and size of buildings and structures; the size and width of lots; the ~~portion~~~~percentage~~ of ~~a~~ lot that may be ~~built upon~~~~occupied~~; the size of yards, ~~courts~~ and other open spaces; the ~~intensity and usage~~ ~~density~~ of ~~lots~~~~population~~; and the location and use of buildings, structures and land for trade, industry, residence or other purposes are hereby regulated and restricted as herein provided.
- 101.2. The ~~Town of Wayland~~~~municipality~~ is divided into the districts hereinafter specified, and their regulations and restrictions are established as herein provided, all with the ~~purpose~~ ~~view~~ of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

§ 198-102. Applicability.

- 102.1. The regulations and restrictions set forth in this Zoning Bylaw for each of the districts defined and described herein shall apply to the erection, construction, reconstruction, alteration and/or use of all ~~buildings~~, structures, and/or land in the Town of Wayland, ~~except to the extent that such regulation is prohibited by the laws of Massachusetts~~. [Amended 4-30-1975 ATM by Art. 28; 4-28-1986 ATM by Art. 25]

§ 198-103. Severability.

- 103.1. The invalidity of one or more articles, sections, paragraphs, sentences, clauses or provisions of this Zoning Bylaw shall not invalidate or impair any other part of this Zoning Bylaw nor invalidate this Zoning Bylaw as a whole. [Amended 5-3-1993 ATM by Art. 19]

§ 198-104. Definitions.

- 104.1. Unless otherwise expressly stated, words used in this Zoning Bylaw shall have the definitions in, first, the Zoning Act (MGL c. 40A, § 1A) or, if not defined in said section of said Act, then in this ~~A~~article, or, if not defined in either said Act or in this ~~A~~article, then in ~~the most recent edition~~~~Article 2 of 780~~ of the Code of Massachusetts Regulations (CMR), the Massachusetts State Building Code (the Building Code) or, ~~successor code~~~~if not occurring in any of the preceding places, in Webster's Unabridged Dictionary, most recent edition~~. [Amended 4-30-1975 ATM by Art. 31; 5-3-1993 ATM by Art. 17] Additional definitions applicable to particular provisions, including overlay districts, in this Zoning Bylaw may be found under the particular Article regulating those districts.
- 104.2. As used in this Zoning Bylaw, the following terms shall have the meanings indicated: [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 38]
- ACCESSORY DWELLING UNIT — ~~An~~ ~~dwelling unit~~~~additional set of living facilities, with permanent provisions for living, cooking and sanitation,~~ located in a single ~~family~~residence dwelling, or a building accessory thereto, and occupying no more than 35% of the ~~combined~~

gross floor area ~~total living areas~~ of the accessory dwelling unit and the principal single family dwelling ~~residence~~.

ACCESSORY STRUCTURE — A building or structure, the use of which is customarily incidental to, and located on the same lot ~~premises~~ with, the building or structure to which it is accessory.

ACCESSORY USE — A use of land, ~~or~~ building(s), or structure(s) ~~customarily~~ customary with, and incidental to, any permitted use and located on the same lot ~~premises~~ with, the use to which it is accessory, or on an adjacent lot under the same ownership, including a garage for three cars or fewer, carport, noncommercial greenhouse, tool shed, barn, swimming pool, and tennis court.

AFFORDABLE DWELLING UNIT (ADU) — A residential unit that is restricted in its sale, lease or rental to a qualified income-eligible household at specific price limits that qualify such residential unit for inclusion in the Chapter 40B Inventory of Subsidized Housing maintained by the Commonwealth of Massachusetts Department of Community Affairs, Department of Housing and Community Development. [Added 5-4-2005 STM by Art. 1]

AGRICULTURE – Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

ASSISTED/INDEPENDENT LIVING – See Article 21.

AUTOMOBILE SALES – The use of any building, structure, or lot for the display and sale of new or used automobiles, including light trucks, vans, trailers or recreational vehicles, and any accessory vehicle preparation and repair work associated with such sale.

AUTOMOBILE SERVICE GARAGE – The use of any building, structure or lot for the repair of automobiles, including light trucks, vans, trailers or recreational vehicles.

AUTOMOBILE SERVICE STATION – The use of any building, structure, or lot for the sale of vehicular fuels, service and repair of automobiles, including light trucks, vans, trailers or recreational vehicles, and any accessory use and sale of products related to such sales and service.

BATHROOM – A room equipped for taking a bath or shower.

BOARDINGHOUSE – An establishment in which permanent lodging is provided for consideration to more than three persons unrelated to the owner or proprietor. Boardinghouse includes dormitories.

BOAT OR CANOE RENTAL – The rental, storage, maintenance and repair of small boats and canoes, non-motorized or no more than 10 horsepower, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers; seasonal sale of boats and occasional sale of accessory items.

BUILDING – A structure with a roof supported by columns or walls and intended to shelter people, animals or goods.

~~BUILDING ENVELOPE — The three dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum~~

~~height, and bulk; by other regulations; and/or any combination thereof. [Added 5-3-2000 ATM by Art. 32]~~

BUILDING HEIGHT — The distance, measured vertically from ~~the average mean~~ grade, to the highest roof element.

CONSERVATION LAND – Land that is left in its natural state or which is improved with trails and resource management programs that do not significantly alter the land's natural state.

CONSTRUCTION YARD – An establishment for storage of lumber and other construction supplies, materials, and equipment.

DEP — Massachusetts Department of Environmental Protection, or any successor agency.

DHCD — Massachusetts Department of Housing and Community Development, or any successor agency.

DRIVE-IN, DRIVE-THROUGH OR DRIVE-UP USES — A retail or consumer service use of a building, structure or lot, ~~land or structure~~, other than a restaurant, in which the business transacted is conducted by a customer or client from within a vehicle. [Added 5-5-1999 STM by Art. 11]

DRIVE-IN, DRIVE-THROUGH OR DRIVE-UP RESTAURANT – An establishment, the principal business of which is the sale of food or beverages in a ready-to-consume state and for which the method of operation includes sale of food or beverages in paper, plastic, or other disposable container or service of food or beverages directly to a consumer in a vehicle.

DWELLING UNIT (DWELLING) — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; but no trailer, trailer coach or mobile home, whether or not selfpropelled, and whether or not the wheels thereof may have been removed, shall be construed to be a dwelling. [Amended 5-5-1999 STM by Art. 11]

DWELLING ~~UNIT~~, ATTACHED (ATTACHED DWELLING) — A building designed or occupied as a residence and separated from another attached dwelling on one or both sides, either by a vertical party wall or walls or by a contiguous wall or walls, without side yards. [Added 5-5-1999 STM by Art. 11]

DWELLING ~~UNIT~~, DETACHED (DETACHED DWELLING) — A building that is designed or occupied as a residence and that is ~~substantially~~ separated by side yards from any other building or structure or structures except accessory buildings or structures. [Added 5-5-1999 STM by Art. 11]

DWELLING ~~UNIT~~, MULTI-FAMILY (MULTI-FAMILY DWELLING) — A building containing more than ~~two one~~ dwelling units. [Added 5-5-1999 STM by Art. 11]

DWELLING, SINGLE-FAMILY (SINGLE-FAMILY DWELLING) – A dwelling unit for one housekeeping unit.

EDUCATIONAL – Educational uses exempt from regulation by the Zoning Act (MGL c. 40A, §3).

EARTH — ~~Shall include~~ soil, loam, sand, gravel, clay, rock or other natural minerals and peat, and any combination of such materials. [Added 5-6-2004 ATM by Art. 23]

FLOOR AREA, GROSS (GROSS FLOOR AREA) — The sum of all floor areas within the perimeter of the outside walls of the building under consideration, without deduction for bathrooms, toilet compartments, lavatories, hallways, stairs, closets, thickness of walls, columns or other features; but excluding unfinished basements, cellars and attics, ~~;~~ space used for mechanical systems, ~~;~~ and garages, and areas open to below such as foyer spaces, balconies,

and two-story atriums. [Amended 5-5-1999 STM by Art. 11]

~~FLOOR AREA, NET — Net floor area is for the purpose of determining the actual occupied area and does not include accessory unoccupied areas or thickness of walls.~~

FLOOR AREA RATIO — The gross floor area of all buildings and structures on a lot divided by the total lot area.

FRONTAGE — The linear extent of the front of a lot measured along the street lot line of the right-of-way from the intersection of one side lot line to the intersection of the other lot line of the same lot along the same right-of-way. Noncontiguous frontage shall not be considered with regard to meeting frontage requirements. A building lot that is located on more than one street may not combine frontage on the streets and shall have the minimum ~~shall meet the~~ frontage requirement on one such street. [Added 5-5-1999 STM by Art. 11; amended 5-3-2000 ATM by Art. 32]

GRADE — A reference plane representing the average of finished ground adjoining the building at all exterior walls, established by the lowest points within the area between the building and a point six feet from the building.

~~HABITABLE SPACE — Space in a structure used or intended to be used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.~~

HAZARDOUS MATERIAL STORAGE – Storage or disposal of hazardous materials.

HEAVY VEHICLE REPAIR GARAGE – Establishment for the repair of trucks, construction equipment or other similar heavy motor vehicles and equipment, and vehicle body work shop, provided that the making of all but minor repairs must be conducted wholly within a building sufficiently sound insulated to confine noise to the lot.

HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION) — 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]

HOSPITAL – A licensed sanitarium or hospital.

HOUSEKEEPING UNIT — One or more persons living together and sharing the same kitchen facilities, water services and energy services.

JUNKYARD – A commercial salvage yard, commercial junk yard, or all open-air storage of junk, waste products, and salvage materials, including non-operative motor vehicles.

KENNEL – The maintenance of dogs and suitable shelters therefor.

LAVATORY – A room fitted for plumbing fixtures for washing the hands and face and water closets.

LIGHT MANUFACTURING – Manufacturing that employs electricity, and/or other quiet motive power, utilizes hand labor, and/or quiet machinery, and/or processes and that is free

from neighborhood-disturbing odors or other neighborhood disturbing characteristics such as noise or dust.

LOT — An area of land in one ownership with definite external boundaries and without any other legal boundaries or lines that are internal to said external boundaries, excepting easements, ~~and which area of land is used or set aside and available for use as the site of one or more buildings.~~

MassDOT – Massachusetts Department of Transportation, formerly MassHighway Department, or any successor agency.

MEDICAL/DENTAL CARE CENTER – A center for medical, dental, clinical and public health service and supporting services for the foregoing, such as offices and laboratories.

MEMBERSHIP CLUB, NONPROFIT – Membership clubs and nongovernmental recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and lots, except when the chief activity is customarily carried out as a gainful business.

MEMBERSHIP CLUB, FOR PROFIT – Membership clubs and nongovernmental recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and lots, when the chief activity is customarily carried out as a gainful business.

- ~~MHD — Massachusetts Highway Department, or any successor agency.~~

MOVE OR MOVEMENT — To dig, excavate, remove, deposit, fill, grade, replace, level, or otherwise alter or change the location or contour of land. [Added 5-6-2004 ATM by Art. 23]

MUSEUM or LIBRARY – A museum or library open to the public or connected with a permitted educational use and not conducted as a for profit business.

NONCONFORMING USE OF ~~LAND OR~~ BUILDING, STRUCTURE, OR LOT — An existing use of a building, structure, or lot ~~land or building(s)~~ that does not conform to the Zoning Bylaw ~~regulations for the district in which such use of land or building(s) exists.~~

NURSERY SCHOOL or DAY-CARE – Nursery school and day-care centers and other facilities that receive children of school or preschool age for temporary custody, with or without stated educational purposes, during all or part of the day.

NURSING HOME – A licensed nursing, rest or convalescent home for the care of the sick or aged. No Nursing Home may be located within 30 feet of any lot line.

OFFICE – A business, government or professional office; a medical office, including laboratories incidental thereto.

PARKING FACILITY – A commercial parking lot or garage for four or more vehicles.

PERSONAL AND OTHER SERVICE ESTABLISHMENTS – Any establishment providing services involving the care of a person or his or her apparel or establishments providing services to the general public or to other business establishments, including a repair shop for household or office items.

~~PREMISES — A distinct portion of real estate, land or lands, with appurtenances (buildings and structures).~~

PUBLIC OR CHARITABLE INSTITUTION – A public or charitable institution not of a correctional nature, provided that no building shall be within 30 feet of any lot line.

RAILROAD STATION/RAILROAD RIGHT-OF-WAY – Railroad passenger stations or rights-of-way, including customary services therein, but not including switching, storage or freight yards or sidings.

RECREATION/PARK – Parks; water supply reservations; public military and veterans memorials and monuments; and recreational facilities owned or operated by the Town.

RELIGIOUS – Places of worship and other religious uses exempted from regulation by the Zoning Act (MGL c. 40A, § 3).

RESEARCH AND DEVELOPMENT LABORATORIES/OFFICES – An establishment for carrying on investigations in the natural, physical, or social sciences, including engineering and product development.

RESTAURANT – An establishment for the serving and consumption of food and beverages inside a building at tables or counters

RETAIL STORE – A store, showroom or salesroom for the sale, preparation and display of merchandise within a building. Garden centers, florists or commercial greenhouses may have open-air displays of horticultural products. Retail stores may have seasonal open-air displays of merchandise.

RIGHT-OF-WAY — The full strip of land, whether public or private, designated for vehicular and sometimes pedestrian traffic, consisting of the pavement or traveled way and any planting strips and sidewalks. A right-of-way so designated shall be available only for such uses as are customary for rights-of-way in the Town of Wayland and shall not be available for any private construction, such as buildings, fuel tanks, septic systems, fences, walls or paved parking areas.

ROADSIDE STAND – A farm stand for the sale of produce.

ROADSIDE STAND (ACCESSORY) – For yearly terms only, a roadside stand for the sale of produce of the land of the owner and of other land within the Town, provided that the front yard regulations are complied with.

SETBACK — The shortest distance from the lot boundary line or right-of-way street lot line to the wall of a building or structure facing thereon. [Added 5-5-1999 STM by Art. 11]

SPGA — Special permit granting authority.

STOR(E)Y — That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

STREET — Any public way used for vehicular traffic, or any private way used as a public way for such traffic. [Amended 5-5-1999 STM by Art. 11]

STRUCTURE — A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word “structure” shall be construed, where the context requires, as though followed by the words “or part or parts thereof.”

STUDIO – A place for art, music, dance and similar activities or classes.

TOWN — The Town of Wayland (unless used generically with no capitalization).

TRADE SHOP – A shop used by practitioners of the building trades, provided that all work and storage shall be conducted within a building.

UTILITY FACILITY – A building housing facilities for communications or other utility uses.

WAREHOUSE/DISTRIBUTION – A building for the enclosed storage of goods and materials where the wholesale sale of goods or materials is permitted, provided that such sale is incidental to the warehouse use.

~~TOWN — The Town of Wayland (unless used generically with no capitalization).~~

WIRELESS COMMUNICATIONS FACILITY — A structure which may include a tower,

one or more antennas and one or more accessory structures designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service. [Amended 5-7-1997 ATM by Art. 32]

YARD, FRONT — The space extending across the full width of the lot and lying between the front lot line or lines and the nearest point of the building or structure. [Amended 5-5-1999 STM by Art. 11]

YARD, REAR — The space extending across the full width of a lot and lying between the nearest point of the building or structure and the rear lot line, or the corner of a triangular lot farthest from the front lot line in the case of a triangular lot with only one lot line along a right-of-way. [Amended 5-5-1999 STM by Art. 11]

YARD, SIDE — The space between a side lot line of a lot and the nearest point of the building or structure, and extending from the front yard to the rear yard. [Amended 5-5-1999 STM by Art. 11]

ZBA — The Wayland Zoning Board of Appeals.

ARTICLE 2 Administration and Enforcement

§ 198-201. Zoning Board of Appeals.

[Amended 4-30-1975 ATM by Art. 33; 5-5-1993 ATM by Art. 28]

201.1. ~~A Zoning Board of Appeals (ZBA) of five members and three associate members to be appointed by the Selectmen is hereby created under the provisions of MGL c. 40A, as amended, to assume the duties and powers given to such Board stated hereinbefore and further powers as follows:~~ A Zoning Board of Appeals (ZBA) consisting of five members shall be appointed by the Board of Selectmen and shall have the powers as provided for in the Zoning Act, MGL, c.40A, and in this Zoning Bylaw. As provided for in c. 379 the Acts of 1996, the ZBA members shall be appointed for terms of three years. The Board of Selectmen shall also appoint three associate members of the ZBA as provided for in MGL c.40A, §12. Each associate member shall be appointed for a term of three years and shall participate in ZBA proceedings as provided for in MGL c.40A, §12. The ZBA shall have the following powers:

201.1.1. Editor's Note: Former Section 201.1.1, which provided the ZBA with the power to adapt requirements of the Zoning Bylaw to irregular, unusual, narrow or shallow lots, and which immediately preceded this section, was repealed 5-14-1998 ATM by Art. 53. Said Art. 53 also redesignated former Sections 201.1.2 through 201.1.6 as Sections 201.1.1 through 201.1.5, respectively. To permit a substitution for, or an extension or alteration to, an existing building, whether conforming or nonconforming, in accordance with provisions on use.

201.1.2. To grant temporary and conditional permits ~~of limited duration~~ for nonconforming uses, ~~and buildings,~~ and structures incidental to the development of the use, building, or structure~~operations.~~

201.1.3. To grant special permits pursuant to § 198-~~1604~~203 for the conversion of a house for a single ~~dwellinghousekeeping~~ unit existing on September 5, 1934, into a house for two ~~dwellinghousekeeping~~ units, provided that: [Amended 3-20-1974 ATM by Art. 43; 4-30-1975 ATM by Art. 31; 4-16-1980 ATM by Art. 20]

- 201.1.3.1. The lot on which the house is located conforms to the area and frontage regulations set forth in this Zoning Bylaw in effect at the time that the application for a permit shall have been filed;
- 201.1.3.2. Each ~~dwelling~~~~housekeeping~~ unit shall have its own kitchen and at least one bathroom;
- 201.1.3.3. Each ~~dwelling~~~~housekeeping~~ unit shall have sufficient space to park two automobiles off street; and
- 201.1.3.4. A disposal works construction permit for such use shall have been granted by the Board of Health.
- 201.1.4. To grant special permits provided for in this Zoning Bylaw. [Amended 4-30-1975 ATM by Art. 31; 6-21-1978 ATM by Art. 6; 4-22-1980 by Art. 24; 4-28-1986 ATM by Art. 28]
- 201.1.5. To hear and decide petitions for variances for use or activity pursuant to the provisions of MGL c. 40A, § 10.

§ 198-202. Permit application.

- 202.1. Every application for a special permit under § 198-203 shall be accompanied by ~~an adequate sketch~~ plot plan prepared and certified by a professional land surveyor and a written description of the lot, the existing buildings and structures thereon and the location of any proposed building or structure on the lot, together with plans for any proposed building or structure, and shall in every case comply with the provisions of this Zoning Bylaw and the regulations of the ZBA or Planning Board, as may be the special permit granting authority.

§ 198-203. Special permits; requirements and conditions.

[Amended 5-2-1983 ATM by Art. 12]

- 203.1. ~~Where special permits by the ZBA or the Planning Board (special permit granting authority) are required under this Zoning Bylaw, the Building Commissioner or other persons designated by the Selectmen to issue permits as hereinafter provided shall issue no permit until so directed in writing. The Building Commissioner may not issue a building permit for a use, building, or structure for which a special permit is required unless the special permit granting authority, the ZBA or the Planning Board, as applicable, shall have issued a special permit.~~ Upon application for such a special permit, the special permit granting authority shall give public notice by publication in a newspaper and by mail to the applicant and to the owners of all property ~~deemed by the special permit granting authority as affected by such a permit~~ who are entitled to be notified, as provided for in MGL c. 40A. The special permit granting authority and shall hold a hearing, ~~and~~ render a decision and take final action on the application as provided for in MGL c. 40A. The applicant shall show to the satisfaction of the special permit granting authority that the use, building, or structure ~~of the premises~~ for which application is made shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use, building, or structure is to occur and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use, building, or structure shall not otherwise be injurious to the inhabitants of the Town or their property or dangerous to the public health or safety. When not so satisfied, the special permit granting authority shall deny the application ~~refuse a permit~~. When, ~~in the~~

~~opinion of~~ the special permit granting authority determines that, ~~such a~~ special permit may be granted if accompanied by conditions specially designated to safeguard the neighborhood district and the Town, it shall impose such conditions and make them a part of the decision, and they shall be made a part of the building permit issued by the Building Commissioner ~~or other person designated by the Selectmen as hereinafter provided.~~

§ 198-204. Planning Board associate member.

[Amended 5-3-1993 ATM by Art. 21]

204.1. There shall be one associate member of the Planning Board who shall be elected to serve a term of five years.

204.2. ~~Within 30 days after the Town is notified that this § 198 204 is approved by the Attorney General, or within 30 days after this § 198 204 becomes effective without action by the Attorney General, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members from both Boards present, the first associate member to serve until the next annual Town election. At least a quorum of each of the Boards shall be present for this appointment and vote. Said position shall subsequently be filled by election in the same manner as election of regular members. Notwithstanding the expiration of the term of any duly appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until such matter is decided.~~

Reserved for possible future use.

204.3. In the event of a vacancy in the position of associate member, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members of both boards present, an associate member ~~position shall be filled by appointment in the same manner as specified in § 198 204.2 above, for a period ending at the next annual Town election, for the remaining portion of the term~~ at which time the position shall be filled by election in the manner as regular members, specified in said § 198 204.2 above. No vote to fill a vacancy may occur unless a quorum of both the Board of Selectmen and the Planning Board is present for the vote.

204.4. The Chairman of the Planning Board may require such associate member to be in attendance at special permit proceedings and hearings and may designate such associate member to sit on the Planning Board for the purpose of acting on a special permit application in the case of absence, inability to act or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board during special permit application proceedings and hearings. In no case, however, shall more than five members in total, including the associate member, acting as the Planning Board, take any action on any special permit. Notwithstanding the expiration of the term of any duly appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until final action is taken on the matter.

§ 198-205. Enforcement.

205.1. The Building Commissioner/Zoning Enforcement Officer shall be charged with the enforcement of this Zoning Bylaw. No building permit ~~may~~ shall be issued for the construction, alteration or moving of any building or structure if the building or structure, as constructed, altered or moved, would be in violation of this Zoning Bylaw. [Amended 5-2-1990 ATM by Art. 13]

205.2. The penalty for each violation of this Zoning Bylaw shall be as stated in the article specifying

the penalty for such violations in the Town of Wayland Code, as may be amended from time to time (currently Chapter 1, General Provisions, Article II, Violations and Penalties). [Amended 5-3-1993 ATM by Art. 20]

- 205.3. No building permit ~~may~~ shall be issued under any application of any kind unless the plans and specifications that shall accompany such application, and the intended use of any building, structure or lot ~~or premises~~ under such permit, shall be in all respects in conformity with the provisions of this Zoning Bylaw. [Amended 5-20-1990 ATM by Art. 13]

ARTICLE 4 Nonconforming Structures and Uses Editor's Note: The title of this article was amended 5-14-1998 ATM by Art. 47. [Amended 4-17-1980 ATM by Art. 23]

§ 198-401. Continuance; conditions.

- 401.1. Any building, structure, or use lawfully in existence or lawfully begun or as to which a building or special permit has been issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such building, structure, or use does not conform to the terms of said provision or amendment, subject, however, to the following:

401.1.1. Construction or operations under a building or special permit shall conform to any subsequent provision of this Zoning Bylaw, or any amendment thereto, unless the use or construction is commenced within a period of not more than six months after the issuance of the building or special permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

401.1.2. Preexisting nonconforming buildings, structures, or uses may be changed, extended or altered by a special permit issued by the ZBA pursuant to the provisions of § 198-201 and § 198-203 of this Zoning Bylaw, provided that no such change, extension or alteration shall be permitted unless there is also a finding by the ~~Zoning Board of Appeals~~ (ZBA) that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming building, structure, or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions and/or alterations to nonconforming buildings, structures, and uses in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw; and further provided, however, that a single or two-family dwelling may be changed, extended, or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine if a change, extension or alteration to a single or two-family dwelling increases the nonconforming nature of the structure. [Amended 4-28-1997 STM by Art. 5; 5-14-1998 ATM by Art. 45]

401.1.3. A building ~~structure~~ for one or two dwelling ~~housekeeping~~ units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a special permit, provided that the following conditions are met: [Amended 5-4-1994 ATM by Art. 24]

401.1.3.1. Such alteration, reconstruction, extension or structural change shall comply with this Zoning Bylaw; and

401.1.3.2. Such alteration, reconstruction, extension or structural change shall not

exceed 20% of the gross floor area of the building in existence on the date this paragraph first become effective, which is May 4, 1994, and such alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the building. Open decks, accessory buildings less than 175 square feet in gross floor area, and accessory structures, such as fences, retaining walls, swimming pools, and tennis courts less than 175 square feet shall be permitted as a matter of right and shall not be included in any gross floor area calculation. [Amended 5-5-1999 STM by Art. 11; 5-3-2000 ATM Art. 30]

- 401.1.4. Wherever a lawful nonconforming building, structure, or use has been abandoned, or has not been used for two~~24~~ consecutive years~~months~~ or more, it shall not be resumed or reestablished, and all future buildings, structures, and uses shall conform to this Zoning Bylaw. [Amended 5-14-1998 ATM by Art. 45]
- 401.1.5. If a nonconforming building or structure is damaged or destroyed by natural causes or otherwise, then any rebuilding or restoration may take place as of right as long as the rebuilding or restoration conforms precisely in size, location, configuration and extent of use to that which existed prior to the damage or destruction. All rebuilding or restoration shall be commenced within two years of the date of the damage or destruction and shall be continued through to completion as continuously and expeditiously as reasonable. Prior to the expiration of the two years, if the owner applies to the ZBA for an extension of this time period, and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months [Amended 5-14-1998 ATM by Art. 45]
- 401.1.6. The ZBA may, ~~but shall not be obligated to,~~ issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming building or structure damaged or destroyed by natural or other involuntary causes, provided that the ZBA shall find that such changes shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. [Amended 5-14-1998 ATM by Art. 45; 5-5-2004 ATM by Art. 20]
- 401.1.7. Any permitted restoration or rebuilding under § 198-401.1.6 shall commence within six months after the issuance of the special permit therefor and shall continue through to completion as continuously and expeditiously as is reasonable or such permission shall lapse. Prior to the expiration of the six months, if the owner applies to the ZBA for an extension of this time period and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months. Unless otherwise authorized by the ZBA, the new or restored building or structure shall have the same height and location on the lot as the replaced structure.
- 401.1.8. Whenever land is taken by, or conveyed to, a governmental authority having the power of eminent domain or a street is created, widened or relocated, any then existing lot shown on a plan or described in a deed recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements before, but not thereafter, shall be considered to conform, and any existing structure that was in compliance with regulations respecting location

before, but not thereafter, shall be considered to be in compliance. This paragraph shall not be applicable if the street was a private way and the land on which it was created, widened or relocated was owned by the owner of the lot or structure affected. [Amended 4-28-1986 ATM by Art. 24; 5-4-1992 STM by Art. 4]

- 401.1.9. A building, structure, or use existing on January 1, 1947, shall be conclusively presumed to have been in existence before the first publication of notice of the public hearing on the original enactment of this Zoning Bylaw. [Amended 5-3-1990 ATM by Art. 22]

ARTICLE 5 General Regulations

§ 198-501. Signs and exterior lighting.

- 501.1. Only those signs and exterior lighting as pertain to buildings, structures, or uses permitted in this Zoning Bylaw and on the same lot premises are permitted. Yard requirements as otherwise specified in this Zoning Bylaw shall apply to signs and exterior lighting fixtures and structures, except freestanding lampposts at a residence in a residential district, which lampposts shall have a minimum front yard setback requirement of 15 feet, to be measured from the front property line. Signage in residential districts shall be limited to that which is permitted by other sections of this Bylaw. Signage in districts other than residential districts may not exceed 40 square feet of area in the aggregate and 15 feet in height, including supporting structures and light sources. Signs attached to buildings may not rise above the front roofline of the building to which it is attached. Signs must be fixed in position so as not to rotate or oscillate. Signage in excess of that which is permitted may be allowed with a special permit issued by the special permit granting authority with appropriate jurisdictional responsibility for site plan approval, as provided for in § 198-603; provided, however, that signs with moving parts and internally illuminated signs are prohibited. The sign dimensions set forth in this Zoning Bylaw apply in the aggregate to all signs on the lot. [Amended 4-29-1996 STM by Art. 1; 5-1-2002 ATM by Art. 30]

- 501.2. Exterior lighting and lighting of signs shall be continuous illumination, not flashing, blinking or varying in color. Exterior lighting fixtures shall be designed and placed so that the light source shall be completely shielded or diffused so as not to produce glare at any point along the exterior lines of ways adjacent to the lot where the sign is located ~~such premises~~ or at another lot premises in a residential district. Illumination of athletic fields, golf courses, and tennis courts is permitted when a special permit is issued by the Zoning Board of Appeals under the provisions of § 198-203. The provisions of this article do not apply to the seasonal display of lights for the purpose of the celebration of holidays nor to signs and advertising devices that have been installed or erected pursuant to a special permit, which permit shall expire in seven days after issuance, ~~granted~~ by the Board of Selectmen to a person or persons for any of the purposes set forth in MGL c. 180, §§ 2 and 4.

§ 198-502. Temporary signs.

[Amended 5-14-1998 ATM by Art. 47; 5-1-2002 ATM by Art. 30]

- 502.1. Real estate signs are permitted in all districts as of right, but shall refer only to the building, structure, or lot ~~premises or tract~~ on which they are located and have an area not exceeding six square feet.
- 502.2. One contractors sign, not exceeding nine square feet in area, maintained on the lot premises while a building is actually under construction or being renovated is permitted. No more than one contractors sign may be on the lot premises at any one time.

502.3. Nonresidential site development and subdivision signs are allowed in the form of one wall-mounted or freestanding sign, erected at the development/subdivision entrance from a street. The sign shall not exceed 15 square feet, and may bear decorative or logo devices, but no commercial advertisement. For nonresidential site development, the sign shall not be erected prior to the issuance of a building permit and shall be removed upon completion of construction or the issuance of a certificate of occupancy, whichever comes first. For subdivisions, the sign shall not be erected prior to the commencement of construction activities and shall be removed upon the issuance of the first certificate of occupancy or the issuance of certificates of occupancy for 25% of the development, whichever comes later. Signs shall be removed if construction activities have halted for a period of 6 months and may be reinstalled with approval of the Building Commissioner or designee. Signs required from federal, state, and/or local permitting authorities are excluded from the provisions of this section.

§ 198-503. Unregistered and ungaraged motor vehicle in Single Residence District.

[Amended 5-14-1998 ATM by Art. 47; 5-5-1999 STM by Art. 11; 4-3-2003 ATM by Art. 38]

503.1. Unless authorized by a special permit issued by the ZBA pursuant to § 198-203.1 of this Zoning Bylaw, not more than one unregistered and ungaraged motor vehicle may be located~~shall be placed or permitted to remain~~ on any lot in a Single Residence District, and no unregistered motor vehicle or boat may~~shall~~ be placed or permitted to remain in the front yard of any such lot. Any person so locating~~placing~~ a motor vehicle or boat~~and, if placed or allowed to remain with his or her knowledge or consent, the owner or owners of the motor vehicle and of the lot~~ shall each be punishable as specified in § 198-205.2 of this Zoning Bylaw.

§ 198-504. Earth movement.

[Amended 5-14-1998 ATM by Art. 47; 5-6-2004 ATM by Art. 23]

504.1. No earth in excess of 500 cubic yards may~~shall~~ be moved on any lot~~parcel of land~~ in any district which requires a minimum lot area of less than 40,000 square feet ~~in area~~ and no earth in excess of 1,500 cubic yards may be moved on any lot~~parcel of land~~ in any district which requires a minimum lot area of 40,000 square feet or more unless a special permit from the ZBA is obtained in accordance with the procedure provided in § 198-203, and only under such conditions as the ZBA may impose, with the following exceptions:

504.1.1. Where necessary as a part of farm or nursery activities or other use protected under MGL c. 40A, § 3.

504.1.2. Where the amount of earth to be moved is limited to the volume of the foundation and basement of the principal~~mary~~ building or structure, or installation~~of excavation for~~, septic systems, driveways, and walkways. The quantity of material to be moved shall be certified by a registered professional engineer or land surveyor.

504.1.3. Where the movement is on Town-owned land or to be transferred between or among Town-owned parcels. [Amended 11-12-2008 STM by Art. 6]

504.2. Nothing contained in § 198-504.1 shall prevent the continued use of any land for the purpose for which it is used at the time § 198-504.1 takes effect, which is May 14, 1998, or prevent the use of any land for farms, gardens, nurseries, cemeteries, parks, playgrounds and such purposes as are incidental to, or usual in connection with, any of said purposes.

504.3. Before a special permit is issued, the applicant shall show to the satisfaction of the ZBA that

the movement will not impair the usability of the lot~~area~~ and adjacent lots for the purposes permitted in this Zoning Bylaw, that the grades to be established within the lot~~area~~ will permit vehicular access to the lot~~area~~ and the continuation of streets from the abutting lots~~premises~~, and that the lot~~area~~ may ultimately be developed compatibly with the neighboring land.

- 504.4. The movement of earth from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in the Middlesex South District Registry of Deeds, shall be permitted as of right when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan or for the lawful installation of utilities, drainpipes or drain structures in said subdivision, provided that the quantity of earth so moved shall not exceed that in place in the particular space to be occupied by such way, utilities, drainpipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision.

§ 198-505. Performance standards.

[Added 5-6-1999 STM by Art. 19; amended 5-6-2004 ATM by Art. 21]

- 505.1. In all zoning districts all uses shall be conducted in a manner so as not to create offensive or unreasonable noise, vibration, light, smoke, gas, fumes, odor, dust, or so as to be dangerous to the public health or safety.

§ 198-506. Off-street parking.

[Amended 5-5-1999 STM by Art. 11; 5-5-2004 ATM by Art. 15 Editor's Note: This Article 15 also redesignated former § 198-1105.1 through § 198-1105.6.4 as § 198-506.]

- 506.1. Off-street parking space shall be provided in connection with the original erection, or increase by units or dimensions, of any building or structure in the following amounts except as otherwise specified in the Zoning Bylaw:

- 506.1.1. For general retail businesses, commercial and personal service establishments, parking facilities on the basis of one parking space per 140 square feet of gross floor area. In addition to this amount, one parking space for every two employees shall be provided. [Amended 5-5-2004 ATM by Art. 16]
- 506.1.2. For office, professional or public buildings, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than ground floor.
- 506.1.3. For restaurants, tearooms, lunch counters or other facilities for eating or drinking, one parking space for every~~each~~ three employees, plus one additional space for every~~each~~ four seats.
- 506.1.4. For roadside stands, filling stations, auto sales, automobile repair shops or other roadside service establishments, one parking space for every~~each~~ two employees, plus such additional spaces for customer-motorists as the ZBA shall deem necessary to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
- 506.1.5. Religious facilities, theaters, auditoriums or any public assembly area; one parking space for every~~each~~ three occupants based on the allowed occupancy.

- 506.1.6. Educational or training center, one parking space for each employee plus one parking space for each instructor plus one parking space for ~~every~~~~each~~ 1.5 students based on the allowed occupancy.
- 506.1.7. Elementary or junior/middle schools, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus sufficient off-street space for the safe and convenient loading and unloading of students.
- 506.1.8. High school, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus one parking space per four students of driving age.
- 506.1.9. ~~Day-care center or a~~Nursery school or day care center, one parking space for every ~~per~~ four persons of the facility's licensed capacity plus three parking spaces designed for the safe and convenient loading and unloading of persons.
- 506.1.10. For any and all uses, buildings, or structures not specifically provided for in the foregoing enumeration, such parking spaces as the Site Plan Approval Granting Authority, in accordance with § 198-603, shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
- 506.2. Whenever, ~~after the date of this Zoning Bylaw~~, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this Aarticle, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of ~~this § 198-506~~article, more off-street parking facilities shall ~~be have been~~ provided on the basis of the adjusted needs, as determined by ~~this § 198-506~~article.
- 506.3. Mixed uses.
- 506.3.1. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with § 198-~~506.1~~105. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.
- 506.4. Special permit. The number of parking spaces may be reduced by the granting of a special permit from the Site Plan Approval Granting Authority, in accordance with § 198-603, ~~if where~~ the applicant demonstrates~~d~~ that such parking spaces will not be needed for the proposed use, subject to the condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record. Additional spaces may be required if, at anytime after the special permit is granted, the Site Plan Approval Granting Authority determines that a need exists or parking is deficient. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.
- 506.5. Location of facilities.
- 506.5.1. Off-street ~~automobile~~ parking facilities, to the extent required in ~~§ 198-506~~this article, may be required either on the same lot ~~or premises~~ with the parking-generating activity or on any lot or premises a substantial portion of which, ~~at least~~, is, at least, within 300 feet of such activity.

506.6. Parking ~~facilities~~~~areas~~ shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking ~~facilities~~~~areas~~ shall be permanently available for use by persons using or working at ~~patrons and employees of~~ establishments providing such space.

506.7. The following design standards apply to off-street parking facilities:

506.7.1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street ~~or alley~~, as well as maneuvering areas. Access to and from ~~parking facilities~~~~lots~~ shall be through designated driveways, with openings or curb cuts not in excess of 40 feet in width at the exterior line of a public or private way.

506.7.2. ~~All off-street~~ ~~Said~~ parking ~~facilities~~~~areas~~ shall be provided ~~and~~ and maintained with a permanent, dust-free surface, and shall be provided with adequate drainage, and shall have bumper guards where needed for safety.

506.7.3. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent ~~lots~~~~property~~.

506.7.4. For ~~off-street~~ parking ~~facilities~~~~areas~~ of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.

506.7.5. Standard parking dimensional regulations. Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking (in degrees)	Width of Parking Stall (feet)	Parking Stall Width Length of Line (feet)	Maneuvering Aisle (feet)
90 (two-way)	9	18.5	24
60 (one-way)	10.4	22	18
45 (one-way)	12.7	25	14
Parallel (one-way)	8	22	14
Parallel (two-way)	8	22	18

506.8. Landscaping in parking ~~facilities~~~~areas~~.

506.8.1. Parking ~~facilities~~~~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.

506.8.2. For all off-street parking facilities that are not enclosed within a building or structure ~~Within a parking lot~~, 10% of the parking ~~facility~~~~area~~ shall be landscaped. For the purpose of ~~this article~~ § 198-506, "parking ~~facilities~~~~area~~" shall mean the total area of all parking spaces, including handicapped spaces. [Added 5-5-2004 ATM by Art. 16; amended 5-5-2005 ATM by Art. 28]

§ 198-507. Off-street loading.

[Amended 5-5-2004 ATM by Art. 15 Editor's Note: This Article 15 also redesignated former § 198-1105.7 through § 198-507 as § 198-506.]

507.1. On the same ~~lot~~~~premises~~ with every building or structure where goods are received or shipped,

newly erected or increased by units or dimensions ~~after the date of adoption of this Zoning Bylaw~~, adequate loading areas shall be provided. Off-street loading that is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and business uses. Required off-street loading space ~~is not to~~ may be included as off-street parking space. Loading areas shall be screened from any view from a street. The Site Plan Approval Granting Authority may modify this requirement.

ARTICLE 7 Area, Yard and Bulk Regulations

§ 198-701. Height regulations.

701.1. Single Residence Districts.

701.1.1. The limit of height of all buildings and structures in Single Residence Districts shall comply with § 198-801, Table of Dimensional Requirements, except that schools and, on lots of five acres ~~or and greater~~ over in area, dwellings may be three stories high, but ~~may shall~~ not exceed the maximum allowed heights for buildings and structures set forth in § 198-801, Table of Dimensional Requirements. [Amended 5-5-1999 STM by Art. 9]

701.1.2. The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other necessary features usually carried above roofs, nor to towers or spires of churches and other buildings, if such features are in no way used for living purposes; provided, however, that no wireless communications facility shall be erected except in compliance with Article 15 or Article 15A. [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 32; 11-1-2005 STM by Art. 2]

701.2. Light Manufacturing Districts.

701.2.1. The limit of height in Light Manufacturing Districts shall comply with § 198-801, Table of Dimensional Requirements, with the exception that § 198-701.1.2. shall apply; provided, however, that no wireless communications facility shall be erected except in compliance with Article 15. [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 32; 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9]

§ 198-702. Setbacks.

702.1. All buildings or structures in any ~~residence~~ district shall comply with the setbacks in § 198-801 Table of Dimensional Requirements. The setbacks shall apply to any public or private street right-of-way whether accepted or not. The setbacks shall apply to whichever distance is greater, except as provided in § 198-702.2 and 702.3 below; except that any existing lot shown on a plan or described in a deed, recorded in the Registry of Deeds, that conformed ~~or was considered to conform~~ to the area and frontage requirements on, but not after, January 28, 1998, shall be considered to be conforming in compliance with this Zoning Bylaw; and any existing structure that ~~was conformed in compliance~~ with regulations respecting location on, but not after, January 28, 1998, shall be considered to be conforming in compliance with this Zoning Bylaw. Exempt from the setback requirements of this paragraph are roof eaves, stoops, stairs, bulkheads, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural ground level ~~topography~~. [Amended 5-14-1998 ATM by Art. 51; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11; 5-6-2004 ATM by Art. 21; 5-5-2005 ATM by Art. 26]

- 702.2. A building or structure in existence on March 1, 1960, may extend within 50 feet of any center line of the street; a porch attached thereon may extend within 20 feet of any street lot line; and a two-story porch that is not enclosed at least 1/2 of the year may project six feet into the front yard. [Amended 5-5-1999 STM by Art. 11]
- 702.3. In Single Residence Districts ~~if where there are, at the time when this Zoning Bylaw shall take effect,~~ two or more single-family dwellings ~~existing buildings~~ on the same side of a street between two streets consecutively intersecting such street and within 200 feet of the lot in question, any new single-family dwelling ~~building or structure on the lot~~ may extend as near the line of such street as the average alignment of such then existing single-family dwellings ~~building~~ with respect to said street lot line. A new single-family dwelling ~~building~~ shall extend only as near such street lot line as the average alignment of the single-family dwellings ~~existing buildings~~. [Amended 5-5-1999 STM by Art. 11]
- 702.4. On a corner lot, no planting, structure or part of a building ~~may~~shall extend within 20 feet of any corner street lot line intersection ~~if the planting, structure or building so as to interfere~~with the traffic visibility around the corner. [Amended 5-5-1999 STM by Art. 11]

§ 198-703. Yards.

- 703.1. Behind every building or structure ~~dwelling house~~ there shall be provided a backyard between the rear line of the building or structure ~~house~~ and the rear lot line meeting the setbacks in § 198-801, Table of Dimensional Requirements, except as authorized by special permit issued by the ~~Zoning Board of Appeals (ZBA)~~. A backyard may contain accessory buildings or structures, each of which ~~may~~shall not be more than 11/2 stories high and that together ~~may not~~shall cover ~~not~~ more than 30% of the backyard ~~its area~~, and none of which ~~may~~shall extend within 10 feet of any lot line, except as authorized by special permit issued by the ZBA. [Amended 5-1-1995 STM by Art. 5; 5-5-1999 STM by Art. 9]
- 703.2. At each side of a building or structure ~~every dwelling house~~ there shall be a side yard meeting the setbacks in § 198-801, Table of Dimensional Requirements; except that any existing lot shown on a plan, or described in a deed, recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements on, but not after, December 15, 1998, shall be considered to conform to this Zoning Bylaw; and any existing building or structure that was in compliance with regulations respecting location on, but not after, December 15, 1998, shall be considered to be conforming ~~in compliance~~ with this Zoning Bylaw. ~~The above provision shall not apply; and except in any if specific case when~~ an existing lot has less than the minimum frontage required ~~prescribed~~ by this Zoning Bylaw. In any such case, a special permit for a side yard of such width as may be approved by the ZBA may be issued in accordance with the provisions of § 198-203 ~~herein~~. A garage, either attached to the single-family, two-family, attached dwelling or multi-family dwelling or detached, may be located beside the ~~a~~ dwelling, provided that there is a side ~~yard~~ between the garage and the side lot line not less than that required by this Zoning specified in this paragraph. [Amended 4-28-1986 ATM by Art. 26; 5-5-1999 STM by Art. 9; 5-12-1999 ATM by Art. 37]
- 703.3. Except as otherwise provided by this Zoning Bylaw, ~~for any non-in any use not~~ residential use, or ~~for~~in any use accessory thereto, all provisions of this Zoning Bylaw in regard to depth and width of yards applying to dwellings shall be observed.

§ 198-704. Lot coverage.

[Amended 5-5-1999 STM by Art. 9]

- 704.1. In all zoning districts, ~~t~~The percentage of a lot that may be covered by any building or structure

shall meet the requirements in § 198-801, Table of Dimensional Requirements.

- 704.1.1. In the business districts, the open space required in this paragraph shall be located in such a way as determined by, ~~in the opinion of~~ the Building Commissioner ~~or other permit issuing officer, as herein provided for~~, to properly light and ventilate the building or structure and to provide access in case of fire.

§ 198-705. Lot area and frontage.

705.1. ~~Single Residence Districts.~~ [Amended 5-2-1983 ATM by Art. 13; 5-4-1992 STM by Art. 3]

- 705.1.1. (Reserved) Editor's Note: Former § 198-705.1.1, pertaining to types of zones in the Single Residence Districts, was repealed 5-4-2000 ATM by Art. 35. See now § 198-301.1.1.

- 705.1.2. ~~Lot.~~ The lots on which dwellings are erected in the Single Residence District as set forth in § 198-301.1, shall meet the minimum lot area and frontage requirements of § 198-801, Table of Dimensional Requirements. [Amended 5-7-1997 ATM by Art. 39; 5-5-1999 STM by Art. 9]

- 705.1.3. (Reserved) Editor's Note: Former § 198-705.1.3, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.

- 705.1.4. (Reserved) Editor's Note: Former § 198-705.1.4, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.

- 705.1.5. (Reserved) Editor's Note: Former § 198-705.1., Lot, amended 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.

- 705.1.6. If a ~~parcel or~~ lot ~~of land~~ is shown on a plan recorded at the Registry of Deeds on or before the effective date of an amendment to this Zoning Bylaw increasing the area or frontage requirements enacted at the Special Town Meeting called for June 20, 1951, and if such ~~parcel or~~ lot conformed to the requirements of this Zoning Bylaw before such amendment but not afterwards, then such parcel or lot shall be considered to meet the requirements of such amendment, but no division of such ~~parcel or~~ lot may~~shall~~ be made that will increase the extent of nonconformity between the ~~parcel or~~ lot and the amended requirements of this Zoning Bylaw.

- 705.1.7. If a lot ~~of land~~ conformed~~, or was considered to conform,~~ to the requirements of this Zoning Bylaw before the adoption of an amendment or amendments to said Zoning Bylaw changing the area or frontage requirements enacted under the warrant for the Special Town Meeting called for November 30, 1953, but did not conform to the requirements as amended, and if such lot meets either of the following two conditions, no division of the lot may~~land shall~~ be made whereby the remaining land, if any, excluding the lot or lots to be sold, may~~shall~~ be smaller than the minimum size provided for the zone in which such remaining land is located or have less frontage than the minimum provided:

705.1.7.1. It is shown on a plan or described in a deed recorded at the Registry of Deeds on or before October 9, 1953; or

705.1.7.2. It is shown on a plan of a subdivision that was submitted to the Planning Board for approval on or before November 2, 1953, and that was approved by the Planning Board and recorded in the Registry of

Deeds not later than 20 days after November 30, 1953; then such lot shall be considered to meet the area and frontage requirements, as amended, but no division of such ~~parcel or lot~~ may~~shall~~ be made that will increase the extent of nonconformity between the lot and the amended requirements of this Zoning Bylaw.

- 705.1.8. In a Residence Zone 20,000 square feet - 120 feet Front or Residence Zone 30,000 square feet - 150 feet Front, no building lot may~~shall~~ be laid out and no dwelling may~~shall~~ be erected on a lot unless the center of a circle 75 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. In a Residence Zone ~~of 40,000 square feet - 180 feet Front or a Residence Zone~~ 60,000 square feet ~~- 210 feet Front in a Single Residence District~~, no building lot may ~~shall~~ be laid out and no dwelling may~~shall~~ be erected on a lot unless the center of a circle 100 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. This § 198-705.1.8 shall not apply to an existing dwelling or to a dwelling for which a building permit has been issued as of the effective date of the adoption of this paragraph, which is May 2, 1983, or to any alteration, extension or structural change thereto. [Amended 5-5-1999 STM by Art. 11]
- 705.2. No building, structure, or dwelling may~~shall hereafter~~ be erected in a Business District or in a Light Manufacturing District or in a ~~zone designated~~ "Residence Zone 20,000 square feet-120 feet Front" on a ~~parcel or lot of land not fronting on a street, which parcel or~~ lot has at least of land shall contain less than 20,000 square feet of area and at least 120 feet of frontage on a street. No dwelling ~~shall hereafter~~ may be erected in a ~~zone designated~~ "Residence Zone 30,000 square feet-150 feet Front" on a ~~parcel or lot of land not fronting on a street, which parcel or~~ lot has at least of land shall contain less than 30,000 square feet of area and at least 150 feet of frontage on a street. No dwelling may~~shall hereafter~~ be erected in a ~~zone designated~~ "Residence Zone 40,000 square feet-180 feet Front" on a ~~parcel or lot of land unless the not fronting on a street, which parcel or~~ lot has at least of land shall contain less than 40,000 square feet of area and 180 feet of frontage on a street.
- 705.3. No building, structure, or dwelling ~~shall may hereafter~~ be erected on a ~~parcel or lot of land not fronting on a street, which parcel or lot of land shall~~ contains less than 20,000 square feet in area or has that shall have less than the minimum area and frontage on a right-of-way required for the zone in which it is located, unless such building, structure, or dwelling is accessory only to some existing building, structure, or dwelling, and no dwelling may shall hereafter be erected on a ~~parcel or lot of land fronting on a street, which parcel or lot of land shall~~ contains less area and less frontage on a street than the minimum area and frontage required for the zone in which said parcel or lot of land is located, as set forth in § 198-705.1.1 through 705.1.7 herein, except that where a parcel or lot was recorded at the Registry of Deeds at the time this Zoning Bylaw was adopted, in which case, the provisions of § 198-201, applying to narrow and irregular lots, shall apply.
- 705.4. No lot for which application for a permit to build has been made, or upon which a building or structure has been erected, may~~shall~~ be reduced or changed in area or shape so that the lot, as so reduced or changed, or any land of the owners remaining after such reduction or change ~~shall~~ fails to have the minimum area and frontage required for the ~~zone~~ ing ~~district~~ in which

such land is located, unless such land as so changed shall be added to, and become a part of, another lot conforming to the requirements of the zoning district in which such lot is located.

- 705.5. The area of any lot, for the purpose of ascertaining the minimum required, may~~shall~~ not include any part of the street or way upon which it abuts, but this provision shall not ~~be held to~~ apply to any area beyond the street lot line set aside by the Planning Board as a temporary turnaround area on a dead-end street intended for extension. [Amended 5-5-1999 STM by Art. 11]

§ 198-706. Lots on more than one street.

- 706.1. A building lot that is located on more than one street must comply with the front setback requirement with respect to each street on which it is located, except as may be authorized by special permit granted by the ZBA pursuant to § 198-203, and must meet the frontage requirement on one such street. [Amended 5-3-1993 ATM by Art. 16]

ARTICLE 8 Dimension and Use Tables [Amended 5-27-1981 ATM by Art. 16; 5-27-1981 by Art. 17; 5-14-1998 ATM by Art. 55; 5-5-1999 STM by Art. 10]

§ 198-801. Table of Dimensional Requirements.

Editor's Note: The Table of Dimensional Requirements is included at the end of this Zoning Bylaw.

- 801.1. The Table of Dimensional Requirements sets forth the requirements of this Zoning Bylaw as to area, lot coverage, frontage, setbacks and height requirements for a building or structure enlarged or erected pursuant to a permit issued on or after June 1, 1982. Unless a footnote to the Table of Dimensional Requirements shall expressly state to the contrary, said table shall govern over conflicting requirements in the text of this Zoning Bylaw. Overlay and other special districts may be subject to other dimensional requirements. For such requirements see the applicable Article.
- 801.2. Additional dimensional requirements located in other articles of this Zoning Bylaw may apply to the placement of signs, sidewalks, driveway openings, curbs, fences, planting strips and parking and loading facilities and to the separation of buildings and/or structures on the premises.
- 801.3. Footnotes to the table set forth additional requirements and exceptions as stated therein with respect to the category to which the footnote is noted.

§ 198-802. Table of Permitted Principal Uses by Districts.

Editor's Note: The Table of Permitted Principal Uses by Districts is included at the end of this Zoning Bylaw.

- 802.1. The Table of Permitted Principal Uses by Districts sets forth the permitted principal uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. No building, structure or land shall be used or occupied, except for the purposes permitted in the district in the Table of Permitted Principal Uses by Districts of this article applicable thereto, except accessory uses permitted pursuant to § 198-804, and nonconforming uses as provided in Article 4 of this Zoning Bylaw. It is the intent of this Zoning Bylaw to prohibit in any district any use which is not specifically permitted, as well as any use which is denoted by the word "no" in the Table of Permitted Principal Uses by Districts or the Table of Permitted Accessory Uses by Districts. [Amended 5-5-1999 STM by Art. 11]

- 802.1.1. A use listed in the Table of Permitted Principal Uses by Districts is permitted as of right in any district under which it is denoted by the word “yes.” Uses denoted by the word “no” shall be prohibited. [Amended 5-5-1999 STM by Art. 11]
- 802.1.2. Uses designated by the letters “SP” may be allowed only if the Zoning Board of Appeals (ZBA) or Planning Board issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]
- 802.1.3. ~~Uses designated by the letters “P-ZBA” may be allowed only if the ZBA issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]~~
Reserved for possible future use.
- 802.1.4. Site plan approval is required in accordance with Article 6 for a use where the letter “R” appears, and is not required where the letters “NR” appear.
- 802.1.5. Uses designated by the letters “TAU” are not permitted as principal uses, but are permitted as accessory uses pursuant to § 198-804.
- 802.1.6. All uses set forth in this Table of Permitted Principal Uses by Districts shall, in addition, conform to all other requirements contained in this Zoning Bylaw; and, in the event of a conflict between this Table of Permitted Principal Uses by Districts and any other provisions of this Zoning Bylaw, this ~~Table of Permitted Principal Uses by Districts~~, § 198-802, shall prevail; and the Classification of Principal Uses, § 198-803, below, shall be considered as part of said ~~section table~~ and shall likewise prevail in the event of such conflicts. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.

§ 198-803. Classification of Principal Uses.

803.1. Business uses.

803.1.1. Automobile sales, ~~service, repair~~. See § 198-1102.1.2 ~~of this Zoning Bylaw.~~

803.1.2. Automobile service garage. See § 198-1102.1.4

803.1.3. Automobile service station, ~~maximum of 12 vehicle fueling locations, with no fewer than two full service, and repair~~. See § 198-1102.1.4 ~~of this Zoning Bylaw.~~

Auto service station, all other: See § 198-1102.1.4 of this Zoning Bylaw.

803.1.4. Bank: ~~bank or loan agency.~~

803.1.5. Boat or canoe rental: ~~rental, storage, maintenance and repair of small boats and canoes, nonmotorized or no more than 10 horsepower, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers; seasonal sale of boats and occasional sale of accessory items, by owner only.~~

Customary home occupation: See the Table of Permitted Accessory Uses by Districts.

803.1.6. Funeral home: ~~undertaking or funeral establishment.~~

803.1.7. Medical/dental care center: ~~center for medical, dental, clinical and public health service and supporting service for the foregoing, such as office and laboratory.~~

803.1.8. Office: ~~a business, governmental or professional office; a medical office, including laboratories incidental thereto.~~

803.1.9. Parking facility: ~~commercial parking lot or garage for four or more vehicles.~~

803.1.10. Personal and other service: establishment ~~establishments providing services involving the care of a person or his or her apparel or establishments providing services to the general public or to other business establishments; repair shop for household or office items.~~

803.1.11. Restaurant: See § 198-1102.1.1. ~~of this Zoning Bylaw.~~

803.1.12. Retail store: ~~store, showroom or salesroom for the sale, preparation and display of merchandise within a building. Garden centers, florists or commercial greenhouses may have open air display of horticultural products. Retail stores may have seasonal open air displays of merchandise.~~

803.1.13. Roadside stand: ~~farm stands for the sale of produce.~~

803.1.14. Stables with horses for hire.

803.1.15. Trade shop: ~~shops used by practitioners of the building trades, provided that all work and storage shall be conducted within a building.~~

803.2. General uses.

803.2.1. Agriculture: ~~cultivating, harvesting and storing crops, including the storage of necessary farm equipment, provided that greenhouse heating plants and any building in which farm or pleasure animals are kept shall be distant not less than 20 feet from any lot line.~~

803.2.2. Cemetery: ~~cemeteries,~~ including any crematory therein.

803.2.3. Conservation Land: ~~the use of land in its natural state or improved with trails and resource management programs that do not significantly alter its natural state.~~

803.2.4. Earth removal: See § 198-504 of this Zoning Bylaw.

802.2.5. Kennel: ~~See the Table of Permitted Accessory Uses by Districts. Editor's Note: The Table of Permitted Accessory Uses by Districts is included at the end of this chapter.~~

892.2.6. Membership club, nonprofit: ~~membership clubs and nongovernment recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and premises; except when the chief activity is customarily carried on as a gainful business.~~

802.2.7. Membership club, for profit: ~~membership clubs and nongovernment recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and premises, when the chief activity is customarily carried on as a gainful business.~~

802.1.8. Recreation/park: ~~parks, water supply reservations and soldier and sailor memorial buildings; recreational facility owned or operated by the Town.~~

803.3. Government, institutional and public service uses.

803.3.1. Assisted/Independent Living

803.3.2. Bus terminal

803.3.3. Educational: ~~educational uses exempted from use regulations by the Zoning Act (MGL c. 40A, § 3).~~

803.3.4. Hospital: ~~licensed sanitariums or hospitals.~~

803.3.5. Low-income elderly housing: See § 198-901.1.5.2 ~~of this Zoning Bylaw.~~

803.3.6. Multi-family unit/low-income: See § 198-901.1.5.3 ~~of this Zoning Bylaw.~~

803.3.7. Museum ~~or/~~ library: ~~museum/library open to the public or connected with a permitted educational use and not conducted as a private gainful business.~~

803.3.8. Nursery school ~~or/~~ day-care: ~~nursery school, day care centers and other facilities that receive children of school or preschool age for temporary custody, with or without stated educational purposes, during all or part of the day.~~

803.3.9. Nursing home: ~~licensed nursing, rest or convalescent home for the care of the sick or aged, provided that no building shall be within 30 feet of any lot line.~~

803.3.10. Public or charitable institution: ~~public or charitable institution not of a correctional nature, provided that no building shall be within 30 feet of any lot line; veterans monuments.~~

803.3.11. Railroad station/railroad right-of-way: ~~railroad passenger stations or rights-of-way, including customary services therein, but not including switching, storage or freight yards or sidings.~~

803.3.12. Religious building or structure, or use: ~~places of worship and other religious uses exempted from use regulations by the Zoning Act (MGL c. 40A, § 3).~~

803.3.13. Studio: ~~place for art, music, dance and similar activities or classes.~~

803.3.14. Town use. Town of Wayland facility, except in single residence districts, where such a facility is restricted to fire stations, police stations, public libraries, parks, water supply ~~reservations and soldiers' and sailors' memorial buildings.~~
[Amended 5-3-2000 ATM by Art. 31]

803.3.15. Utility facility: ~~building housing facilities for communications or other utility uses.~~

803.4. Industrial uses.

803.4.1. Construction yard: ~~lumber, fuel, feed, ice establishment or contractor's yard.~~

803.4.2. Heavy vehicle repair garage: ~~establishment for the repair of trucks, construction equipment or other similar heavy motor vehicles and equipment, provided that the making of all but minor repairs shall be conducted wholly within a building sufficiently sound insulated to confine disturbing noise to the premises.~~

803.4.3. Light manufacturing: ~~light manufacturing employing electricity and/or other unobjectionable motive power, utilizing hand labor, and/or unobjectionable machinery and/or processes and free from neighborhood disturbing odors or other such neighborhood-disturbing characteristics.~~

803.4.4. Research and development laboratories/offices less than or equal to 15,000 square feet: ~~research and development laboratories less than or equal to 15,000 square feet;~~ S-see § 198-1401.1.1 of this Zoning Bylaw.

803.4.5. Research and development laboratories/offices greater than 15,000 square feet: ~~research and development laboratories greater than 15,000 square feet;~~ S-see § 198-1402.1.1 of this Zoning Bylaw.

803.4.6. Warehouse/distribution less than or equal to 15,000 square feet: ~~warehouse/distribution facilities less than or equal to 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use. See § 198-1401.1.1 of this Zoning Bylaw.~~

~~803.4.7. Warehouse/distribution greater than 15,000 square feet: warehouse/distribution facilities greater than 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use. See § 198-1402.1.-1 of this Zoning Bylaw.~~

803.5. Prohibited uses.

~~803.5.1. Aircraft landing and taking off~~

~~803.5.2. Boarding house~~

~~803.5.3. Drive-in, drive-through or drive-up restaurants: A “drive-through or drive-in restaurant” is defined as any establishment whose principal business is the sale of food or beverages in a ready-to-consume state and whose method of operation includes: sale of foods or beverages in paper, plastic or other disposable container or service of food and beverage directly to a customer in a motor vehicle.~~

~~803.5.4. Hazardous material storage: storage or disposal of hazardous material; the commercial storage or disposal of hazardous material except as otherwise permitted.~~

~~803.5.5. Junkyards: Commercial salvage yards, commercial junkyard and all open air storage of junk, waste products and salvage materials (including nonoperating automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be injurious to the neighborhood or to the property in the vicinity are expressly prohibited in all zoning districts in the Town.~~

~~803.5.6. Ungaraged and unregistered motor vehicles: more than one except as otherwise permitted..~~

~~803.5.7. All uses not specifically permitted by this Zoning Bylaw.~~

803.6. Residential uses.

~~Boardinghouse: a dwelling in which permanent lodging is provided for consideration to more than three persons unrelated to the owner or proprietor. The term “boardinghouse” shall include dormitories. Editor’s Note: The entry for accessory dwelling unit, which immediately preceded this entry, was repealed 4-30-2001 ATM by Art. 26.~~

~~803.3.6.1. Conservation cluster: See Article 18 of this Zoning Bylaw.~~

~~803.6.2. Dwelling, single-family: a dwelling for not more than one housekeeping unit.~~

~~Letting of rooms: See “customary home occupation” in the Table of Permitted Accessory Uses by Districts.~~

~~803.6.3. Multifamily dDwelling, multi-family: A building containing more than one dwelling unit. Accessory dwelling units and residences in accessory dwelling shall not be considered multi-family.~~

[Amended 4-30-2001 ATM by Art. 26]

§ 198-804. Table of Permitted Accessory Uses by Districts.

Editor’s Note: The Table of Permitted Accessory Uses by Districts is included at the end of this chapter. [Amended 5-5-1999 STM by Art. 11]

804.1. The Table of Permitted Accessory Uses by Districts sets forth the permitted accessory uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. All uses set forth in this table shall conform to all other requirements contained in this Zoning Bylaw, and in the event of a conflict between this Table of Permitted Accessory Uses by Districts and any other provisions of this Zoning Bylaw, this ~~Table of Permitted Accessory Uses by Districts~~, § 198-804, shall prevail; and the Classification of accessory uses, § 198-805, below, shall be considered as part of said ~~section table~~ and shall likewise prevail in the event of such conflicts.

804.1.1. A use listed in said table is permitted as of right in any district under which it is denoted by the word “yes.” Uses denoted by the word “no” shall be prohibited.

804.1.2. Uses designated by the letters “SP” may be allowed only if a special permit is issued pursuant to § 198-203.

804.1.3. ~~Uses designated by the letters “P-ZBA” may be allowed only if a permit is issued pursuant to § 198-203.~~

804.1.4. Site plan approval is required in accordance with Article 6 for a use where the letter “R” appears, and is not required where the letters “NR” appear.

§ 198-805. Classification of accessory uses.

805.1. Residential accessory uses.

805.1.1. In residential districts the term “accessory use” shall not include ~~any activity conducted for gain; nor~~ any walkway or driveway giving access thereto; nor any billboard advertising sign or poster, except for small bulletin boards.

~~805.1.1.1. Accessory dwelling unit. See § 198-901.1.3 of this Zoning Bylaw.~~

~~805.1.1.2. Accessory dwelling unit, WHA. See § 198-901.1.4 of this Zoning Bylaw.~~

~~805.1.1.3. Accessory use: Accessory use customary with, and incident to, any permitted use and located on the same lot or on an adjacent lot under the same ownership, including garage for three cars or less, carport, noncommercial greenhouse, tool shed, barn, swimming pool, tennis court.~~ Editor’s Note: The entry for customary home occupation, which immediately followed, was repealed 4-30-2001 ATM by Art. 25. For current provisions, see entry for home occupation.

~~805.1.1.4. Family day-care: day care as defined in the Table of Permitted Principal Uses by Districts, provided that it is conducted as an accessory use.~~

~~805.1.1.5. Home occupation, customary. See § 198-104 of this Zoning Bylaw.~~ [Amended 4-30-2001 ATM by Art. 25 Editor’s Note: This article also repealed the entry for in-home office which immediately followed.]

~~805.1.1.6. Kennel, fewer than three dogs or fewer, the maintenance of dogs and suitable shelters therefor, provided that the number of dogs six months and older shall be three or fewer; any kennel or other structure used by dogs shall be no closer than 20 feet to any lot line, and no closer than 50 feet to any existing dwelling located beyond any lot line.~~

~~805.1.1.7. Kennel, four or more dogs: the maintenance of dogs and suitable shelters therefor for four or more dogs six months and older, provided that a~~

special permit is granted to the current owner of the premises in accordance with § 198-203; any kennel or other structure used by dogs shall be no closer than 20 feet to any lot line and no closer than 50 feet to any existing dwelling located beyond any lot line.

805.1.1.8. Letting/renting of rooms. ~~See “customary h~~Home occupation, ~~customary”~~ above.

805.1.1.9. Office: ~~office as defined in the Table of Permitted Principal Use by Districts, § 198-803,~~ provided that it is conducted as an accessory use and that there is no display of advertising, except for a small professional nameplate.

805.1.1.10. Residence in accessory ~~building~~dwelling. ~~No accessory building may~~shall be occupied for residence purposes, except as otherwise provided herein; and except that an employee of the owner or tenant of the ~~principal dwelling~~premises may occupy the upper floor of a garage or stable.

805.1.1.11. Roadside stand: ~~for yearly terms only, a roadside stand for the sale of produce of the land of the owner and of other land within the Town, provided that the front yard regulations are complied with.~~ Editor’s Note: The entry for trade shop, which immediately followed, was repealed 4-30-2001 ATM by Art. 25.

805.2. Accessory uses permitted in the Limited Commercial District.

805.2.1. Cafeterias, banks, day-care or recreational facilities for employees

ARTICLE 9 Single Residence District

§ 198-901. Permitted uses.

901.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 4-16-1980 ATM by Art. 20; 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9: paragraphs deleted]

[Amended 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9; 4-30-2001 ATM by Art. 25: paragraph deleted]

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 within~~ the dwelling unit or accessory building on the ~~lot~~premises.

901.1.1.2. There are no employees;

901.1.1.3. No business is conducted on the ~~lot~~premises with any client or customer physically present;

- 901.1.1.4. There are no signs or other external evidence of non-residential use ~~the office~~; 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 lotsite;
- 901.1.2.3. There is no change in the outside appearance of the building, ~~or structure, or lot~~ premises 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;
- 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 ~~met~~ on the lot ~~site~~.
- 901.1.3. An accessory dwelling unit is as permitted by the Table of Accessory Uses, § 198-804, and provided that: [Amended 4-17-1980 ATM by Art. 22; 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 9]
- 901.1.3.1. The lot on which the accessory unit is to be situated contains at least 20,000 square feet and at least 50% of the requirement for the district in which it is located.

- 901.1.3.2. No more than one accessory unit shall exist on the lot on which it is to be situated.
- 901.1.3.3. The building or buildings in which the accessory unit and the principal residence are to be situated shall have existed for two years. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.4. Any additions made after January 1, 1980, to a building for the purpose of accommodating an accessory unit shall not increase the habitable area of the original building by more than 20%. Any such additions must meet all zoning requirements. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.5. Either the accessory unit or the principal residence shall be occupied by the owner of the lot on which the accessory unit is situated. The owner may be absent for periods not exceeding one year, provided that no one occupies the owner's unit, except a house sitter paying no rent. The owner's unit may be rented for periods not exceeding two years, provided that prior written notice is given to the Building Commissioner, the owners have occupied their unit for the prior two years, and occupy for two years between rental periods, and the owners remain legal residents of the Town. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.6. The accessory unit and the principal residence shall each have two means of egress to grade that are in compliance with the Building Code.
- 901.1.3.7. Sufficient parking spaces, not less than 10 feet by 20 feet, shall be provided off street for the occupants of each dwelling unit.
- 901.1.3.8. The Board of Health shall have given written approval that the septic system serving the dwelling with the accessory unit is in compliance with the rules and regulations of the Board of Health in effect at the time of application for special permit, unless a variance is granted by the Board of Health.
- 901.1.3.9. Where a special permit has been issued pursuant to the provisions of this section, the permitted use must commence within one year, otherwise said permit shall lapse.
- 901.1.3.10. Floor plans of the accessory unit and the principal residence and a plot plan showing the location of the building on the lot shall have been filed with the application after review by the Building Commissioner.
- 901.1.3.11. Application for a building permit or certificate of occupancy shall be made to the Building Commissioner, and no use or occupancy shall commence prior to the issuance of a certificate of occupancy by the Building Commissioner. [Amended 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 11]

[Amended 4-30-1986 ATM by Art. 29: paragraph deleted]

- 901.1.4. An accessory dwelling unit reserved, for a period not less than 10 years, for occupancy by a

person or family receiving rental assistance from the Wayland Housing Authority is permitted in accordance with the Table of Accessory Uses, § 198-804, and provided that: [Amended 5-8-1989 ATM by Art. 18; 5-5-1999 STM by Art. 9]

901.1.4.1. The lot on which the accessory unit is to be situated contains at least 15,000 square feet.

901.1.4.2. Any additions made after December 15, 1988, to a building for the purpose of accommodating an accessory ~~dwelling unit~~~~apartment~~ reserved for Wayland Housing Authority rental programs shall not increase the habitable area of the original building by more than 35%, provided that the unit shall not exceed 1,000 square feet of floor space. Any such addition must meet all zoning and Building Code requirements.

901.1.4.3. The accessory unit shall have two means of egress to grade in compliance with the Building Code. [Amended 5-5-1999 STM by Art. 11]

901.1.4.4. The accessory unit shall be served by one parking space, unless the special permit granting authority determines that on-street parking is not detrimental to the neighborhood.

901.1.4.5. The accessory unit shall comply with the requirements of § 198-901.1.3.2, 901.1.3.3, 901.1.3.5, 901.1.3.8, 901.1.3.9, 901.1.3.10 and 901.1.3.11.

901.1.4.6. The homeowner shall submit proposed documents leasing the accessory unit, for a period of not less than 10 years, to the Wayland Housing Authority. Such documents shall include certification that the Wayland Housing Authority intends to accept such unit for its rental assistance programs.

901.1.4.7. Any special permit issued under this § 198-901.1.4 shall lapse if the homeowner breaches his/her lease with the Wayland Housing Authority (upon proper notice by said Authority) or if the accessory unit ceases to be occupied by an eligible family (as certified by said Authority).

901.1.5. Public buildings.

901.1.5.1. Police stations. [Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

901.1.5.2. Housing for elderly persons of low income, including adequate parking areas therefor, as such housing is defined by MGL c. 121B, §§ 1, 38, 39 and 40, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]

901.1.5.3. Subsidized multi-~~family~~~~unit~~ ~~dwelling~~~~housing~~ for persons of low income, including adequate parking areas therefor, such housing being more fully described in MGL c. 121B, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 6-2-1981 STM by Art. 6; 5-5-1999 STM by Art. 9]

[Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9: paragraphs deleted]

901.1.5.4. Where sanitariums, hospitals or nursing homes for the care of the sick or aged, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 5-3-1993 ATM by Art. 18; 5-5-1999 STM by Art. 9]

901.1.5.5. Where public or charitable institutional buildings not of a correctional nature, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 4-28-1986 ATM by Art. 25; 5-5-1999 STM by Art. 9]

[Amended 6-16-1987 STM by Art. 5; 5-4-1988 ATM by Art. 20; 5-5-1999 STM by Art. 9: paragraph deleted] Editor's Note: Former § 198-901.1.9 on real estate signs, which immediately followed, was moved to § 198-502 by Art. 47 of the 5-14-1998 ATM.

901.1.6. ~~Greenhouses~~ or stable for horses are permitted by the Table of Principal Uses by District, § 198-802, any greenhouse heating plant and any building in which farm or pleasure animals are kept ~~may shall be distant~~ not ~~be within less than~~ 20 feet from any lot line. [Amended 4-30-1975 ATM by Art. 31; 5-5-1999 STM by Art. 9] Editor's Note: Former § 198-902, Accessory uses and buildings, amended 4-30-1986 ATM by Art. 29, and former § 198-903, Permits required by the Zoning Board of Appeals, amended 5-2-1983 ATM by Art. 12, which immediately followed, were repealed 5-5-1999 STM by Art. 9. Prior to this repeal, a former § 198-903, Storage of unregistered vehicles; violations and penalties, was moved to § 198-503 by Art. 47 of the 5-14-1998 ATM and a former § 198-903.1.4, Earth removal, was moved to § 198-504 by Art. 47 of the 5-14-1998 ATM.

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

ARTICLE 10 Roadside Business District

§ 198-1001. Permitted uses.

1001.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 4-30-1975 ATM by Art. 3; 11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-5-1999 STM by Art. 9]

§ 198-1002. Area, yard and bulk regulations; parking facilities; signs.

1002.1. In a Roadside Business District, buildings, structures, and ~~lots~~~~premises~~ used for purposes other than those permitted in a residence district shall ~~be subject to observe~~ the following special provisions:

1002.1.1. ~~Lot~~. [Amended 11-13-1991 STM by Art. 6; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

Reserved for possible future use.

1002.1.2. All buildings and structures shall conform to the height and lot coverage regulations for residence districts as contained in § 198-701.1 and § 198-704, respectively. [Amended 4-28-1975 ATM by Art. 16]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

1002.1.3. Except where adjacent buildings, structures, or lots ~~premises~~ are served by the same driveway openings, each ~~of such building, structure, or lot~~~~premises~~ shall be provided with two driveway openings onto the street, one of which shall be used for entrance to, and the other for exit from, the building, structure, or lot~~premises~~. Not more than two such openings shall be permitted for each 200 feet of street frontage. Such openings shall be not more than 20 feet in width at the street lot line and located no less than 40 feet apart, measured along said line, and not less than 20 feet from side lot lines. Where approval by the Mass~~DOT~~~~achusetts Highway Department (MHD)~~ is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1002.1.3 shall be

waived, and the regulations of ~~MassDOT~~~~said Department~~ shall be applicable.

- 1002.1.4. Each ~~of such building, structure, or lot~~~~premises~~ shall provide and maintain adequate areas off the street for parking of cars of employees and customers to avoid undue interference with traffic. ~~The issuance of a building permit shall not be construed as an approval of the adequacy of such parking areas.~~
- 1002.1.5. Not more than one sign, other than those that are attached to and are part of the architectural design of a building or structure, ~~may~~~~shall~~ be permitted on each ~~building or structure~~~~premises~~.
- 1002.1.6. Accessory signs ~~may~~ ~~shall~~ not be located nearer than 30 feet to any ~~lot~~~~property~~ or street lot line. [Amended 5-5-1999 STM by Art. 11]
- 1002.1.7. In the event of the construction, reconstruction or substantial alteration of any ~~building or structure~~~~premises~~ that ~~is~~~~are~~ used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street lot line and to be constructed the full width of the lot, except where driveways exist. ~~The sidewalk shall be, and~~ separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing ~~or potential~~ sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

ARTICLE 11 Business Districts

§ 198-1101. Establishment.

- 1101.1. Business Districts A and Business Districts B are hereby established. In these districts, no building or structure, and no alteration, enlargement or extension of an existing building or structure, ~~may~~ ~~shall~~ be constructed and no ~~land~~, building, structure, ~~or lot~~ or part thereof ~~may~~ ~~shall~~ be used for any purpose or in any manner other than as provided in the Table of Principal Uses by District, § 198-802. The provisions of Article 6, Site Plan Approval, shall apply as described in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]

§ 198-1102. Permitted uses in Business District A.

- 1102.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

- 1102.1.1. Restaurants ~~and other places for the serving and consumption of food or beverages inside the building at tables or counters~~ shall be permitted as described in the Table of Permitted Uses by District. Where the Table of Principal Uses by District, § 198-802, requires either a permit from the Zoning Board of Appeals (ZBA) or a special permit, the ZBA shall satisfy itself that a clearly established need of the Town will be served thereby and where the ZBA shall satisfy itself that the use of the premises shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use is to occur and shall not be detrimental or offensive because of noise, vibrations, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety, subject, however, to the following: [Amended 3-20-1974 ATM by Art. 61; 5-5-1999 STM by Art. 9]

- 1102.1.1.1. The ZBA may permit food or beverages to be served or consumed on the

premises outside the building, subject to such safeguards and limitations as it may impose in its approval of a site plan pertaining thereto, as long as such use shall be incidental to such consumption inside the building.

- 1102.1.1.2. The area of the ~~lot~~premises to be traversed by motor vehicles shall be paved or otherwise covered with a suitable material.
- 1102.1.1.3. Properties in abutting residential districts shall be protected from headlight glare by such methods as the ZBA may require. Any protection required shall be maintained in good condition at all times. No signs or advertisements ~~may~~ shall be attached to any protective screening or fence except on the side facing the use of the ~~building, structure, or lot~~premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.1.4. Illumination of outdoor areas shall be shielded so as not to shine upon any property in a residential district.
- 1102.1.1.5. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.
- 1102.1.1.6. The ZBA may impose such additional conditions with respect to the size, construction, use, maintenance and operation of the premises, and the vehicular and pedestrian access thereto, as may be appropriate.

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

1102.1.2. Automobile sales.

- 1102.1.2.1. Automobile sales ~~, service and repair garages and automobile service and repair garages,~~ shall be permitted as described in the Table of Principal Uses by District, § 198-802, and subject to the following: [Amended 5-5-1999 STM by Art. 9]
 - 1102.1.2.1.1. Washing, lubricating and major repairing of vehicles are to be performed inside enclosed buildings.
 - 1102.1.2.1.2. Dispensing of fuels, lubricants and fluids is to be done entirely on the ~~lot~~premises.
 - 1102.1.2.1.3. Auto dismantling and junk operations are prohibited.
 - 1102.1.2.1.4. The entire area of the ~~lot~~premises to be traversed by motor vehicles shall be paved.
 - 1102.1.2.1.5. Driveways shall be paved and join streets and cross sidewalks at right angles, shall not be more than 24 feet nor less than 10 feet wide at any point, shall be at least 10 feet from any lot line and 25 feet from the intersection of street lot lines and shall be at least 20 feet apart. No more than two driveways ~~may~~shall be permitted for each 100 feet of street frontage. Where approval by the MassDOT, or successor agency, is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of said MassDOT shall be applicable.

[Amended 5-5-1999 STM by Art. 11]

- 1102.1.2.1.6. No parts or partially dismantled vehicles ~~may~~shall be stored out-of-doors.
- 1102.1.2.1.7. Minimum lot area for ~~automobile service and repair garages shall be 30,000 square feet, and minimum frontage shall be 125 feet; minimum lot area for automobile sales and for automobile sales, service and repair garages shall be two acres, and minimum frontage shall be 200 feet, and a structure(s) shall not be less than 100 feet from any residential building.~~ [Amended 4-28-1986 ATM by Art. 27: paragraph deleted]
- 1102.1.2.1.8. Buildings ~~may~~shall occupy no more than 25% of the lot.
- 1102.1.2.1.9. The minimum setback for all structures ~~shall is to~~ be 40 feet from the street lot ~~property~~ line, ~~and with~~ minimum setbacks from other lot lines ~~shall to~~ be 25 feet. [Amended 5-5-1999 STM by Art. 11]
- 1102.1.2.1.10. Properties in abutting residential districts shall be protected from headlight glare by either:
 - 1102.1.2.1.10.1. A strip at least four feet wide densely planted with shrubs at least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or
 - 1102.1.2.1.10.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet high above finished grade.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.2.1.11. Protection afforded by § 198-1102.1.2.1.10.1 or 1102.1.2.1.10.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may~~shall be attached thereto, except on the side facing the use of the ~~building, structure, or lot~~premises. Such protective screening or fences may be interrupted by normal entrances or exits.
- 1102.1.2.1.12. Illumination on outdoor areas shall be shielded so as not to shine on any property in a residential district.
- 1102.1.2.1.13. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

- 1102.1.3. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein.

1102.1.4. Automobile service stations and automobile service garages. [Amended 5-5-1999 STM by Art. 9]

1102.1.4.1. Automobile service stations and automobile service garages ~~for the sale of gasoline, lubricants and similar supplies and parts of motor vehicles, the making of minor repairs and adjustments to motor vehicles, other than structural changes or repairs, and providing water and compressed air,~~ shall be permitted as described by the Table of Permitted Uses by District. Where a permit from the ZBA or special permit is required as described in the Table of Principal Uses by District, § 198-802, the ZBA shall satisfy for itself that a clearly established need will be served thereby, and subject to the following:

1102.1.4.1.1. Washing, lubricating and making of repairs shall be performed inside the building.

1102.1.4.1.2. No major repairs, such as body work, are to be performed.

1102.1.4.1.3. Sale or rental or display for sale or rental of motor vehicles or trailers is prohibited.

1102.1.4.1.4. No services or merchandise other than accessory, portable automotive merchandise may be displayed or sold on the premises.

1102.1.4.1.5. The area of the ~~lot~~premises to be traversed by motor vehicles shall be paved.

1102.1.4.1.6. Minimum lot area for an automobile service station shall be 40,000 square feet, and minimum frontage shall be 200 feet on any street, and structures shall not be less than 100 feet from any residential building. The minimum lot area for an automobile service garage shall be 30,000 square feet, and minimum frontage shall be 125 feet.

1102.1.4.1.7. Driveways shall be paved and join the street and cross sidewalks at right angles; shall not be more than 24 feet nor less than 10 feet wide at any point; shall be at least 10 feet from any lot line and 20 feet from the intersection of street lot lines; and shall be at least 20 feet apart. No more than two driveways ~~may~~shall be permitted for each 100 feet of street frontage. Where approval by the MassDOT is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of MassDOT shall be applicable.

1102.1.4.1.8. No vehicles shall be stored out-of-doors, except for those used by employees and those used in the direct operation of the business.

- 1102.1.4.1.9. No parts or partially dismantled motor vehicles may be stored out-of-doors.

[Amended 4-28-1986 ATM by Art. 27:
paragraph deleted]

- 1102.1.4.1.10. Buildings ~~and structures may~~ shall occupy no more than 25% of the lot.

- 1102.1.4.1.11. The minimum setback of all structures, except gasoline pumps, shall be 40 feet from the street and 25 feet from other lot lines. Gasoline pumps shall be set back at least 20 feet from the street lot line and 25 feet from other lot lines.

- 1102.1.4.1.12. Properties in abutting residential districts shall be protected from headlight glare by either:

1102.1.4.1.12.1. A strip at least four feet wide densely planted with shrubs at least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or

1102.1.4.1.12.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet above finished grade.

1102.1.4.1.12.3. Protection afforded by § 198-1102.1.4.1.12.1 or 1102.1.4.1.12.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may~~ shall be attached thereto, except on the side facing the use of the ~~lot~~ building, structure, or premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM
by Art. 27: paragraph
deleted]

- 1102.1.4.1.13. Illumination on outdoor areas shall be shielded so as not to shine upon any property in a residential

district.

1102.1.4.1.14. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

§ 198-1103. Permitted uses in Business District B.

1103.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein. [Amended 5-5-1999 STM by Art. 9]

§ 198-1104. Height, area, yard and bulk regulations.

1104.1. Height, area and yard requirements.

[Amended 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9: paragraph deleted]

1104.1.1. In both Business Districts A and B, all signs as permitted herein and all outdoor displays as permitted herein shall be located not closer than 15 feet to the exterior line of any public or private way.

1104.1.2. In Business District A, the area and yard requirements of Article 7 shall apply. This requirement does not constitute relief from conformity with off-street parking and loading requirements under herein (§ 198-~~5604-2~~ and § 198-507).

1104.1.3. In Business District B, the following provisions apply:

[Amended 5-5-1999 STM by Art. 9; paragraph deleted]

1104.1.3.1. Exception to the setback requirements from street lot lines for buildings and structures may be made by the ZBA, in accordance with § 198-203, upon presentation of a site plan for approval (See Article 6.), provided that the exception does not reduce the distance to less than 15 feet and that the plan is made in such manner as to minimize the generation of traffic hazards. [Amended 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

1104.1.3.2. For buildings in a Business District B, the ZBA, as outlined above, may grant exception to the fifteen-foot requirement of § 198-1104.1.3.1, provided that such is necessary to permit development of an integrated group of buildings on separate parcels of land. [Amended 5-5-1999 STM by Art. 9]

§ 198-1105. (Reserved)

Editor's Note: Former § 198-1105, Off-street parking and loading requirements was moved to § 198-506, Off-street parking, and § 198-507, Off-street loading, 5-5-2004 ATM by Art. 15.

§ 198-1106. Curbs and sidewalks

~~+~~. [Amended 4-28-1975 ATM by Art. 26; 4-28-1986 ATM by Art. 27]

1106.1. In both Business Districts A and B, in the event of the construction, reconstruction or

substantial alteration of any building or structure~~premises~~ that ~~is~~~~are~~ used, or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purpose, there shall be constructed as part of such construction, reconstruction or substantial alteration a raised granite curb at least six inches in height along the edge of the street, except at approved driveway openings. ~~and~~ There also shall be a paved pedestrian sidewalk no less than five feet in width set back no less than four feet from the street lot line ~~for and covering~~ the entire length of the lot frontage; provided however, except where driveways exist, the sidewalk shall ~~to~~ be separated from the remainder of the lot with a strip four feet wide in which suitable evergreen shrubs or other landscaping approved by the ZBA shall be maintained in good condition ~~suitable evergreen shrubs or other landscaping approved by the ZBA~~. The strip between the sidewalk and the street shall be maintained in good condition as a grass area. The sidewalk location shall be such as to join in a reasonable manner existing or ~~planned~~~~potential~~ sidewalks on abutting land.

§ 198-1107. Outdoor displays.

1107.1. In both Business Districts A and B, no outdoor display of merchandise for sale, other than motor vehicles, automobile accessories customarily sold at filling stations and farm and nursery produce, shall be permitted.

ARTICLE 12 Refuse Disposal District [Amended 11-12-1975 STM by Art. 8]

§ 198-1201. Permitted uses.

1201.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. No building or structure may ~~shall~~ be erected or constructed, altered, enlarged or used, and no land, water, building, or structure may~~shall~~ be used for any purpose, or in any manner, other than as provided below:

1201.1.1. The disposal and treatment of septic tank pumpings at the septic treatment facility.

1201.1.2. The disposal of refuse and the recycling of materials and sale of recycled materials at such sanitary landfill areas as may have been designated by the Board of Health, all in accordance with its rules and regulations. [Amended 5-14-1998 ATM by Art. 49]

1201.1.3. The removal of such vegetation, sod, loam, gravel, stone and/or other earth materials as may have been authorized, from time to time, by the Board of Health. [Amended 5-14-1998 ATM by Art. 49]

1201.1.4. The storage of de-icing and earth materials. [Added 5-4-2005 STM by Art. 4]

ARTICLE 13 Light Manufacturing District

§ 198-1301. Permitted uses.

[Amended 5-5-1999 STM by Art. 9]

1301.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.

§ 198-1302. Sidewalks.

1302.1. In the event of the construction, reconstruction or substantial alteration of any building or structure~~premises~~ that ~~is~~~~are~~ used or intended to be used, in whole or part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be

constructed as a part of such construction, reconstruction or substantial alteration. ~~S~~, such sidewalk ~~shall to be~~ no less than five feet in width and ~~shall be~~ set back no less than four feet from the street ~~lot/property~~ line and ~~shall to be~~ constructed ~~for the full entire~~ width of the lot ~~frontage; provided, however, , except~~ where driveways exist, and separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or ~~potential~~ planned sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

ARTICLE 14 Limited Commercial District

§ 198-1401. Permitted uses.

1401.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9: paragraph deleted]

1401.1.1. Research and development laboratories/~~offices~~, offices, warehouse/distribution facilities ~~for distributing merchandise~~, and light manufacturing, where the total footprint of all buildings housing such use(s) on the property does not exceed 15,000 gross square feet or 5% of the total lot area, whichever is smaller shall be permitted. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17; 5-5-1999 STM by Art. 9]

1401.1.2. Personal and other service establishment ~~facilities, such as cafeterias, banks, nursery school/and day-care, or recreation/park~~ facilities, and similar facilities, for the employees or other licensees of a permitted or special permit use, but such facilities shall not be available to the general public. [Amended 11-13-1991 STM by Art. 5]

§ 198-1402. Special permit uses.

[Amended 11-13-1991 STM by Art. 5]

1402.1. Buildings, ~~and~~ structures, and lots in a Limited Commercial District may be constructed, reconstructed, altered, enlarged or used, and premises may be used, for the following purposes and no others, subject to the provisions of Article 6, Site Plan Approval, of this Zoning Bylaw, and provided that a permit is obtained from the Zoning Board of Appeals in accordance with § 198-203 of this Zoning Bylaw:

1402.1.1. Research and development laboratories/~~offices~~, warehouses/distribution facility, ~~facilities for distributing merchandise~~ and light manufacturing, where the total footprint of all buildings housing such use(s) on the property exceeds 15,000 gross square feet or 5% of the total lot area, whichever is smaller. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17]

§ 198-1403. Area, yard and bulk regulations.

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9]

1403.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.

§ 198-1404. Limitations and development.

[Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 16]

1404.1. Notwithstanding any provision of this Zoning Bylaw to the contrary, no special permit or site

plan approval ~~may~~shall be granted by the special permit granting authority or by the site plan approval authority ("the approving authority") that allows for development in excess of the following limitations and that has not been supported by the traffic impact information set forth in § 198-1405~~following submittals~~.

§ 198-1405. Traffic impact.

1405.1. The applicant shall submit a traffic impact assessment report containing such data and information as required by the approving authority. No new building or structure, group of buildings or structures, improvement, alteration or change in use shall result in a level of service (LOS), as defined by criteria set forth by the Transportation Research Board of the National Research Council, determined to be inadequate within the impact area of the proposed activity. The "impact area" shall mean any road, intersection or way within 1,000 feet of the closest boundary of the project site and projected to receive at least 5% of the anticipated average daily or peak-hour traffic generated by the proposed development. "Inadequate," for the purpose of this finding, shall mean: [Amended 5-14-1998 ATM by Art. 50]

1405.1.1. An LOS of less than "B" (as defined in the reference cited above) for existing designated scenic roads, for all categories of existing residential streets (as defined in the Subdivision Regulations of the Planning Board Editor's Note: See Ch. 303, Subdivision of Land→.) and for all new streets and intersections created in conjunction with the project.

1405.1.2. An LOS of less than "D" (as defined in the above reference) for numbered highways and all other streets.

1405.2. The approving authority, at its discretion, may hire a qualified expert in developing and interpreting traffic generation data to confirm data submitted by the applicant, evaluate data and recommend to the approving authority the appropriate LOS to be utilized by the approving authority in determining whether the proposed activity meets the requirement of this § 198-1405. The approving authority may charge the applicant reasonable costs for such work as part of the application fee for review of the application.

1405.3. The approving authority, at its discretion, may allow for improvements to affected areas that, when complete, will provide the required LOS and may make such improvements a condition of approval.

1405.4. The approving authority may accept a request for waiver of traffic impact if the applicant asserts to the satisfaction of the approving authority that:

1405.4.1. The application of the limitations contained under § 198-1405.1 and 1405.2 above would constitute a hardship or prohibit use of the property for a purpose allowed in this article and that the impact on the affected ways is insignificant; or

1405.4.2. The way(s) affected was (were) below the required LOS at the time of application and the impact on the affected way(s) is insignificant.

1405.5. Such request for waiver of traffic impact shall be made, in writing, by the applicant, who shall submit sufficient data satisfactory to the approving authority to support said request. The approving authority shall list, in writing, its reasons for granting or denying said request, after holding a public hearing in accordance with the hearing requirements of MGL c. 40A, the Zoning Act, pertaining to special permits.

§ 198-1406. Physical attributes of the lotsite.

- 1406.1. The footprint of any building(s) ~~may shall~~ not exceed 20% of the total area of the ~~lotsite~~. The footprint of a building shall be measured at the outermost edge of the foundation of the building or at the outermost edge of any portion of the first floor overhanging the foundation, whichever is greater.
- 1406.2. The floor area ratio (FAR) ~~may shall~~ not exceed 40% when calculated by dividing the total gross floor area of the buildings by the total area of the ~~lotsite~~. ~~“Total gross floor area” shall mean the floor area within the perimeter of the outside walls of the buildings, without deductions for hallways, stairs, closets, thickness of walls, columns or any other features.~~
- 1406.3. No portion of any building ~~or structure may shall~~ exceed 35 feet in height, except that this limitation shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory rooftop features necessary to the functioning of the building, if such features are in no way occupied by people.
- 1406.4. No building or structure ~~may shall~~ extend to within 100 feet of any street lot line or to within 100 feet of any property line. [Amended 5-5-1999 STM by Art. 11]
- 1406.5. The ~~lotsite~~ shall have adequate parking spaces, as determined by the approving authority after review of the traffic impact assessment report. Such parking spaces shall be off-street and shall not be located within 50 feet of the perimeter ~~property lot line of the site~~. The approving authority may allow on-street parking and location of parking spaces closer to ~~the said lot property line~~, but only after listing its reasons therefor and finding that allowing such parking is consistent with the purposes of this Zoning Bylaw. However, in no event ~~may shall~~ parking be allowed within 100 feet of residential zoning districts or residential properties. All parking shall be screened from adjacent properties by suitable landscaping materials.
- 1406.6. All facilities and all articles stored on the ~~lot premises~~ shall be located within enclosed buildings or structures, unless the approving authority allows for an adequately screened storage area and lists in its written findings that such an area is consistent with the purposes of this Zoning Bylaw.
- 1406.7. No loading platform ~~may shall~~ be located on the street side of any building or structure or on the side of a building or structure facing a residential district, unless properly screened and unless the approving authority lists in its written findings that said screened platform is consistent with the purposes of this Zoning Bylaw.
- 1406.8. In the event of the construction, reconstruction or substantial alteration on any ~~lotsite~~ that is used or intended to be used, in whole or in part, for the purpose allowed under ~~this a~~Article 14, paved pedestrian sidewalks shall be constructed as a part of such construction, reconstruction or substantial alteration. Such sidewalks shall be no less than five feet in width, shall be set back no less than four feet from ~~the~~ street lot lines ~~for the entire width of the lot frontage~~ and shall be separated from the remainder of the ~~lotsite~~ by a four-foot landscaped strip. Sidewalks shall reasonably join existing sidewalks or shall be capable of reasonably joining ~~planned potential~~ sidewalks, internally and on abutting land. [Amended 5-5-1999 STM by Art. 11]
- 1406.9. Not more than one sign, consistent with regulations promulgated pursuant to Article 6, Site Plan Approval, of this Zoning Bylaw, shall be allowed at each entrance of the ~~lotsite~~ from each principal way and from which way access to the site is provided in the site plan approval for the site.

198 Attachment 1

Town of Wayland

Table of Dimensional Requirements

[Amended 5-27-1981 ATM by Art. 16; 5-4-1982 ATM by Art. 23;
5-2-1983 ATM by Art. 12; 5-2-1983 ATM by Art. 13; 5-14-1998 ATM by Art. 56;
5-5-1999 STM by Art. 10; 5-12-1999 ATM by Art. 37; 5-1-2002 ATM by Art. 31]
Add new amendment references

Districts	Use	Minimum Lot Area ¹ (sq. ft.)	Maximum Lot Coverage	Minimum Frontage (ft.)	Minimum Yard Setbacks ¹⁴			Maximum Height ^d The lesser of
					Front	Rear	Side	
					From Lot Line (ft.)	From Lot Line (ft.)	From Lot Line (ft.)	Feet
					Center Line (ft.)			Stories
Single Residence		20,000 ¹⁵	20%	120	30 ²	30	15 ³	35
		30,000 ¹⁵	20%	150	30 ²	30	20 ³	35
		40,000 ¹⁵	20%	180	30 ²	30	25 ³	35
		60,000 ¹⁵	20%	210	30 ²	30	30 ³	35
Roadside Business	Uses permitted in Single Residence Districts Permitted nonresidential uses	7	20%	7	60	55	15 ³	35
Business A	Retail, offices, services, trades, etc.	8	20%	200 ⁶	60	30	30	35
			75% (70% corner lot)	3	30 ²	55	15 ³	35
	Automobile service garage and repair garage	30,000	25%	125	40 ¹ (add reference to footnote 10)	25 ^{7,10}	25 ^{7,10}	35
Business B	Automobile sales, service and repairs	2 acres	25%	200	40	25 ^{7,10}	25 ^{7,10}	35
	Gasoline service stations	40,000	25%	200	40 ¹⁰	25 ^{7,10}	25 ^{7,10}	35
	Service station	None	25%	None	60 ¹¹	15 ^{7,10,13}	15 ^{3,10,13}	35
	Listed permitted uses	None	75% (70% corner lot)	None	30 ²	30	15 ³	None
Limited Commercial	Automobile service and repair garage	30,000	25%	125	40 (add reference to footnote 10)	25 ^{7,10}	25 ^{7,10}	35
	Automobile sales, service and repairs	2 acres	25%	200	40	25 ^{7,10}	25 ^{7,10}	35
	Gasoline service stations	40,000	25%	200	40 ¹⁰	25 ^{7,10}	25 ^{7,10}	35
	Uses permitted in Single Residence Districts Permitted nonresidential uses	10	20%	10	30 ²	55	15 ³	35
Aquifer Protection Geohazard Interim Planning Overlay Conservation Cluster Development Floodplain, Federal Flood Plain Protection Flood and Watershed Protection Planned Development Senior and Family Housing Overlay Southeast Wayland-Cochituate Planning Wireless Communications See Services Planned Wireless Communications Services District Municipal Services Overlay		None	20%	None	100	100	100	35
								2 1/2

NOTES:

- 1 Minimum lot area shall be calculated in accordance with the requirements of § 198-705.5 of this Zoning Bylaw.
 2 If § 198-702 shall require a greater setback or permit a lesser setback, the provisions of said § 198-702 shall prevail over this table.
 3 Side yards shall meet the requirements of §§ 198-702.4 and 703.2, and the required minimum side yard may be reduced in accordance with the provisions of § 198-703.2.
 4 Maximum height limitations shall be subject to the exceptions set forth in § 198-701.1.1 and 701.1.2.
 5 ~~Accessory buildings shall be permitted in the minimum backyard in accordance with the provisions of § 198-703.1. Reserved for future use.~~
 6 ~~Existing premises with less frontage may be used in accordance with the requirements of § 198-1002.1.4. (Editor's Note: Former § 198-1002.1.4, which provided for existing premises with less frontage, was repealed 5-5-1999 STM by Art. 9.) Reserved for future use.~~
 7 The dimensional requirements of the nearest residential district shall apply.
 8 Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1104.1.2.
 9 Each structure shall be not less than 100 feet from any residential building.
 10 Gasoline pumps shall be at least 20 feet from the street lot line and 25 feet from side and rear property lines. [Amended 5-5-1999 STM by Art. 11]
 11 Also 60 feet from any residence district; exception may be made pursuant to § 198-1104.1.3.1.
 12 ~~Sixty feet required from residence district boundary. Reserved for future use.~~
 13 Exception may be made pursuant to § 198-1104.1.3.2.
 14 Any greater setback required by § 198-702.4 or §§ 198-901.1.5.4, 901.1.5.5 or 901.1.6 shall prevail.
 15 Minimum front yard width shall be calculated in accordance with the requirements of § 198-705.1.8 of this Zoning Bylaw.
 16 Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1403.1.

Table of Permitted Principal Uses by Districts

[Amended 5-27-1981 ATM by Art. 17; 4-30-1986 ATM by Art. 30; 11-13-1991 STM by Art. 5;
 11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-14-1998 ATM by Art. 55;
 5-5-1999 STM by Art. 10; 4-30-2001 ATM by Art. 26; 5-5-2005 ATM by Art. 29]

Key to symbols:

Yes = Allowed as of right
~~P-ZBA~~ = ~~Allowed by permit from Zoning Board of Appeals~~
 R = Required
 No = Not allowed
 TM = Allowed by two-thirds majority Town Meeting vote
 NR = Not required
 SP = Allowed by special permit
 TAU = See Table of Accessory Uses by Districts
 NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Business Uses							
1. Automobile sales, automobile service garage, automobile service station service, repair	No	No	SP-ZBA	No	SP-ZBA	No	R
2. Bank	No	No	Yes	Yes	Yes	Yes	R
3. Boat or canoe rental nonmotorized or no more than 10 hp	SP	SP	Yes	Yes	Yes	Yes	R
4. Customary Home occupation, Customary	TAU	TAU	Yes	Yes	Yes	Yes	R
5. Funeral home	SP	SP	Yes	Yes	Yes	Yes	R
6. Medical/dental care center	TAU	TAU	Yes	Yes	Yes	Yes	R
7. Motor vehicle	No	No	P-ZBA	No	P-ZBA	No	R

service/gasoline <u>Reserved for possible future use.</u>							
8. Office	TAU	TAU	Yes	Yes	Yes	Yes	R
9. Parking facility: garages for 4 or more vehicles	SP	SP	Yes	Yes	Yes	Yes	R
10. Personal and other service <u>establishments</u>	No	No	Yes	Yes	Yes	No	R
11. Restaurant	No	SP	SP-ZBA	SP-ZBA	SP-ZBA	No	R
12. Retail store	No	No	Yes	Yes	Yes	No	R
13. Roadside stand	No	SP	Yes	Yes	Yes	Yes	R
14. Stables with horses for hire	SP	SP	No	No	Yes	No	R
15. Trade shop	TAU No	TAU	Yes	No	Yes	No	R
General Uses							
16. Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	NR
17. Cemetery	Yes	Yes	Yes	Yes	Yes	Yes	R
18. Conservation <u>Land</u>	Yes	Yes	Yes	Yes	Yes	Yes	NR
19. Earth removal	SP	SP	SP	SP	SP	SP	NR
20. Kennel	TAU	TAU	No	No	No	No	NR
21. Membership club, nonprofit; outdoor sports, recreational, social	SP	SP	Yes	Yes	Yes	Yes	R
22. Membership club, for profit; outdoor sports, recreational, social	No	SP	Yes	Yes	Yes	Yes	R
23. Recreation/park	Yes	Yes	Yes	Yes	Yes	Yes	R

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Government, Institutional and Public Service							
24. Assisted/independent living	SP	SP	SP	SP	No	No	R
25. Bus terminal	No	No	Yes	Yes	Yes	No	R
26. Educational	Yes	Yes	Yes	Yes	Yes	Yes	R
27. Hospital	SP	SP	No	No	Yes	Yes	R
28. Low-income elderly housing	TM	TM	No	No	No	No	R
29. Multi-family unit: low-income	TM	TM	No	No	No	No	R
30. Museum/library	Yes	Yes	Yes	Yes	Yes	Yes	R

31. Nursery school/day care	Yes	Yes	Yes	Yes	Yes	Yes	
32. Nursing home	SP	SP	No	No	Yes	Yes	R
33. Public or charitable Institution	SP	SP	No	No	Yes	Yes	R
34. Railroad station/ railroad and right-of-way	Yes	Yes	Yes	Yes	Yes	Yes	R
35. Religious building or structure	Yes	Yes	Yes	Yes	Yes	Yes	R
36. Studio for art, music, dance	SP	SP	Yes	Yes	Yes	No	R
37. Town uses	Yes	Yes	Yes	Yes	Yes	Yes	R
38. Utility facility	Yes	Yes	Yes	Yes	Yes	Yes	R
Industrial Uses							
39. Construction/ Lumber yard	No	No	No	No	Yes	No	R
40. Heavy vehicle repair garage	No	No	No	No	Yes	Yes	R
41. Light manufacturing	No	No	No	No	Yes	Yes	R
42. Research and development laboratories/offices not exceeding 15,000 square feet	No	No	No	No	Yes	Yes	R
43. Research and development laboratories/offices exceeding 15,000 square feet	No	No	No	No	No	SP	R
44. Warehouse/ Distributi on not exceeding 15,000 square feet	No	No	No	No	No	Yes	R
45. Warehouse/ Distributi on exceeding 15,000 square feet	No	No	No	No	No	SP	R

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Prohibited Uses							
46. Aircraft landing and taking off	No	No	No	No	No	No	NA
47. Drive in, drive-	No	No	No	No	No	No	NA

through, <u>or drive-up</u> restaurants							
48. Hazardous material storage	No	No	No	No	No	No	NA
49. Junkyard	No	No	No	No	No	No	NA
50. Ungaraged and unregistered motor vehicles, more than one	No	No	No	No	No	No	NA
51. All uses not listed herein	No	No	No	No	No	No	NA
<u>52. Boarding houses</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>NA</u>
Residential Uses							
52 53. Accessory dwelling Unit	TAU	TAU	No	No	No	No	NR
53. Boarding house <u>Reserved for future use</u>	No	No	No	No	No	No	NA
54. Conservation cluster	SP	SP	No	No	No	No	NR
55. Dwelling, <u>S</u> single-family	Yes	Yes	No	No	No	No	NR
56. Letting of rooms	TAU	TAU	No	No	No	No	NR
57. <u>Dwelling</u> , Multi-family <u>dwelling</u>	SP1	SP1	No	No	No	No	NA
Refuse Disposal District	Requirements of § 198-1201 apply						
Overlay Districts							
Aquifer Protection District	Requirements of Article 16 apply						
Cochituate Interim Planning Overlay District	Requirements of Article 22 apply						
Conservation Cluster Development District	Requirements of Article 18 apply <u>-SP</u>						
Floodplain, Federal Flood <u>Plain</u> Protection <u>and Watershed Protection</u> Districts	Requirements of Article 17 apply <u>-SP</u>						
Planned Development District	Requirements of Article 19 apply <u>-SP</u>						
Senior and Family Housing Overlay District	Requirements of Article 21 apply <u>-SP</u>						
Southeast Wayland-	Requirements of Article 20 apply <u>-SP</u>						

Cochituate Planning District	
Wireless Communications Services District	Requirements of Article 15 apply <u>-SP</u>
<u>Planned Wireless Communications Services District</u>	<u>Requirements of Article 15A apply</u>
Municipal Services Overlay District	Requirements of Article 24 apply

NOTES:

1 Multi-family dwellings may only be allowed by special permit in accordance with Article 18 Conservation Cluster Development District.

Accessory Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
58. Accessory dwelling unit (§ 198-901.1.3)	SP	SP	No	NA	NA	NA	NR
59. Accessory dwelling unit - WHA (§ 198-901.1.4)	SP	SP	No	NA	NA	NA	NR
60. Barn, toolshed	Yes	Yes	Yes	Yes	Yes	Yes	NR
61. Cafeterias, banks, day-care or recreational facilities for employees	No	No	No	No	No	Yes	R
62. Home occupation (§ 198-901.1.2)	SP	SP	Yes	Yes	Yes	Yes	R
63. Family day care	Yes	Yes	Yes	Yes	Yes	Yes	R
64. Garage, carport: 3 vehicles or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
65. Greenhouse, noncommercial	Yes	Yes	Yes	Yes	Yes	Yes	NR
66. Home occupation, <u>Customary</u> (§ 198-901.1.1)	Yes	Yes	Yes	Yes	Yes	Yes	NR
67. Kennel: 3 dogs or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
68. Kennel: 4 dogs or more	SP	SP	Yes	Yes	Yes	Yes	R
69. Letting/renting of rooms	SP	SP	No	No	No	No	NR

70. (Reserved)	--	--	--	--	--	--	--
71. Residence in accessory dwelling building	Yes	Yes	No	No	No	No	NR
72. Roadside stand	SP	SP	Yes	Yes	Yes	Yes	R
73. Swimming pool	Yes	Yes	No	No	No	No	NR
74. Tennis court	Yes	Yes	No	No	No	No	NR

PLANNING BOARD REPORT: *“A re-organization or re-structuring of the Zoning By-Laws of the Town without making any substantial procedural or substantive changes in such By-Laws” and still meet the intent of a By-Law that is more understandable to a layman.*

From the Wayland Zoning By-Law Committee in 1983

As authorized by the Town Meeting vote under Article 24 on May 6, 2004, the Planning Board has undertaken the project to rewrite the Town’s Zoning Bylaws, which are found in Chapter 198 of the Town Code. The Planning Board is undertaking the project in two stages; first to address organizational, consistency, and similar non-substantive matters and second to address substantive provisions. The first installment of the amendments consists of amendments to Chapter 198, Articles 1-5 and 7-14, which are being presented for consideration by the Town Meeting on November 16, 2010. All of the currently proposed revisions are non-substantive. Policy and similar substantive provisions are reserved for a later date.

The proposed amendments are intended to make the Bylaw more consistent and “user-friendly” by eliminating redundancy and improving organization. The amendments are designed to clarify terms and apply those terms consistently throughout the Bylaw. For example, the Definitions section (§198-104) is expanded to include definitions of terms used elsewhere in the Bylaw and terms not used are deleted. Narrative describing the various uses is removed from the Table of Dimensional Regulations (§198-801), the Classification of Principal Uses (§198-803), the Table of Permitted Accessory Uses by Districts (§198-804), and the Classification of Accessory Uses (§198-805) and inserted in the Definitions section. The amendments also incorporate Attachments 1, 3, and 5 (respectively, the Table of Dimensional Regulations, the Table of Permitted Principal Uses by Districts, and the Table of Permitted Accessory Uses by Districts) into the Bylaw. Other amendments update various sections and correct errors.

One of the items of concern at Annual Town Meeting in November 2010 was the proposal to remove the section of the Zoning Bylaws that pertained to the Federal Flood Plain Protection District (Section 17 of the bylaws). The Planning Board has decided to maintain that section in the bylaws and has amended them as set forth in a separate article that is being brought before the 2011 Annual Town Meeting (Article 20).

Consistent and well-written Zoning Bylaws will provide a solid foundation for regulatory decisions and a clearer set of rules for applicants. It will also provide consistency with the laws of the Commonwealth of Massachusetts, such as making definitions in the Town’s Bylaws consistent with those of the Commonwealth.

The Planning Board voted unanimously in favor of this article. Vote: 4-0.

FINANCE COMMITTEE COMMENTS: At the November 2010 Special Town Meeting, the Planning Board brought a very similar article to Town Meeting for consideration. At that meeting, there were several concerns raised by citizens with regard to whether such changes would have a material impact upon the Town, even though the purpose of these proposed bylaw changes would be to either clarify the Bylaws without having a “material” impact or to make changes that would bring the Wayland Zoning Bylaws into compliance with the laws of the Commonwealth of Massachusetts.

The last major revision to the Zoning Bylaws was in 1998, with several amendments since. As authorized by the Town Meeting vote under Article 24 on May 6, 2004, the Planning Board has undertaken the Bylaw Recodification Project to rewrite the Town’s Zoning Bylaws, which are found in Chapter 198 of the Town Code. The Bylaws are being revised for the following reasons: to correct contradictions and inconsistencies that inadvertently resulted from the adoption of such amendments and otherwise; to address specific issues that have come before the Planning Board, the Zoning Board of Appeals, the Town Planner, Town Counsel, and the Building Commissioner; to account for changed circumstances in land use patterns and other conditions in the Town of Wayland; to recognize recent judicial decisions and statutory amendments; and to clarify language and improve organization.

The Planning Board is undertaking the Bylaw Recodification Project in two stages: first to address organizational, consistency and similar non-substantive matters (this article); and second to address substantive provisions (to be considered by the Planning Board at a later date). This first stage is not intended to make substantive changes to the Bylaws. This first stage reorganizes the Bylaws in a more logical and orderly manner; corrects typographical, spelling, grammar and punctuation errors; replaces abbreviations with complete words; clarifies ambiguous provisions; ensures consistency of terms and references; and references Massachusetts statutes rather than unnecessarily repeating statutory wording. The result is a document that is clearer, more understandable, and easier for Town officials and the public to follow and use. The Planning Board, with input from the public, has sought to avoid any changes to the Bylaws that would be deemed as substantive.

A concern raised at Town Meeting in November 2010 was that the public did not have reasonable notice of such a significant process, which would make changes to such an important document. Therefore, the Planning Board has made an effort to include the public in this process to the greatest extent possible in drafting this revised article for Town Meeting.

Since Annual Town Meeting in November 2010, the Planning Board has held three public hearings to specifically discuss the proposed changes to the Zoning Bylaws. These were held on January 13, 2011, January 27, 2011 and February 17, 2011. There were two members of the public who attended those three meetings and those individuals made suggestions to the Planning Board, many of which have been incorporated into these proposed amendments. Several individuals have met privately with the Town Planner to discuss the article, and many of those suggested changes have been incorporated into these amendments. In addition, the Town Planner has reached out, via email and phone calls, to other citizens who in the past have expressed an interest in the Zoning Bylaws.

The recodification of the Zoning Bylaws was on the Planning Board’s agenda at its meetings on January 4, 2011; January 13, 2011; and February 1, 2011. No members of the public were in attendance at those meetings to discuss this issue. The Planning Board had a final public hearing on this matter on March 1, 2011 and received input from the public at that time, with many of the suggested changes being incorporated into these amendments.

One of the items of concern at Annual Town Meeting in November 2010 was the proposal to remove the section of the Zoning Bylaws that pertained to the Federal Flood Plain Protection District (Section

17 of the bylaws). The Planning Board has decided to maintain that section in the bylaws and has amended them as set forth in a separate article that is being brought before the 2011 Annual Town Meeting (Article 20).

The proposed revised Bylaws will not affect the ability to develop any vacant land in Wayland. As is the case with the current Bylaws, no development may commence unless all required permits and other approvals that may be applicable (such as from the Conservation Commission, Board of Health, and the like), and/or variances and special permits have been obtained. The proposed revised Bylaws do not make any changes to the dimensional requirements in the current Bylaws. There are no proposed revisions to the current Bylaws' requirements with regard to minimum lot area, frontage, setbacks, height, or any other dimensional requirements. The application process and standards for obtaining a variance or a special permit will not change. The Bylaw Recodification Project makes no changes to Article 6 Site Plan Approval.

The proposed Bylaws would add new definitions, revise existing definitions, and delete definitions in the existing Bylaws. The proposed definitions pertain to uses currently referred to in the Bylaws, but which are not explicitly defined. See for example, Agriculture (note: definition is from G.L. c.128, §1A), Automobile sales, Junkyard, among others. Defining these terms adds clarity to the Bylaws and avoids possible confusion and inconsistency. Additionally, definitions that were previously listed in the Classification of Principal Uses have now been moved to the Definitions section. See for example, Boat or Canoe rental, Medical/dental care center, Personal and other service establishment, and Retail store, among others. In some instances, language was added or the definition was re-worded for clarification. See for example, Accessory dwelling unit, Museum or library, among others. Other definitions were deleted because they were not used in the Bylaws. See for example, Building envelope, Habitable space. Moving definitions from various places in the Bylaws to the Definitions section will make the Bylaws easier to use. Definitions specific to certain overlay districts have not been moved.

Attorneys from the law firm of Kopelman and Paige have worked with the Planning Board for over two years in reviewing the Bylaws and have provided the changes that are set forth in the Warrant. The product of their work is anticipated to provide a better land use guide that reflects the policies and procedures of the Town and the Commonwealth and is more easily accessible to applicants and regulators. These changes have taken into account the comments received by the Planning Board at the Special Town Meeting in November 2010 and at its various meetings since that time, as described above.

The estimated cost of \$3,000 to \$4,000 covers not only the estimated cost of making changes on-line and in print to the changes proposed herein, but that would also cover the estimated cost if articles 20 and 21 (also zoning articles) of the 2011 Annual Town Meeting are approved. It is anticipated that reserve funds would be allocated by the Finance Committee to pay for the cost of implementing these amendments.

The Planning Board voted unanimously in favor of this article: Vote: 4 - 0.

ARGUMENTS IN FAVOR: Consistent and well-written Zoning Bylaws will provide a solid foundation for regulatory decisions and a clearer set of rules for applicants. It will also provide consistency with the laws of the Commonwealth of Massachusetts, such as making definitions in the Town's Bylaws consistent with those of the Commonwealth.

ARGUMENTS OPPOSED: Some members of the public are concerned that some of the changes presented in these amendments could be interpreted as material changes and should be noted as such.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0.

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 amendments are consistent with federal and Massachusetts law.

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

ARTICLE 20: AMEND ZONING BYLAW – UPDATED FEDERAL FLOODPLAIN OVERLAY DISTRICT MAP

Proposed by: Planning Board

To determine whether the Town will vote to amend the Town's Zoning Bylaw, Chapter 198 of the Town Code, Overlay districts, §302.1.2, §302.2, and §1702, of the Town Code as follows:

By deleting the text shown below as strike-out and by adding the text shown below in underlining as being added; text that is not being changed is shown for informational purposes only

§198-302. Overlay Districts

302.1.2

~~A Federal Flood Protection District, defined as the one hundred year floodplain, Zones A and A1-A30, that is shown, defined and bounded on maps published by the Federal Emergency Management Agency on file with the Town Clerk and entitled "FIRM – Flood Insurance Rate Map, Town of Wayland, Massachusetts, Middlesex County," and "Floodway Flood Boundary and Floodway Map, Town of Wayland, Massachusetts, Middlesex County," dated June 1, 1982.~~

302.1.2

A Federal Flood Plain Protection District, which includes all special flood hazard areas within the Town of Wayland designated as Zone A AE, AH, AO, A99 and "Floodway Areas in Zone AE", on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Wayland are panel numbers 25017C0369E, 25017C0386E, 25017C0388E, 25017C0389E, 25017C0507E, 25017C0509E, 25017C0517E, 25017C0526E, 25017C0527E, 25017C0528E, 25017C0529E, and 25017C0536E dated June 4, 2010. The exact boundaries of the Federal Flood Protection District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk. The FIRM is hereby incorporated as part of the Zoning Map of the Town of Wayland.

302.2

Any land lying within the Aquifer Protection District, the Federal Flood Plain Protection District, the Floodplain District or the Watershed Protection District shall also be subject to the regulations of the underlying districts to the extent not inconsistent with the regulations for the applicable overlying district or districts and shall, in addition, conform to the additional

requirements of the one or more overlying districts in which the land lies. In the event of any conflict between the regulations applying to two or more overlying districts that apply to the same parcel of land, the conflict shall be resolved by applying the most restrictive provisions. [Added 5-4-1982 ATM by Art. 17; amended 5-1-1989 STM by Art. 7]

§198-1702, Federal Flood Plain Protection District

~~{Amended 5-4-1982 ATM by Art. 17}~~

~~1702.1. The purpose of this § 198-1702 is to carry out the purposes of the National Flood Insurance Program so as to enable interested persons to purchase insurance against loss resulting from physical damage to, or loss of, real property, or personal property related thereto, arising from a flood.~~

~~1702.2. The following requirements apply in the Federal Flood Protection District:~~

~~1702.2.1. Within Zone A, as shown on the Flood Insurance Rate Map (FIRM), where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any building and/or structure lying within Zone A shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the Building Code (current Section 744).~~

~~1702.2.2. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:~~

~~1702.2.2.1. All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited, unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the floodway demonstrating that such encroachment shall not result in an increase in flood levels during the occurrence of the one hundred-year flood.~~

~~1702.2.2.2. Any encroachment meeting the above standard shall comply with the floodplain requirements of the Building Code. Editor's Note: Former § 198-1703, Watershed Protection District, as amended 3-15-1967 ATM by Art. 16, 4-30-1975 ATM by Art. 28, and 4-28-1986 ATM by Art. 25, which immediately followed, was repealed 5-5-2005 ATM by Art. 31.~~

1702.1.

The purposes of the Federal Flood Plain Protection District are to protect the health and safety of persons in the Town against the hazards of flooding; to reduce damage to public and private property resulting from flooding; to control development within lands identified as flood hazard areas; and to maintain the Town's eligibility to participate in the National Flood Insurance Program and thereby enable Town property owners to purchase insurance against damage to, or loss of, real property or personal property arising from a flood. As used herein, FIRM means the Federal Insurance Rate Map, as described in §198-302.1.2.

1702.2.

The following requirements apply in the Federal Flood Plain Protection District:

1702.2.1.

In Zone AE, where the base flood elevation is provided on the FIRM, the base flood elevation shall be utilized to meet the elevation or floodproofing requirements of the State Building Code, Seventh Edition, 780 CMR 120.G, "Flood Resistant Construction", as may be modified in subsequent editions. Within Zone A, where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any building and/or structure within Zone A shall obtain the best available base flood elevation data, which shall be reviewed by the Building Commissioner and used to meet said elevation or floodproofing requirements. Base flood elevation data is required for subdivision proposals or other developments greater than five acres within Zone A.

1702.2.2.

All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited, unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the floodway demonstrating that such encroachment shall not result in an increase in flood levels within the Town during the occurrence of the one-hundred-year flood. Along waterways that have not had a regulatory floodway designated on the FIRM, the best available Federal, State, Town or other floodway data shall be used to provide the certification that the encroachment will not result in an increase in said flood levels.

1702.3.

All development in the Federal Flood Plain Protection District, including structural and non-structural activities, that is in compliance with this Bylaw, must also be in compliance with the following State and Town requirements, and any waivers or variances from said requirements may only be granted in accordance with the procedures of those requirements:

1702.3.1.

The current requirements of the Massachusetts State Building Code for construction in flood hazard areas.

1702.3.2.

The Wetlands Protection Act, G.L., c. 131, §40, and its Regulations (currently 310 CMR 10.00 et seq.).

1702.3.3.

Inland Wetlands Restriction Regulations (currently 310 CMR 13.00).

1702.3.4.

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage ("Title V") (currently 310 CMR 15.000 et seq.).

1702.3.5.

Town Bylaws, Chapter 194, "Wetlands and Water Resources Protection," and the Rules and Regulations of the Town Conservation Commission, as currently in effect.

PLANNING BOARD REPORT: This is being presented as a separate article and not as part of the Zoning Bylaws Recodification article in order to highlight for property owners that the Town is making map changes to designate new district boundaries of the flood plain zone that relate to new panel numbers. The Planning Board was concerned that if this amendment to the Zoning Bylaws were part of the larger recodification project (see Article 19 of the 2011 Annual Town Meeting), that property owners in Wayland might not be aware. The changes to the floodplain maps are amendments to maps that were originally approved at Town Meeting to designate prior Federal floodplain maps. These maps have already been adopted by our Conservation Commission as stated in the Conservation Rules and Regulations.

The amendments to the floodplain maps will provide consistency between the flood plain maps recognized by the Town and by FEMA, thereby providing residents with an unambiguous definition of the designated Federal Flood Plain areas in Wayland. It will also make the Town's bylaws on this matter consistent with the model bylaws recommended by the DCR (Massachusetts Department of Conservation and Recreation), which will provide residents with a set of rules and regulations that are clear and consistent if they need to count on such bylaws to assist them in managing flood plain issues.

If you have any questions about the Federal Floodplain maps, or wish to view them online, visit the FEMA website at <http://www.fema.gov>.

The Planning Board voted unanimously in favor of this article: Vote: 4-0.

FINANCE COMMITTEE COMMENTS: The purpose of this Article is to accept the new Federal flood plain maps issued by FEMA and to make changes to the Town bylaws such that they will be consistent with the model bylaws as set forth by the State's Department of Conservation and Recreation (DCR). This will serve to remove inconsistencies and confusion for applicants who are requesting regulatory approvals for their properties within the current floodplain boundaries.

This is being presented as a separate article and not as part of the Zoning Bylaws Recodification article in order to highlight for property owners that the Town is making map changes to designate new district boundaries of the flood plain zone that relate to new panel numbers. The Planning Board was concerned that if this amendment to the Zoning Bylaws were part of the larger recodification project (see Article 19 of the 2011 Annual Town Meeting), that property owners in Wayland might not be aware. The changes to the floodplain maps are amendments to maps that were originally approved at Town Meeting to designate prior Federal floodplain maps. The flood plain maps are an integral part of the town's zoning by-laws and it is customary that these maps are approved by Town Meeting. The changes to the bylaws will serve to unify the Town's bylaws on this matter with those of the DCR.

Concerns were raised by citizens at Special Town Meeting in November 2010, that by making these changes as part of the Zoning Bylaw Revisions proposed at that time (similar to the Zoning Bylaws Recodification proposed in Article 19, referenced above), the Town would be risking the ability of the Town and/or its citizens to recover awards from flood insurance under existing programs. At that time, provisions were being removed from the bylaws, and this article provides for not only maintaining the bylaws with regard to Federal Flood Plain Protection District, but it makes it more consistent with State Law. Town counsel believes that it therefore poses no threat to the potential weakening of the Town's or any individual's abilities to receive awards from the existing flood insurance programs.

ARGUMENTS IN FAVOR: The amendments to the floodplain maps will provide consistency between the flood plain maps recognized by the Town and by FEMA, thereby providing residents with

an unambiguous definition of the designated Federal Flood Plain areas in Wayland. It will also make the Town's bylaws on this matter consistent with the model bylaws recommended by the DCR, which will provide residents with a set of rules and regulations that are clear and consistent if they need to count on such bylaws to assist them in managing flood plain issues.

ARGUMENTS OPPOSED: Citizens have raised a concern that any change to the bylaws presents the possibility that the revised bylaws could be interpreted differently from the bylaws they replaced.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4 - 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 email ssarkisian@wayland.ma.us.

ARTICLE 21: AMEND ZONING BYLAW – SITE PLAN APPROVAL REQUIREMENT FOR DAY CARE, EDUCATIONAL, NURSERY SCHOOL AND RELIGIOUS USES

Proposed by: Planning Board

To determine whether the Town will vote to amend the Town's Zoning Bylaw, Chapter 198 of the Town Code, Table of Permitted Principal Uses by Districts, and the Notes within and at the end of said table and §198-603 and §198-606 relative to Site Plan Approval by (i) deleting the text shown below as ~~striking through~~; (ii) adding the underlined text and (iii) as otherwise indicated (text that is not being changed is shown for informational purposes only):

a.) revise the Table of Permitted Principal Uses by Districts and the Notes within and at the end of said table as follows:

**Town of Wayland
Table of Permitted Principal Uses by Districts (Cont'd)**

Key to symbols:

Yes	= Allowed as of right
P-ZBA	= Allowed by permit from Zoning Board of Appeals
R	= Required
No	= Not allowed
TM	= Allowed by two-thirds majority Town Meeting vote
NR	= Not required
SP	= Allowed by special permit
TAU	= See Table of Accessory Uses by Districts
NA	= Not applicable

(No changes to uses 1 through 23 are proposed)

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Government, Institutional and Public Service							
24. Assisted/independent living	SP	SP	SP	SP	No	No	R
25. Bus terminal	No	No	Yes	Yes	Yes	No	R
26. Educational	Yes	Yes	Yes	Yes	Yes	Yes	R ¹
27. Hospital	SP	SP	No	No	Yes	Yes	R

28. Low-income elderly housing	TM	TM	No	No	No	No	R
29. Multifamily unit: low-income	TM	TM	No	No	No	No	R
30. Museum/ or library	Yes	Yes	Yes	Yes	Yes	Yes	R ¹
31. Nursery school/or day care	Yes	Yes	Yes	Yes	Yes	Yes	R ¹
32. Nursing home	SP	SP	No	No	Yes	Yes	R
33. Public or charitable institution	SP	SP	No	No	Yes	Yes	R
34. Railroad station and right-of-way	Yes	Yes	Yes	Yes	Yes	Yes	R
35. Religious	Yes	Yes	Yes	Yes	Yes	Yes	R ¹
36. Studio for art, music, dance	SP	SP	Yes	Yes	Yes	No	R
37. Town uses	Yes	Yes	Yes	Yes	Yes	Yes	R
38. Utility facility	Yes	Yes	Yes	Yes	Yes	Yes	R
Industrial Uses							
39. Construction/lumber yard	No	No	No	No	Yes	No	R
40. Heavy vehicle repair garage	No	No	No	No	Yes	Yes	R
41. Light manufacturing	No	No	No	No	Yes	Yes	R
42. Research and development not exceeding 15,000 square feet	No	No	No	No	Yes	Yes	R
43. Research and development exceeding 15,000 square feet	No	No	No	No	No	SP	R
44. Warehouse not exceeding 15,000 square feet	No	No	No	No	No	Yes	R
45. Warehouse exceeding 15,000 square feet	No	No	No	No	No	SP	R
52. Accessory dwelling unit	TAU	TAU	No	No	No	No	NR
53. Boarding house	No	No	No	No	No	No	NA
54. Conservation cluster	SP	SP	No	No	No	No	NR
55. Dwelling, single-family	Yes	Yes	No	No	No	No	NR
56. Letting of rooms	TAU	TAU	No	No	No	No	NR
57. Multifamily dwelling	SP ¹²	SP ¹²	No	No	No	No	NA
Refuse Disposal District	Requirements of § 198-1201 apply						
Overlay Districts							
Aquifer Protection District	Requirements of Article 16 apply						
Cochituate Interim Planning Overlay District	Requirements of Article 22 apply						
Conservation Cluster Development District	Requirements of Article 18 apply						
Floodplain, Federal Flood Protection and Watershed Protection Districts	Requirements of Article 17 apply						
Planned Development District	Requirements of Article 19 apply						
Senior and Family Housing Overlay District	Requirements of Article 21 apply						
Southeast Wayland-Cochituate Planning District	Requirements of Article 20 apply						
Wireless Communications Services District	Requirements of Article 15 apply						
Municipal Services Overlay District	Requirements of Article 24 apply						

NOTES:

¹ Limited site plan review and approval by the Building Commissioner in accordance with §198-606.3.

⁺² Multifamily dwellings may only be allowed by special permit in accordance with Article 18 Conservation Cluster Development District. ; and

b.) revise §198-603 and §198-606 relative to Site Plan Approval as follows:

§ 198-603. Administering board or official.

603.1. The Planning Board shall administer SPA:

603.1.1. Whenever this Zoning Bylaw does not also require a special permit, ~~permit~~ and/or variance; or

603.1.2. Whenever this Zoning Bylaw also requires a special permit from the Planning Board.

603.2. The ZBA shall administer SPA whenever this Zoning Bylaw also requires a special permit, ~~permit~~ and/or variance from the ZBA.

603.3 The Building Commissioner shall administer the SPA whenever the principal use of the land or structure is an exempt day care, educational, nursery school or religious use under MGL c.40A, §3.

(No changes to § 198-604 and § 198-605 are proposed)

§ 198-606. Standards and criteria.

606.1. The Planning Board shall review the complete application submittal and determine whether said submittal is consistent with the standards and criteria in this § 198-606. If the Planning Board finds that said standards and criteria have been met, and if it does not make any of the findings set forth in § 198-607 below, it shall approve the submittal, with or without conditions.

606.2. The following standards and criteria, specifically defined for each zoning district, shall be included in the SPA regulations:

606.2.1. The proposal shall be integrated into the existing terrain and surrounding landscape. Proposals shall, to the extent feasible:

606.2.1.1. Minimize the use of wetlands, steep slopes, floodplains and hilltops;

606.2.1.2. Preserve natural or historic features;

606.2.1.3. Maximize retention of open space;

606.2.1.4. Preserve scenic views from publicly accessible locations;

606.2.1.5. Minimize tree, vegetation and soil removal, blasting and grade changes; and

606.2.1.6. Screen objectionable features from adjacent properties and roadways.

606.2.2. The proposal shall include an adequate water supply system and adequate sewage and other waste disposal systems. Where sewage disposal systems are required, the applicant shall submit information as required by the Board of Health.

606.2.3. The proposal shall incorporate measures adequate to prevent pollution of surface water or groundwater; to minimize erosion and sedimentation; to prevent changes in groundwater levels and increased rates of runoff; and to minimize potential for flooding. Drainage shall be designed to maximize groundwater recharge and to prevent any increase in the rate and volume of runoff at the site's perimeter.

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

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

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

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

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

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

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

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

606.3 When reviewing and acting on a site plan application for the principal use of land or a building or structure for day care, educational, nursery school or religious uses that are exempt from regulation under MGL c. 40A, §3, the Building Commissioner shall apply reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements as set forth in this Zoning Bylaw, except to the extent that the applicant shows that the regulation is unreasonable and unrelated to a legitimate municipal concern and will substantially detract or diminish the applicant's ability to conduct the exempt use.

PLANNING BOARD REPORT: The purpose of this article is to be in compliance with the laws of the Commonwealth.

The Planning Board voted unanimously in favor of this article. Vote: 4-0.

FINANCE COMMITTEE COMMENTS: The primary reason for this proposed change to the

Zoning Bylaws is to make the provisions on these subjects consistent with state case law. In recent years, several exempt institutions (e.g., Congregation Or Atid, Wayland High School, etc.) voluntarily submitted their projects to site plan review and were approved with acceptable conditions. While this process provided the Town and these organizations with an acceptable site plan review process, the Town's current bylaws nevertheless conflict with state law. The Town's bylaws should be consistent with the laws of the Commonwealth.

ARGUMENTS IN FAVOR: This change to the Zoning By-Laws will provide consistency with the laws of the Commonwealth of Massachusetts and this is likely to avoid the potential for future litigation against the Town in the case of a conflict between the Town and in applicant within these use categories.

ARGUMENTS OPPOSED: It is not apparent that there are any reasons to oppose the changes proposed by this Article.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-0.

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 amendments are consistent with federal and Massachusetts law.

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

ARTICLE 22: SELL TOWN-OWNED LAND AT 24 AND 26 LAKESHORE DRIVE

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

- (a) authorize the Recreation Commission and the Board of Selectmen, as the case may be, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the parcels of Town-owned land on Lakeshore Drive in Wayland, Massachusetts, known and numbered as 24 Lakeshore Drive, Wayland Massachusetts, and 26 Lakeshore Drive, Wayland, Massachusetts, and described in the deeds recorded with the Middlesex South Registry of Deeds, respectively, in Book 9138, Page 468 and Book 12786, Page 38, to the Board of Selectmen for the purpose of conveying, selling or otherwise disposing of said parcels of land; and
- (b) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell or otherwise dispose of said parcels of land, subject to such conditions, restrictions and limitations as the Selectmen deem appropriate.

FINANCE COMMITTEE COMMENTS: Disposing of Town owned land in Wayland is a two step process. The Board that has control over the land must first meet and discuss the matter and then vote to declare the land surplus. After the land is declared surplus, the control of the land has to be transferred to the Board of Selectmen for disposition. This article authorizes both the transfer of control of the land to the Board of Selectmen and the disposition of the land.

The two parcels of land referenced in the vote are known as 24 Lakeshore Drive (approximately 1800 square feet in size) and 26 Lakeshore Drive (approximately 1860 square feet in size). A map of the

area can be found in Appendix F on page 164 of this warrant. The Town of Wayland currently owns the two parcels and is not collecting any real estate or other tax revenue from these parcels. Given the size of the lots, the Building Commissioner has determined that as separate, distinct parcels, they are not buildable lots.

A representative of the owners of land known as 30 Lakeshore Drive and 22 Lakeshore Drive has approached the Town expressing interest in purchasing 24 and 26 Lakeshore Drive as these two parcels of land are situated between 30 and 22 Lakeshore Drive.

The Board of Selectmen held a hearing on March 7th, and after receiving comment, voted 5-0 to declare 24 and 26 Lakeshore Drive surplus (pending determination of control of 26 Lakeshore Drive) and the Recreation Commission is scheduled to meet on March 21st to discuss 26 Lakeshore Drive (if it is determined that it has control of this parcel).

ARGUMENTS IN FAVOR: The Town is currently collecting no tax revenue on these parcels of land and foresees no realistic use of the land by the Town given their size and location. Disposing of the property will increase the Town's tax revenues.

ARGUMENTS OPPOSED: The Town should retain ownership of the land to maintain what little open space is left in the Town as well to provide potential access to Dudley Pond for the surrounding residents. The incremental tax revenue is not material to the Town's finances.

RECOMMENDATION: The Finance Committee voted 5-2 to support this article contingent upon the appropriate Boards voting to declare the land surplus.

QUANTUM OF VOTE: (a) Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A.
(b) Majority – see Massachusetts General Laws Chapter 40, Section 3.

See property location map at Appendix F, page 164. For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 23: AUTHORIZE LOCAL VOTING RIGHTS FOR PERMANENT RESIDENT ALIENS RESIDING IN WAYLAND

Proposed by: Petitioners

To determine whether the Town will vote to instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Wayland, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, residents of the town of Wayland who are aliens lawfully admitted for permanent residence in the United States and who meet all qualifications for registering to vote except U.S. citizenship, may, upon application, have their names entered on a register of qualified permanent resident alien voters and may thereafter vote in any election for local offices, local ballot questions, and at Town Meeting.

Section 2. The Wayland Board of Selectmen is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.

PETITIONERS' COMMENTS: Our country was founded on a principle of “no taxation without representation.” Permanent legal residents have all the same obligations as US citizens (including paying all the same taxes and even registering with Selective Service for service in the military), and yet cannot vote. While this may make sense at a federal or even state level, there is no compelling reason to deny them voting rights at the local level. Enabling permanent legal residents the right to vote would encourage better participation and assimilation, and provide a stepping stone toward full voting rights. It would be fairer, particularly to people for whom citizenship may take a very long time to achieve. At a local level, all members of our community have the same stake in the decisions made at a local level, and all should have the same voice.

As provided by Sec. 36-5B of the Town Code, the 150 word sponsors report is written by petitioners and reflects their opinions. The Town of Wayland does not certify the truth or accuracy of any statements made in these arguments.

FINANCE COMMITTEE COMMENTS: Massachusetts General Laws provides that every citizen eighteen years or older may vote in elections or at Town Meeting, subject to three exceptions (incarcerated felons, persons under a guardianship, and those disqualified because of corrupt election practices). Mass. G.L. ch. 51 § 1. The Fourteenth Amendment to the U.S. Constitution provides that all persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside.

Similar articles have passed Town Meeting in Amherst, Cambridge, Newton, and Brookline instructing the respective state representatives to submit bills that would provide an exemption from voting rights in town elections and at town meeting for nonresident aliens. None of these bills have been approved by the legislature. Most recently, H4306 was introduced in the legislature after Amherst approved such an article at Town Meeting last year. The bill was considered by the Joint Committee on Election Laws on February 17, 2011. As of February 23, 2011, no action had been taken on H4306.

The article would allow permanent resident aliens to vote in Wayland town elections and at Town Meeting. Even if this article were approved by Town Meeting, the State Legislature would have to provide an exception to the general rule set out in General Laws before the article could become effective.

A similar article was approved by Annual Town Meeting in 2006. In each of the last two legislative sessions (2007-08 and 2009-10) Rep. Conroy introduced a bill, based upon the Town of Wayland article of 2006, but the Legislature did not pass the implementing bill either session. Technically, a newly approved Town article is required for each legislative session that a Home Rule Petition is filed before the legislature.

ARGUMENTS IN FAVOR: Resident aliens in Wayland cannot vote, although they work, pay taxes, send their children to school, and even must register to serve in the military. This is “taxation without representation” and it is simply unfair.

The U.S. Constitution gives states and municipalities the right to decide who is eligible to vote. From 1776 until 1926, 22 states and federal territories allowed non-citizens to vote in local, state and even federal elections. These rights were gradually repealed due to anti-immigrant sentiment in the late 1800s and early 1900s. Now, however, non-citizen voting is allowed in all member states of the

European Union. Within Massachusetts, nearly identical articles have been passed in Amherst, Cambridge, Brookline, and Newton, but await an enabling act from the state legislature to take effect. Within Wayland, the number of non-citizen residents is small, almost 3% of the population, and within those 3% are as wide of a range of viewpoints as the population at large. This is not a group that can vote as a block and change the outcome of elections. It is simply a block that is not represented. The decisions we make in our local elections are purely local. This article would allow all resident aliens to participate fully in our civic life. Arguments of questionable loyalty to our country are beside the point here; we do not decide within Wayland whether to invade foreign countries or to whom we send foreign aid.

Our Constitution abolished state citizenship in 1789, so we do not have “Massachusetts Citizens” or Wayland citizens, for that matter. What we have are a group of people who happen to live here, some U.S. citizens, some not. Some of these people have been residents for decades, and cannot vote. And yet, a passerby from another state who moved here yesterday can vote.

It can take many years, especially in the new post-9/11 world, to obtain citizenship, the typical requirement for voting rights. It is unfair to deny active residents the right to vote on local matters in the interim. At a local level, all members of our community have the same stake in the decisions made at a local level, and all should have the same voice.

ARGUMENTS OPPOSED: To allow non-citizens to vote undermines the value of citizenship. If a resident wants to vote in elections, at any level, that resident should seek U.S. citizenship. A non-citizen who wants greater participation in the civic duties can find numerous ways to participate. The administration at the polls could be a logistical challenge due to different voter lists and required proof of status for permanent resident aliens.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0.

QUANTUM OF VOTE: Majority - see Massachusetts Constitution Amendment Article 2, Section 8(1).

For more information about this article, contact Kimberly Reichelt at kim.reichelt@verizon.net or 508-358-7621.

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

Proposed by: Youth Advisory Committee

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

FINANCE COMMITTEE COMMENTS: Article 28 was passed on the Town Meeting floor on March 8, 1971 to establish the Youth Advisory Committee, which would “promote and coordinate the activities of the Detached Social Worker and the citizens of the Town in providing assistance to and improved means of communication between citizens of the Town of all ages, their families and persons interested and available to assist them, whether in official or volunteer capacities, with respect

to the problems of adolescence, the use and abuse of drugs and other related matters of concern to the youth of the Town and their parents..." Over the ensuing years, the department (now known as Wayland Youth and Family Services) has broadened its scope to address issues facing school- aged children and their families, based on research that supports prevention, early intervention, and systemic approaches to substance abuse and mental health and behavioral problems.

The Youth Advisory Committee was originally created as a 7 member committee, to be elected or appointed by April 1 of each year. The members were designated as follows: "two members (who shall be high school students) elected by the student body of the High School, one member by the Wayland Clergymen's Council, one member by the Selectmen, one member by the School Committee, one member by the Chief of Police Department, and one member by the Board of Health..."

Over time it became difficult to attract student members due to increasingly busy class and extracurricular schedules, as well as the problem of scheduling board meetings that are workable for consistent attendance for both adult and student members. In addition, to be a voting member, the high school students would need to be over 18 years of age, which excludes all but a small minority of the high school student population. Other means of soliciting information about high school students' concerns have been pursued, e.g. periodic meetings between the board and groups of students who are interested and available on a given date after school; reviewing the results of the periodic Youth Risk Behavior Surveys; reading student publications; and regular contact with Guidance Staff throughout the school system. The Report of the Youth Advisory Committee can be found in this Warrant in Appendix B at page 156.

This article amends the composition and duration of terms of the Youth Advisory Committee as follows: eliminates two members elected by the Wayland High School student body; adds a second appointment each by the Board of Selectmen and by the School Committee. Terms shall be two years as opposed to one year in length; terms to begin July 1 instead of April 1.

The Youth Advisory Committee voted unanimously (5-0) in favor of this article.

ARGUMENTS IN FAVOR: Converting the student board positions to positions for additional community representatives who could speak for such constituencies including but not limited to parents of younger families; grandparents who are actively parenting; and the wellness/prevention community in Wayland would broaden the diversity of perspectives on child, family, and community needs that are brought to the table at board meetings. The Youth Advisory Committee would continue its efforts, as always, to gather and utilize student information about student concerns in assessing service and programming needs.

Changing the terms of Youth Advisory Committee members to coincide more closely with the fiscal and school years, that is, to begin on July 1 rather than April 1, would align the terms of service to match the Town's fiscal year. Increasing the terms from one year to two years would provide for greater continuity and board efficacy.

ARGUMENTS OPPOSED: The effectiveness of the Youth Advisory Committee (YAC) may be diminished without direct student representation since the students are one of the groups of individuals that the YAC is trying to serve.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-1.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Lynn Dowd, Youth and Family Services Director, at (508) 358-4293, or email ldowd@wayland.ma.us.

ARTICLE 25: WATER RATE STRUCTURE EQUITY

Proposed by: Petitioners

To determine whether the Town will vote to direct the Board of Public Works to adopt a water rate structure by the next billing cycle which would:

1. Replace the minimum usage charge with an administrative fee to recover administration, billing, and metering costs;
2. Combine all other operating and debt repayment costs into a usage based, tiered rate structure starting with the first unit of consumption;
3. Assess the administrative fee against each unit of a multi-unit structure, selecting the structure's billing tier based on its average consumption per unit.

PETITIONERS' COMMENTS: In 2010, water debt service totaled \$1,162,343. To recover costs, each meter was surcharged the same amount, regardless of usage. Users who formerly paid a \$100 per year had an additional \$236 annual surcharge –236% increase. Users consuming the most water paid the same \$236 surcharge –5% increase.

This surcharge falls proportionately heaviest on small users: 1 and 2 occupant households, households already conserving water, lower income families, and the elderly. Fairness dictates all water costs be apportioned by usage. This article allocates water debt service fairly by including it in the tiered rates. This is the most equitable BoPW-selected alternative and best encourages conservation. It helps the Town reduce consumption to state-mandated 65 gal/day/person limits.

Although redistributing costs by usage may induce the highest user to drill private irrigation wells, the town itself is considering this option. Irrigation does not require filtered, treated drinking water burdening Wayland's facilities.

As provided by Sec. 36-5B of the Town Code, the 150 word sponsors report is written by petitioners and reflects their opinions. The Town of Wayland does not certify the truth or accuracy of any statements made in these arguments.

FINANCE COMMITTEE COMMENTS: The Town of Wayland supplies its own water and operates independently from the Massachusetts Water Resources Authority (MWRA). It operates as a special revenue fund, meaning that typically all operating, administrative, and capital costs are funded through usage and other rates, not through property taxes. The Department of Public Works (DPW) - Water has made significant recent capital investments, the largest of which was approximately \$10 million to fund the Baldwin water treatment plant, and has budgeted in FY 12 and beyond to make water main improvements of ~\$500K per year.

Currently, residential and commercial customers for water services from the Town are charged for actual water usage and capital costs (principal and debt interest payment) under separate mechanisms. Water usage is separated into five tiers as reflected in the following table (extracted from The Abrahams Group Water Rate Report from January, 2011):

http://www.wayland.ma.us/Pages/WaylandMA_DPW/waterreportuse.pdf

	Residential	Commercial
Minimum	<1,500	<750
1	1,501 - 3,000	751 - 1,500
2	3,001 - 6,000	1,501 - 3,000
3	6,001 - 10,000	3,001 - 5,000
4	> 10,001	5,001 - 99,999
5		> 100,000

There are approximately 4,850 total residential and commercial accounts represented within the tiers, all of which generated ~\$2.5M of water rate usage revenue in FY 2010. The usage rates are structured such that higher users of water are charged more per unit than are lower users in order to encourage conservation and thus comply with state usage guidelines (and to avoid penalties for exceeding the same). For FY 2010, the Minimum and Tier 1 users constituted ~55% of usage (~24M of a total of ~44M units), but about 30% of usage revenue (~\$750K of a total ~\$2.5M of revenue). This seems to be consistent with the intent of the rate structure.

Capital costs are charged differently than water usage, however. Principal and interest on capital investments (most notably the Baldwin treatment plant) have been assessed equally across the ~4,850 accounts as part of the minimum: each account pays \$236 annually, or \$118 for each billing period. Total capital costs for FY 2010 were ~\$1.1M, thus bringing the total Water revenues to ~\$3.6M when added to the water rate usage revenue. Since the capital cost was applied at the minimum level, the Minimum and Tier 1 proportion of total revenue increased to over 53% (~\$1.9M of a total of ~\$3.6M), or \$.08/unit from \$.03/unit when assessed solely on usage.

Over several public hearings, several options were put forth to make the capital cost assessment more equitable, to ensure that water usage amounts are in line with state mandates, and that Water Fund revenues are enough to cover budgeted costs, all while recognizing the impact of high-end water users (including the Schools and DPW) migrating to private wells, thus burdening existing costs on a smaller account base. The DPW and Board of Public Works (BOPW) are considering three options:

- 1) Retain the current baseline rate and capital cost structure, updated for potential FY 2012 debt;
- 2) Consolidate five tiers to four (Minimum, Tier 1, 2, and 3 (Tier 3 would consist of the existing Tiers 3-5)), recover usage costs based on first unit of consumption (rather than at 1,500/750 in current Minimum tier), and adjust capital assessment fee based on FY 2012 total debt; and,
- 3) Similar to Option 2 with the notable exception that all capital costs would be part of the four-tiered rate structure and recoverable through usage rates. Option 3 would seem to satisfy the potentially-conflicting goals of spreading capital costs across higher users, yet reducing the costs for the highest (Tier 4 and 5) customers by spreading those rates across a larger base.

Passage of this article represents an advisory vote as Town Meeting can only recommend to, but not direct the Board of Public Works.

Note that after the Warrant goes to print, the BOPW will meet on Tuesday, March 8 to review and vote on which rate option they will pursue. It is likely that if Option 3 is chosen, this article would be passed over by the lead petitioner at Town Meeting.

ARGUMENTS IN FAVOR: The capital surcharge falls proportionately most heavily on the smallest users: the single occupant households, households which conserve the most and use the least water, lower income families, and the elderly. For a 1,500 cu.ft. or less user (14% of bills), the surcharge was a 236% increase; for a 24,000 cu. ft. user, the surcharge was a 5% increase. Fairness dictates that all costs of water be apportioned by usage.

This article will allocate water debt obligations more fairly by building debt service costs into the Town's progressive water rate structure. The proposed structure better encourages conservation. It is one of the three choices the BOPW has chosen to examine, and it is administratively feasible. The structure will help the Town reduce its water consumption to state-mandated limits.

ARGUMENTS OPPOSED: Raising rates on the highest users may induce them to drill private wells for irrigation (the Town itself is considering this option for school athletic field irrigation). This might reduce overall revenues, thereby requiring water rates to be raised to cover the shortfall.

A citizen proposed removing water debt service expense from the water rates altogether by transferring Water Commission debt to the Town, and thus the water debt service expense would be included in property tax rates. This concept was noted but not included in review of this article as it raised issues that may be outside the scope of Article 25, and thus should be considered as a separate question if and when it is formally raised.

Some may say that debt repayments should not be usage based and should be repaid by a uniformly administered fee.

RECOMMENDATION: The Finance Committee recommends approval, but recognizes that the Board of Public Works has not yet voted on Options 1, 2, or 3, and it defers to the BOPW the direction of rate-setting. Vote: 5-0-2.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Michael Lowery at lowery.mike@gmail.com or 508-397-8828.

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 on the Town's signboards, at the Town Building, the Library at Wayland Center, the Cochituate Fire Station or the Cochituate Post Office and the Happy Hollow School. 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 upon each article 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 and Superintendent of Schools 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.

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 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 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. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools 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 voice 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 and complete the same within ten minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the following minute.
- b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator and complete the same within the time used by the proponent, or within three minutes, whichever is longer, and yield the floor. The same one minute warning light will warn you to conclude your remarks.
- c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three minutes, or less, and yield the floor. The same one minute warning light will be turned on when you have used up the first two 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.

3. 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.

4. 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 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 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, 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 may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

5. 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.

6. 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 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.
- e. 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.

7. Upon the expiration of sixty minutes after the main motion under any article shall have been seconded, the Moderator will terminate debate thereon, unless the Town Meeting shall have voted 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 minutes. The aforesaid sixty minute limit does not apply to debate under the omnibus budget article.

8. 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, "move the previous question". If your motion receives a second, the Moderator will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, 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.

9. If an article of the Warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time if the person offering the motion discloses significant new information to the Meeting concerning said article, which had not been disclosed or made available to the Meeting when the motion under that article was debated; provided, however, that debate and action on said motion shall be deferred until all other articles shall have been disposed of and shall occur in the numerical order of each such article. In any event, a motion to reconsider is debatable, may not be amended and requires a

TWO-THIRDS vote, unless it shall have been made before the article has been disposed of; in which event it requires a vote equal to the quantum of the vote that was required to pass the motion under the article to be reconsidered. If such motion carries, the Moderator will ask whether there is a new motion under the article to be reconsidered.

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. 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.

2. If the Moderator is still in doubt, 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.

3. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion, 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.

4. 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."

5. In the event that there is a large number of voters in the hall *and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion*, the Moderator may designate one or more such machines to receive "yes" votes and a number of machines to receive "no" votes and arrange to have them placed near the "pro" and "con" microphones respectively. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of the voters to the location of the pro and con machines. The voters will then rise and proceed row-by-row to the machine of their choice. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then deposit in the ballot machine. In order to assure the security of all ballots:

- a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the

Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.”

6. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator will ask the Tellers to come forward and take their places at the ballot boxes that will be placed at the front of the Hall by the Town Clerk. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot box. The voters will then rise and proceed row-by-row to their box, tear their ballots into two parts, deposit one half in the box, the other half in the discard box and return to their seat. In order to assure the security of all secret ballots:

- a. No one will be allowed to vote without a ballot which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot until he or she shall have discarded the other half of the ballot into the discard box in the custody of the Teller.
- c. No one will be permitted to leave the hall until after the meeting has adjourned, unless he or she shall have turned all of the ballots that have not actually been used during a vote to the Checkers at the door.

When all of the ballots shall have been cast, the Tellers will open the ballot boxes and count the ballots at the tables situated at the front of the Hall in front of the podium.

The Moderator will then ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When the Tellers have completed their count, they shall report their count to the Moderator, the Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.

The Moderator will then ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the secret ballot has been taken.

7. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot *and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion*, the Moderator may, in the alternative, ask the Tellers to come forward and take their places at the ballot counting machines (ballot machines), which shall have been placed in voting booths by the Town Clerk at the front of the hall behind the Moderator. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot machine. The voters will then rise and proceed row-by-row to their respective machine. A Teller will stamp the back of each voter’s hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then mark in the privacy of the voting booth and deposit in the ballot machine. In order to assure the security of all secret ballots:

- a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.”

8. a. In the event that electronic keypad voting equipment shall have been made available for use by voters at the 2011 Annual 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 key pad is not functioning properly or failing to record his or her vote accurately, should raise his or her hand. The Moderator will dispatch two tellers to examine the handset for any defect. If they determine that the handset is defective, they will offer the voter a paper ballot and pen to record his or her vote and provide the voter with another handset for the next vote.

b. If a voter cannot use the electronic keypad 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 keypad 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.

Voters with keypads 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.

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 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

The Moderator has determined that the Field House at Wayland High School and all other venues that may be used to conduct Wayland’s town meetings are polling places within the meaning of G.L. c. 54, sec. 65 because, among other things, the voters in town meeting assembled elect a number of town officers there each year.

Accordingly, no person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers nor may any person post, exhibit, circulate or distribute any poster, card, placard, handbill, broadside, picture, graphic, circular or other document intended to inform and/or influence the action of any voter within one hundred fifty feet of the Field House including the interior thereof.

Residents of the Town of Wayland may, nevertheless, 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 tonight to do the Town's business.

C. Peter R. Gossels, Moderator
February 10, 2011

APPENDIX B: HEAR REPORTS

REPORT OF THE BOARD OF ASSESSORS

In accordance with section 19-7 of the Code of the Town of Wayland, a report for the Board of Assessors covering the last twelve months (proceeding March 1, 2011) is hereby submitted.

The Board submits the following:

1. Annual Report of calendar year 2010 property transfers.

126 Single Family parcels
26 Condo parcels
2 Multi Family parcels
1 Land parcel
3 Commercial parcels

148 Family Title Transfers and Non Valid sales

The data reported above is in the process of being validated and may be modified.

2. The following numbers have been reported related to abatement applications and Appellate Tax Board cases:

- a. The Board of Assessors logged in 1 personal property and 64 real estate applications, by the February 1, 2011, abatement deadline for FY'11 plus 1 late filing.
- b. As of March 1, 2011, 16 abatements had been granted for FY'11.
- c. The average value of abatements granted in FY'10 was \$1,109.00*.
*5 additional abatements were not included in this number due to unusual circumstances.
The addition of these five abatements would bring the total average abatements to \$1,946.22.
- d. There were 13 filings with the Appellate Tax Board (ATB) in FY'10; 2 were for DOR valued telecommunication accounts, 1 was settled by the assessors before going to the ATB; 1 was denied by the ATB; 1 was decided in favor of the property owner, 1 has been heard by ATB and awaiting it's decision, 7 are pending hearings.
- e. The following is a listing of cases and the decisions issued by the ATB since the last report of March 1, 2010:

Fiscal Year	STREET	ORIGINAL ASSESSED VALUE	ATB DECISION/ VALUE	Fiscal Year	STREET	ORIGINAL ASSESSED VALUE	ATB DECISION/ VALUE
2007	35 MAIN ST	\$5,169,600	DENIED	2009	35 MAIN ST	\$5,323,200	DENIED
2008	35 MAIN ST	\$5,282,800	DENIED	2009	6 SPENCER CIR	\$1,154,400	DENIED
2009	8 BIGELOW RD	\$692,700	GRANTED / \$657,300	2009	113 WOODRIDGE RD	\$642,000	DENIED
2009	25 DRAPER RD	\$759,100	GRANTED / \$725,000	2010	8 BIGELOW RD	\$630,600	GRANTED / \$610,000
2009	20 HAMPSHIRE RD	\$641,100	DENIED	2010	25 DRAPER RD	\$712,700	DENIED
2009	16 KEITH RD	\$560,600	GRANTED / \$527,300				

3. The following data verification visits were extracted from the computer assisted mass appraisal database:

Total Property Visits: 688

Sales Visits			Building Permits			Abatements		
Interior and Exterior	155		Interior and Exterior	71		Interior and Exterior	60	
Exterior	30		Exterior	118				
Refusal	8		Refusal	1				
Total	193		Total	190		Total	60	
Cyclical Data Verifications			Quality Control			Field Review		
Interior and Exterior	19		Interior and Exterior	18		Total	164	
Exterior	25		Exterior	16				
Refusal	2		Refusal	1				
Total	46		Total	35				

Please note that some of the data verification visits addressed several requirements in one visit, such as a property requiring a building permit visit may also have required a sales visit. One visit would have met both obligations of data verification. An exterior data verification visit represents a visit to the property by a representative of the Assessing Department. The representative measures and verifies the exterior components of the property and leaves a door hanger requesting that the property owner contact the office to schedule an appointment for an interior data verification visit.

The Board members are Susan Rufo, Chairwoman; Jayson Brodie, Vice Chairman; Bruce Cummings; Molly Upton; and Zachariah Ventress.

2010 Arms Length Sales Report*

Sale Date	Map	Lot	No.	Address	LUC	Sale Price	Sale Date	Map	Lot	No.	Address	LUC	Sale Price
1/8/2010	52	197	14	CAULFIELD RD	101	\$476,000	3/25/2010	47C	40	17	PINE NEEDLE RD	101	\$616,100
1/13/2010	11	64	142	GLEZEN LN	101	\$435,000	3/26/2010	41	005I	308	STONEBRIDGE RD	101	\$647,500
1/13/2010	38	36	9	COLE RD	101	\$438,400	3/26/2010	51C	61	26	PARKLAND DR	101	\$430,000
1/15/2010	24	106	23	MILLBROOK RD	101	\$308,000	3/26/2010	52	192	43	SCHOOL ST	101	\$340,000
1/15/2010	49	5	6	WAYLAND HILLS RD	101	\$575,000	4/1/2010	40	065B	1102	WISTERIA WAY	102	\$692,500
1/19/2010	3	40	23	CAMPBELL RD	101	\$565,000	4/15/2010	40	021A	306	HAYFIELD LN	102	\$1,125,000
1/20/2010	45	045D	6	INDIAN DAWN	102	\$405,000	4/16/2010	51D	60	37	WINTER ST	101	\$325,000
1/25/2010	30	50	17	PINEBROOK RD	101	\$555,000	4/26/2010	25	33	2	HAYWARD RD	101	\$567,105
1/28/2010	18	13	6	GLEZEN LN	101	\$650,000	4/28/2010	44	129	10	CTRY CRNERS RD	101	\$650,000
1/28/2010	25	93	7	OLD VINEYRD WAY	101	\$1,050,000	4/29/2010	44	61	55	WOODRIDGE RD	101	\$684,000
1/29/2010	45	063B	9	COLTSWAY	102	\$399,900	4/30/2010	45	060B	16	COLTSWAY	102	\$460,000
1/29/2010	33	6	1	GREEN WAY	102	\$885,000	5/3/2010	4	77	8	SANDY HILL RD	101	\$895,000
2/12/2010	14	41	50	GLEZEN LN	101	\$2,875,000	5/3/2010	52	35	36	DEAN RD	101	\$351,000
2/19/2010	24	86	156	BOSTON POST RD	101	\$485,000	5/4/2010	40	070F	1606	WISTERIA WAY	102	\$825,000
2/19/2010	52	44	58	DEAN RD	101	\$390,000	5/6/2010	24	107	20	MILLBROOK RD	101	\$515,000
3/5/2010	40	017B	101	HAYFIELD LN	102	\$1,150,000	5/11/2010	52	174	4	SCHOOL ST	101	\$310,000
3/12/2010	51C	83	10	GRACE RD	101	\$480,000	5/11/2010	14	029A	1	PHEASANT RUN	130	\$425,000
3/17/2010	45	19	148	WOODRIDGE RD	101	\$597,000	5/12/2010	46D	140	226	WEST PLAIN ST	101	\$523,000

*2010 Arms Length Sales are in process of being validated and may be modified

2010 Arms Length Sales Report* continued

Sale Date	Map	Lot	No.	Address	LUC	Sale Price	Sale Date	Map	Lot	No.	Address	LUC	Sale Price
5/19/2010	18	8	86	OLD SUDBURY RD	101	\$460,000	7/28/2010	51B	62	78	EAST PLAIN ST	101	\$298,000
5/25/2010	14	12	103	GLEZEN LN	101	\$587,000	7/29/2010	25	94	133	PLAIN RD	101	\$470,000
5/25/2010	30	62	81	BOSTON POST RD	101	\$715,000	7/29/2010	42B	28	63	STONEBRIDGE RD	101	\$330,000
5/27/2010	42C	12	19	WALLACE RD	101	\$545,000	7/29/2010	43A	55	28	RICE SPRING LN	101	\$430,000
5/27/2010	23	114	231	BOSTON POST RD	340	\$550,000	7/30/2010	14	45	70	GLEZEN LN	101	\$891,500
5/28/2010	38	74	30	ROLLING LN	101	\$665,000	7/30/2010	38	90	23	ROLLING LN	101	\$453,000
5/28/2010	43A	44	42	PEQUOT RD	101	\$545,000	7/30/2010	43C	9	20	PARK LN	101	\$260,000
5/28/2010	44	54	81	WOODRIDGE RD	101	\$1,185,000	7/30/2010	55	13	106	COMMONWLTH RD	101	\$462,500
5/28/2010	45	062C	11	COLTSWAY	102	\$440,000	8/2/2010	42B	68	312	OLD CONNPATH	101	\$307,500
5/28/2010	47B	89	20	PECK AVE	101	\$465,000	8/2/2010	45	092A	8	PICKWICK WAY	102	\$500,000
5/28/2010	33	023T	6	GREEN WAY	102	\$245,000	8/5/2010	7	6	230	CONCORD RD	101	\$479,650
6/1/2010	45	103A	9	GLEN OAK DR	102	\$820,000	8/8/2010	20	57	34	DECATUR LN	101	\$900,000
6/1/2010	55	002E	1	GRIFFIN CIR	101	\$635,000	8/10/2010	24	3	2	WINTHROP TER	101	\$504,225
6/3/2010	35	030D	187	RICE RD	101	\$1,262,500	8/11/2010	43A	4	296	OLD CONN PATH	101	\$345,000
6/3/2010	35	030D	187	RICE RD	101	\$1,262,500	8/17/2010	30	86	96	BOSTON POST RD	101	\$339,000
6/11/2010	24	77	24	LEE RD	101	\$492,000	8/17/2010	52	190	30	SCHOOL ST	101	\$549,500
6/14/2010	23	77	27	BOW RD	101	\$1,250,000	8/18/2010	34	47	27	FORTY ACRES DR	101	\$735,000
6/15/2010	2	10	54	CAMPBELL RD	101	\$805,000	8/20/2010	24	10	2	BENNETT RD	101	\$1,600,000
6/15/2010	52	62	4	SNAKE BROOK RD	101	\$660,000	8/20/2010	40	060G	607	WISTERIA WAY	102	\$729,000
6/16/2010	45	062B	12	COLTSWAY	102	\$475,000	8/23/2010	7	51	29	MARSHALL TER	101	\$672,500
6/18/2010	27	3	9	JEFFREY RD	101	\$600,000	8/24/2010	34	43	171	OLD CONN PATH	101	\$865,500
6/22/2010	18	30	71	OLD SUDBURY RD	101	\$446,500	8/25/2010	38	107	16	ROLLING LN	101	\$412,000
6/23/2010	19	70	78	CLAYPIT HILL RD	101	\$745,000	8/26/2010	4	8	39	RED BARN RD	101	\$600,000
6/24/2010	51B	17	11	MELVILLE PL	101	\$526,300	8/27/2010	45	081B	71	HILLSIDE DR	102	\$341,700
6/25/2010	6	34	45	SHERMN BRDGE RD	101	\$980,000	8/31/2010	20	49	41	DECATUR LN	101	\$1,022,000
6/25/2010	11	13	71	MOORE RD	101	\$625,000	8/31/2010	23	97	30	COCHITUATE RD	101	\$305,000
6/25/2010	16	24	96	DRAPER RD	101	\$729,000	9/2/2010	45	089A	22	HILLSIDE DR	102	\$448,000
6/25/2010	48	111	2	CARPENTER RD	101	\$410,000	9/16/2010	43B	20	7	GOODMAN LN	101	\$499,000
6/25/2010	33	023X	6	GREEN WAY	102	\$304,000	9/17/2010	14	35	59	GLEZEN LN	101	\$567,500
6/28/2010	45	17	149	WOODRIDGE RD	101	\$775,900	9/21/2010	45	083D	87	HILLSIDE DR	102	\$449,500
6/29/2010	3	010A	189	OXBOW RD	101	\$625,000	9/23/2010	48	89	40	LOKER ST	101	\$500,000
6/29/2010	4	32	32	RED BARN RD	101	\$353,500	9/24/2010	16	072A	14	WILDWOOD RD	101	\$911,500
6/30/2010	16	21	84	DRAPER RD	101	\$1,175,000	9/27/2010	10	41	20	SEDGEMDW RD	101	\$700,000
6/30/2010	24	164	17	GLEN RD	101	\$550,000	9/29/2010	52	137	5	TIMBER LN	101	\$725,000
6/30/2010	49	34	54	CLUBHOUSE LN	101	\$956,475	9/30/2010	7	12	250	CONCORD RD	101	\$431,500
6/30/2010	50	58	9	LAKE RD	101	\$285,000	9/30/2010	38	163	10	CAMERON RD	101	\$600,000
6/30/2010	55	25	11	CORMANS LN	101	\$580,000	9/30/2010	46D	49	41	CASTLE GATE RD	101	\$440,000
7/2/2010	30	68	105	BOSTON POST RD	101	\$905,000	9/30/2010	47C	8	42	MATHEWS DR	101	\$750,000
7/2/2010	53	21	29	OAK ST	101	\$335,000	9/30/2010	48	156	11	GREGORY LN	101	\$569,000
7/9/2010	17	23	97	OLD SUDBURY RD	101	\$587,000	9/30/2010	23	20	356	BSTON POST RD	334	\$775,000
7/9/2010	38	148	15	CAMERON RD	101	\$570,000	10/5/2010	44	104	19	BLACK OAK RD	101	\$769,000
7/12/2010	40	022B	410	HAYFIELD LN	102	\$1,150,000	10/5/2010	51C	18	18	SHAWMUT AVE	104	\$365,000
7/14/2010	5	29	131	LINCOLN RD	101	\$1,485,000	10/7/2010	38	46	25	DAVELIN RD	101	\$355,000
7/14/2010	52	208D	7	DECOLORES DR	102	\$475,000	10/12/2010	14	32	67	GLEZEN LN	101	\$374,000
7/26/2010	40	022C	411	HAYFIELD LN	102	\$1,150,000	10/13/2010	47C	029A	55	KNOLLWOOD LN	101	\$727,500
7/27/2010	45	34	15	SMOKEY HILL RD	101	\$739,900	10/15/2010	1	38	30	HAMPSHIRE RD	101	\$550,000
7/28/2010	47B	5	15	BAYFIELD RD	101	\$383,000	10/15/2010	10	25	7	SEDGEMDW RD	101	\$630,250

*2010 Arms Length Sales are in process of being validated and may be modified

2010 Arms Length Sales Report* continued

Sale Date	Map	Lot	No.	Address	LUC	Sale Price	Sale Date	Map	Lot	No.	Address	LUC	Sale Price
10/15/2010	44	103	15	BLACK OAK RD	101	\$548,000	11/22/2010	14	25	9	ORCHARD LN	101	\$694,000
10/15/2010	40	020C	205	HAYFIELD LN	102	\$1,160,000	11/22/2010	50	89	15	PARKRIDGE RD	101	\$284,100
10/25/2010	14	10	130	CONCORD RD	101	\$360,000	12/1/2010	35	030A	205	RICE RD	109	\$3,910,000
10/27/2010	30	52	8	PINEBROOK RD	101	\$540,000	12/9/2010	14	29	7	PHEASANT RUN	101	\$560,000
10/27/2010	38	18	8	DAVELIN RD	101	\$500,000	12/13/2010	6	31	53	SHERMAN BDGE RD	101	\$360,000
10/27/2010	50	47	53	LAKE RD	101	\$392,500	12/13/2010	51A	96	39	WEST PLAIN ST	322	\$215,000
10/28/2010	29	60	8	WINTHROP TER	101	\$570,000	12/15/2010	33	10	9	GREEN WAY	102	\$760,000
10/28/2010	47D	36	31	JOYCE RD	101	\$499,000	12/15/2010	33	023J	6	GREEN WAY	102	\$310,000
10/28/2010	48	69	105	SCHOOL ST	101	\$500,000	12/17/2010	27	10	20	JEFFREY RD	101	\$510,000
10/29/2010	48	126	12	BROOKS RD	101	\$425,000	12/21/2010	15	47	23	THREE PONDS RD	101	\$625,000
10/29/2010	53	15	24	OAK ST	101	\$352,500	12/21/2010	48	35	107	LOKER ST	101	\$430,000
10/29/2010	40	069D	1504	WISTERIA WAY	102	\$810,000	12/22/2010	43B	54	226	COCHITUATE RD	101	\$626,500
11/2/2010	10	53	62	MOORE RD	101	\$625,000	12/22/2010	45	099A	9	PICKWICK WAY	102	\$485,000
11/2/2010	20	55	26	DECATUR LN	101	\$906,000	12/28/2010	45	32	11	SMOKEY HILL RD	101	\$815,000
11/12/2010	24	8	18	WINTHROP RD	101	\$917,000							

*2010 Arms Length Sales are in process of being validated and may be modified

LUC = Land Use Code (101-Single Family, 102-Residential Condominium, 104-Two Family, 109-Two Dwellings on 1 lot, 130-Vacant Land, and 322,334,340-Commercial Use)

REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

The provisions of the Community Preservation Act (CPA) were adopted at the Annual Town Meeting in 2001. The Community Preservation Committee was formed at that time and its responsibilities are to identify and evaluate potential community preservation projects and, if appropriate, submit project recommendations in the form of articles at town meeting. The CPA requires that the projects focus on open space, historic preservation and community housing. Funds can also be used for the acquisition, creation or preservation of land for recreational purposes. The Committee currently consists of nine members, one each from the Planning Board, Historical Commission, Recreation Commission, Conservation Commission, Housing Commission, Department of Public Works, and three members appointed by the Board of Selectmen.

CPA Revenue – Since the adoption of the CPA in 2001 through fiscal 2010, Wayland has received \$5,201,680 from the residential property tax surcharge, including interest, and \$3,414,480 in matching State Trust Fund distributions, for a total revenue of \$8,616,160. The funds collected are known as the Community Preservation Fund and are held and administered by the Town's Treasurer. The list of expenditures follows as Appendix C.

REPORT OF THE ELECTRONIC VOTING IMPLEMENTATION SUBCOMMITTEE

During the May 2010 Annual Town Meeting, Wayland voters approved an article proposing the use of electronic voting during the 2011 Annual Town Meeting, accepting an offer of free equipment and services from Option Technology Interactive (OTI), a Florida company; the expected benefits are speed, accuracy, and privacy in voting. The Electronic Voting Implementation Subcommittee was established by Wayland's Moderator in August 2010 with the objective of successfully deploying electronic voting at the 2011 Annual Town Meeting. This Subcommittee held its first meeting on August 17th; its members are Dennis Berry, Blair Davies, Alan

Reiss, Jon Sieber, Lois Toombs, Dave Bernstein (Chair), and Peter Gossels (ex officio). There have been two broad areas of focus: logistics, and security.

The Subcommittee has sought to identify and characterize every activity and task required to deploy electronic voting in the Wayland Middle School's Gymnasium and Auditorium. Site reviews conducted at the Middle School revealed the need for additional electrical power circuits, and identified the optimal locations for equipment and cable runs; the contributions of Patrick Morris and Albie Cincotti were essential to this process. Nothing but vote totals will be permanently recorded, so individual votes will remain private. The Subcommittee's analysis of the logistics of electronic voting is captured in an "Electronic Voting Procedures Handbook" with six sections:

1. Roles and Responsibilities
2. Pre-Meeting and Pre-Session Tasks
3. In-Session Activities
4. Post-Session and Post-Meeting Tasks
5. Contingencies
6. Electronic Voting Help Desk

*This Handbook is available via
http://www.wayland.ma.us/Pages/WaylandMA_BComm/moderator/ElecVotingHandbook.pdf*

Since electronic voting is new to Wayland voters, training was identified as a critical pre-meeting activity. The Subcommittee has developed a "How to Vote Electronically" article for posting on the Town's web site and for distribution to local newspapers and online media. A "How to Vote Electronically" video will be produced and broadcast by WayCAM, from which it will also be available on-demand; the efforts of WayCAM's Ken Isaacson and Jim Mullane are gratefully acknowledged.

To ensure the security and integrity of electronic voting, three members of the Subcommittee executed non-disclosure agreements with OTI that enabled a review of its security measures, and a collaborative approach toward improving those measures. No component of the electronic voting system is connected to the internet, dramatically reducing the attack surface. Information traversing inter-room cables is encrypted, and a realtime audit mechanism that uses the voting handset's display has been incorporated to detect attempts at tampering.

The Subcommittee will carefully assess the performance of electronic voting during the 2011 Annual Town Meeting, as well as the efficacy and completeness of the procedures defined in its "Electronic Voting Procedures Handbook"; to that end, a public hearing soliciting feedback and suggestions from Wayland voters will be held two weeks after the Annual Town Meeting is completed. This analysis and a set of going-forward recommendations will be provided in a final report.

REPORT OF THE HIGH SCHOOL BUILDING COMMITTEE

This update describes the work of the High School Building Committee (HSBC) during the past year since the Annual Town Meeting of May 2010. The progress of the Wayland High School building project is documented in the detailed Monthly Status Report available on the HSBC website at waylandhsbc.org. The work of the HSBC in prior years is summarized in the 2009 Feasibility Study (Supplement to 2004 Preliminary Design Report), the Visioning and Educational Specifications Report, and the Report of the HSBC published in the January 2005 Special Town Meeting Warrant. All reports are available on the HSBC web site and at the Wayland Public Library.

The HSBC is pleased to report that the project is on schedule and within budget. The HSBC set a very aggressive schedule in order to minimize costs and disruption. Despite the snow and cold weather this winter, the project team is on schedule to move students and staff into the new buildings by January 2012 and to complete the project by September 2012.

Construction on an occupied site is challenging, but Wayland High School students, parents, and staff, have adjusted to the inconveniences very well. WHS is operating smoothly, with administration and the project team working together to address issues as they arise.

Over the past year, the HSBC met 20 times for a total of 119 regular meetings since January 2004. The most recent meetings focused on working with the project professionals from KVAAssociates (owner's project manager), Shawmut Design and Construction Co. (construction manager), and HMFH Architects (project designer) in a variety of areas. Specifically, the team:

- Completed Design Development in June 2010
- Broke ground on the new Wayland High School on June 22, 2010
- Completed the permitting process with town and state regulatory agencies and boards
- Completed Construction Documents in September 2010
- Executed early contracts for site enabling, foundations, and steel erection
- Executed Guaranteed Maximum Price with Shawmut in November 2010
- Began trade bidding and awards for building envelope, rough and finish phases
- Met on site with the Massachusetts School Building Authority for bi-monthly reviews
- Met with Wayland High School staff to refine details of FF&E (furniture, fixtures, equipment)
- Met with Technology Department to refine details of technology infrastructure
- Submitted energy modeling data to utilities for rebate programs and completed MA-CHPS certification requirements

Massachusetts School Building Authority (MSBA)

MSBA regulations define a five-phase process, with guidelines that clearly define the school's components, sizes, and characteristics for which the state will provide reimbursement. The state and local community work together at every step of the new process. The five phases are: identify the problem, validate the problem, evaluate potential solutions, confirm a solution, and implement the agreed upon solution. In 2009 the MSBA approved Wayland's project scope and a budget of \$70.8 million and committed up to \$25 million or 40% of eligible reimbursable expenses for the Wayland High School Project. Wayland is now in the implementation phase and is receiving reimbursement payments from the MSBA.

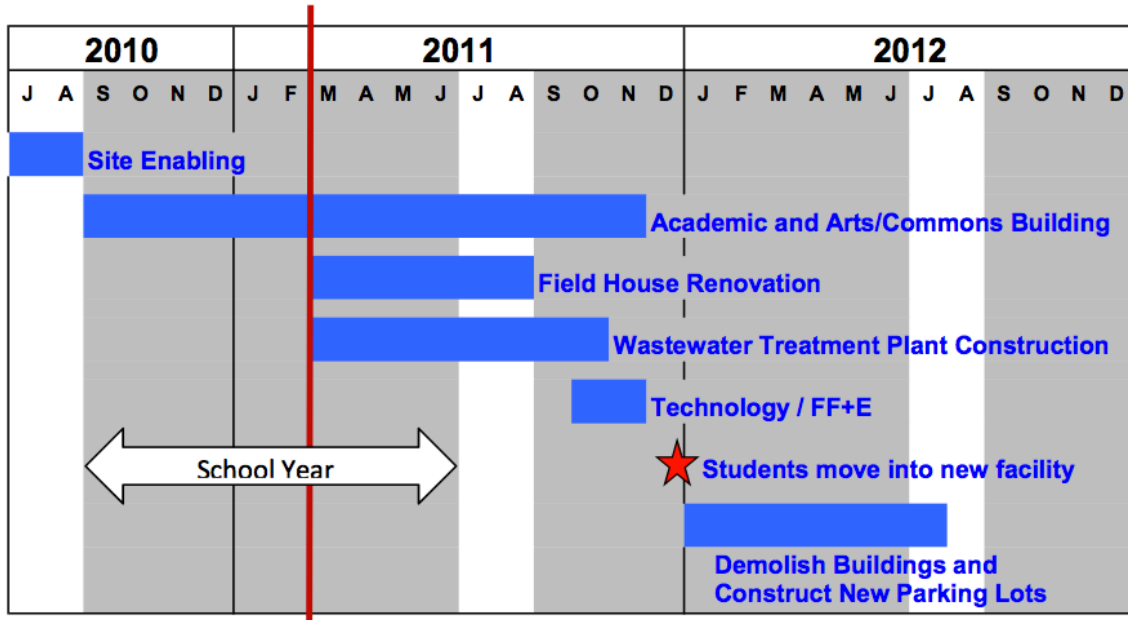
Project Description

The project, designed for 900 students, is composed of a new 100,000 square foot Academic/Classroom Building with library/media center and a new 54,000 square foot Arts/Commons/Admin Building with dining, administration and guidance, music and art classrooms, fitness room, and auditorium. The existing Field House (40,000 square feet) renovation will include new roof, locker rooms, elevator, and upgrades for plumbing, electrical, heating, ventilation, and seismic systems. The new buildings are being constructed on the old parking lots. Once the buildings are completed and the students and staff have moved into the new buildings, demolition of the old buildings will make way for new parking lots. There is also a new wastewater treatment plant (WWTP) being built on the north side of the current buildings.

Construction Update

The project is tracking on schedule. The average crew size is about 100 and will grow to over 200 as the project progresses. The Academic/Classroom building is four weeks ahead of schedule with foundation, structural steel, concrete slabs, exterior masonry complete and interior framing, and mechanical/electrical/plumbing (MEP) rough-in ongoing. The Arts/Commons/Admin. building is on schedule with foundation, structural steel, concrete slabs complete and exterior masonry, interior framing, and MEP rough-in ongoing.

The Field House renovation and Wastewater Treatment Plant construction began in March.

Project Schedule

The High School Building Committee is committed to managing a high quality project that is on schedule and within budget. We are very grateful for the support of the community for the Wayland High School project over these many years.

Respectfully submitted,

Lea T. Anderson, HSBC Chairman

High School Building Committee Members

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Dianne Bladon	508-358-0068	dehbladon@aol.com
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REPORT OF THE YOUTH ADVISORY COMMITTEE

The Youth Advisory Committee oversees the Youth and Family Services Department, otherwise known as Wayland Youth and Family Services (WYFS). This board is comprised of representatives from the community as well as the police and school departments. Five categories of services are provided by the department: counseling; consultation; community education and prevention; information and referral; and crisis intervention. After hours emergency coverage is provided by Psychiatric Emergency Services in Framingham.

Confidential counseling services for children and their families are provided free of charge to Wayland children and their families. They are seen at home, at school, or in our office in the Town Building. Issues may include typical problems encountered in daily living as families grow and change, such as communication problems, family conflict, stress management, depression and anxiety, suicidality, and coping with divorce, illness and death. In addition, we offer evaluation and treatment for substance abuse. In collaboration with the Wayland Police and the High School, our Diversion Program offers a constructive alternative to court involvement for youth who are apprehended for non-violent illegal activities. We have maintained an on-site presence at the high school to increase access for students and faculty.

Our staff is available on an informal basis to provide consultation on issues related to the development and psychological wellbeing of children, teenagers, and families. Parents, school personnel, and others in our community who have ongoing contact with youth are invited to call.

Prevention and Community Education initiatives typically focus on topics related to developmental processes and mental and physical well-being of children and families. In collaboration with Friends of WYFS, WaylandCares (formerly known as Wayland Substance Abuse Prevention Coalition), Parent/Teacher Organizations, and other Town departments, we provide lectures, workshops, and other events each year. We also co-lead discussion groups for parents of freshmen and parents of seniors, and provided "Parent Coffees," which are substance abuse prevention programs for small groups of interested parents. Friends of WYFS is a group of interested parents who work to bring parenting resources and education to the community. Last spring they participated in a joint WHS Guidance/WMS PTO event for 8th grade parents, and provided second event (Parent to Parent) for all parents of children transitioning into new schools. This spring the Friends brought the documentary *Race to Nowhere* back to Wayland for a second showing, providing our community with another chance to consider how to balance academic pressure with support for mental health in developing children and adolescents.

In recent years, providing opportunities for community service has become an important part of our mission to support healthy development in Wayland youth. Each spring, we work with the High School to put on the annual Community Service Awards Ceremony, which last year recognized 28 high school students for significant service over the past year. Also honored was Judy Lefevre-Levy, a parent who was instrumental in organizing and promoting community service opportunities as well as the awards ceremony itself. As in past years, we offered an 8 week Summer Community Service Program in which 24 high school students volunteered, sometimes several times per week, at their choice of 8 potential service sites.

Last year we provided a fieldwork placement for Julia Surow, a graduate student in counseling psychology at Boston College, who assisted us in providing counseling and prevention services. This year, our counseling intern is Ryan Our, from the Counseling Psychology Program at Assumption College.

**APPENDIX C: TOWN MEETING APPROVED APPROPRIATIONS
FROM THE COMMUNITY PRESERVATION FUND**

Project	Amount	Year Approved
Repair of Town's historic gravestones	\$65,000	2003
Study to create railroad interpretive site	\$15,000	2003
Environmental testing at former Nike site	\$35,000	2003
Repair/Restore historic markers	\$5,000	2004
Acquire 2.75 acres at Nike site for affordable housing and to provide funds for demolition and site preparation	\$500,000	2004
Site preparation and demolition on remaining 11 acres of open space at Nike site	\$100,000	2004
Administrative costs of CPC – expended \$3800 for appraisal of Moon property on Reservoir Road	\$10,000	2004
Set aside funds for acquiring open space in the future	\$600,000	2004
Acquire Gilbert land on Brackett Rd for conservation purposes	\$100,000	2005
Architectural, engineering and site planning at Nike site	\$40,000	2006
Community gardens at landfill and the intersection of Rte 30 and Plain Road	\$8,750	2006
Artificial turf at the high school athletic field	\$300,000	2006
Weed management techniques, aerial scanning and nutrient analysis at great ponds	\$75,000	2006
Acquisition of seven acres of land on Reservoir Road subject to a perpetual conservation restriction to be held by Sudbury Valley Trustees, Inc.	\$211,000	2007
Set aside funds for acquiring open space in the future	\$900,000	2008
Fund an additional portion of costs related to construction of community housing units on the Nike site	\$560,000	2008
Provide funds for the remaining work necessary to make the passive and active recreation land at former Nike site available for public use	\$250,000	2008
The rehabilitation and preservation of the Town-owned former railroad freight house located at 1 Concord Road next to the Town Library	\$50,000	2008
Administrative costs of the CPC to be expended for appraisals, association dues, and similar expenditures	\$25,000	2009
Provide funds for an assessment of the preservation and conservation needs of the Town's historical collections	\$10,000	2009
Provide funds for the purpose of engaging an engineering firm to evaluate environmental and engineering relating to a proposed Wayland Rail Trail	\$25,000	2010
Renovation to Vokes Theatre	\$6,000	2010
Appraisal of Mainstone Farm	\$40,000	2010
TOTAL	\$3,905,750	

APPENDIX D

PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN

NON-UNION WAGE SCALE, N SCHEDULE

Effective 7/1/11 (1.0% Adjustment)

Grade	1	2	3	4	5
N-1	33,824	34,840	35,885	36,963	38,069
N-2	36,806	37,909	39,048	40,219	41,426
N-3	37,175	38,289	39,438	40,622	41,841
N-4	40,453	41,665	42,915	44,201	45,529
N-5	44,415	45,748	47,120	48,533	49,990
N-6	48,768	50,231	51,738	53,290	54,888
N-7	53,547	55,154	56,807	58,512	60,268
N-8	58,795	60,560	62,375	64,247	66,173
N-9	63,216	64,854	66,552	68,425	70,480
N-10	70,885	73,011	75,201	77,457	80,251
N-11	77,830	80,165	82,571	85,047	87,597
N-12	81,643	84,093	86,643	89,218	91,891
N-13	85,457	88,019	90,661	93,381	96,183
N-14	93,832	96,647	99,547	102,533	105,609
N-15					

Grade	6	7	8	9	10
N-1	39,211	40,389	41,600	42,847	44,134
N-2	42,667	43,947	45,266	46,625	48,023
N-3	43,096	44,388	45,720	47,091	48,504
N-4	46,894	47,860	49,750	51,241	52,780
N-5	51,489	52,753	54,625	56,263	57,952
N-6	55,965	58,232	59,979	61,778	63,631
N-7	62,076	63,938	65,855	67,833	69,866
N-8	68,160	70,203	72,311	74,478	76,714
N-9	72,594	74,770	77,014	79,300	81,645
N-10	81,772	84,639	87,868	89,391	92,486
N-11	90,225	92,932	95,722	98,591	101,551
N-12	94,647	97,486	101,003	103,422	106,684
N-13	99,069	102,040	106,284	108,253	111,816
N-14	108,778	112,040	114,917	118,863	122,431
N-15					140,000*

N-1	Secretary, Fire – PT	N-8	Recreation Director
N-1	Sr Clerk, Health – PT	N-9	Police Lieutenant
N-1	Sr Clerk, Public Buildings – PT	N-10	Library Director
N-2	Administrative Asst – Y/S PT	N-11	Public Buildings Director
N-3	Outreach Coordinator	N-12	DPW Director
N-3	Administrative Asst – Police	N-13	Asst Town Administrator/Human Resources Director
N-3	Computer Technician	N-13	Finance Director/Town Accountant
N-3	Human Resources Assistant	N-13	Fire Chief
N-3	Recreation Program Asst – PT	N-14	Police Chief
N-5	Exec Asst to Town Administrator	N-15	* Town Administrator - Pending FY12 Contract Negotiation

GROUP: NON-UNION – BUILDING INSPECTORS
Effective: July 1, 2011 (1.0% Adjustment)

STEP	1	2	3	4	5	Hourly
	21.28	22.35	23.46	24.63	25.89	26.80
Gas & Plumbing Inspector (PT)		Wiring Inspector (PT)				

GROUP: NON-UNION SUBSTITUTE NURSES
Effective: July 1, 2011 (1.0% Adjustment)

GROUP: NON UNION - PUBLIC SAFETY
Effective: July 1, 2011 (1.0% Adjustment)

	Annually	Per Day	Hourly
Traffic Supervisors	7452		
Traffic Supervisor Substitute	--	42.70	
Special Police Matrons	--		18.99
Call Firefighters	--		18.99
Call Firefighter Coordinator	--		20.25
Paramedic	--		19.70
Police Custodian (PT)	--		15.15
Police Intern	--		9.83

GROUP: NON-UNION - ON-CALL DISPATCHERS
Effective: July 1, 2011 (1.0% Adjustment)

	Year 1	Year 2	Year 3	Year 4
On-call Dispatcher	17.92	18.75	19.57	20.40

GROUP: NON-UNION - HOURLY LIBRARY CLERKS
Effective: July 1, 2011 (1.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	14.36	14.69	15.02	15.33	15.62	15.95	16.25	16.54	16.87	17.19	17.47	17.80	18.13	18.43	18.74

GROUP: NON-UNION - HOURLY LIBRARY PART-TIME WEEKEND PROFESSIONALS
Effective: July 1, 2011 (1.0% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10	11	12
	22.62	23.14	23.45	23.86	24.27	24.67	25.11	25.50	25.94	26.33	26.74	27.15

GROUP: NON-UNION - LIBRARY PAGES
Effective: July 1, 2011 (1.0% Adjustment)

Step	Year 1	Year 2	Year 3
	8.51	9.04	9.53

GROUP: NON-UNION - VETERANS' AGENT
Effective: July 1, 2011 (1.0% Adjustment)

	Annual
Veterans' Agent	3,793

GROUP: NON-UNION SEASONAL – MISCELLANEOUS
Effective: July 1, 2010 (0% adjustment)

	Year 1	Year 2	Year 3
Seasonal Laborer	12.01	12.61	13.21
Landfill Clerk	12.14		

GROUP: NON-UNION – SEASONAL – MISCELLANEOUS

Effective: July 1, 2010 (0% adjustment)

	Year 1	Year 2	Year 3	Year 4
Beach Director	18.00	18.54	19.10	19.67
Beach Supervisor	12.75	13.13	13.53	13.93
Beach Head Lifeguard/ Water Safety Instructor	11.50	11.85	12.20	12.57
Senior Lifeguard	10.50	10.82	11.14	11.47
Substitute Lifeguard	10.00			
Jr Lifeguard/Swim Aide/Gateguard	9.00	9.27	9.55	9.83
Snack Bar Supervisor	10.50	10.82	11.14	11.47
Snack Bar I	9.50	9.79	10.08	10.38
Snack Bar II	8.50	8.76	9.02	9.29

GROUP: NON-UNION – SEASONAL – SUMMER DAY PROGRAMS

Effective: July 1, 2010 (0% adjustment)

	Year 1	Year 2	Year 3	Year 4
Program Coordinator	18.00	18.54	19.10	19.67
Program Director	15.00	15.45	15.91	16.39
Assistant Director/Lead Teacher	13.00	13.39	13.79	14.21
Assistant Teacher	12.00	12.36	12.73	13.11
Sr Counselor	11.00	11.33	11.67	12.02
Counselor	9.50	9.79	10.08	10.38
Substitute Counselor	9.00			
Junior Counselor	8.00	8.24	8.49	8.74

GROUP: LIBRARY

Effective: July 1, 2011 (Contract Negotiations in Progress)

Step	1	2	3	4	5	6	7	8	9	10
L-1	34,389	35,421	36,485	37,579	38,706	39,867	41,062	42,295	43,563	44,871
L-2	37,139	38,254	39,401	40,584	41,800	43,054	44,347	45,676	47,047	48,458
L-3	40,112	41,316	42,555	43,833	45,146	46,502	47,896	49,334	50,814	52,338
L-4	43,321	44,620	45,959	47,338	48,758	50,220	51,727	53,279	54,878	56,524
L-5	46,786	48,189	49,635	51,124	52,658	54,238	55,865	57,540	59,267	61,044
L-6	50,528	52,045	53,606	55,214	56,870	58,577	60,333	62,144	64,008	65,928
L-7	54,572	56,209	57,896	59,633	61,421	63,264	65,162	67,116	69,129	71,203
LC	32,948	34,173	35,393	36,687	38,037	39,804				

L-1 - Library Assistant - Circulation
 L-1 - Library Assistant – Children's
 L-2 - Library Associate - Periodicals
 L-3 - Assistant Children's Librarian

L-4 - Bibliographic Services Librarian
 L-4 - Library Administrative Assistant
 L-4 - Computer Specialist/Ref Librarian
 L-4 - Head of Circulation

L-4 - Reference Librarian
 L-5 - Children's Librarian
 L-7 - Assistant Director
 LC - Custodian

GROUP: AFSCME

Effective: July 1, 2009 (Contract Negotiations in Progress)

Step	1	2	3	4	5	6	7	8	9	10
G-1	33,971	34,991	36,041	37,122	38,235	39,383	40,564	41,781	43,034	45,207
G-2	36,687	37,787	38,922	40,089	41,293	42,531	43,807	45,121	46,475	48,821
G-3	39,626	40,812	42,036	43,298	44,598	45,935	47,312	48,732	50,196	52,729
G-4	42,793	44,078	45,399	46,762	48,165	49,610	51,097	52,632	54,210	56,947
G-5	46,215	47,603	49,030	50,502	52,016	53,576	55,184	56,844	58,545	61,499
G-6	49,915	51,413	52,954	54,543	56,181	57,866	59,600	61,388	63,231	66,423
G-7	54,565	56,201	57,888	59,625	61,413	63,256	65,154	67,108	69,121	72,609
G-7A	57,021	58,732	60,494	62,309	64,178	66,104	68,087	70,129	72,233	75,878
G-8	59,479	61,262	63,100	64,993	66,943	68,952	71,020	73,151	75,345	79,149
G-9	64,830	66,777	68,778	70,843	73,816	75,156	77,412	79,734	82,125	86,271
G-10	70,667	72,786	74,970	77,218	79,535	81,921	84,379	86,911	89,518	94,036
G-15	41,650	44,066	45,279	46,679	48,044	50,618	52,067	53,558	55,096	58,982

G-3 – Administrative Assessor

G-6 – Recreation Program Adm

G-8 – Conservation Administrator

G-8 – Youth & Family Serv Dir

G-5 – Assistant Assessor

G-6 – Solid Waste Facility Supt

G-8 – DPW Hwy/TS Supt

G-9 – Assessing Director

G-5 – Assistant Youth Director

G-7 – Council on Aging Director

G-8 – DPW Water Supt

G-9 – Building Commissioner

G-5 – Sanitarian/Health Agent

G-7 – GIS Analyst

G-8 – IT Manager

G-9 – Health Director

G-5 – Water Treat Plant Mgr

G-7A – DPW Parks Supt

G-8 – Town Planner

G-9 – Treasurer/Collector

G-6 – Accountant

G-7A – Public Health Nurse

G-8 – Town Surveyor

G-15 – Community Health Nurse

G-6 – Local Building Inspector

GROUP: SEIU

Effective: July 1, 2010 (Contract Negotiations in Progress)

Step	1	2	3	4	5	6	7	8	9	10
C-10	29,756	30,648	31,569	32,515	33,490	34,495	35,529	36,595	37,694	39,409
C-12	32,137	33,102	34,093	35,117	36,170	37,254	38,372	39,524	40,709	42,563
C-13	33,432	34,435	35,469	36,532	37,629	38,758	39,919	41,118	42,352	44,278
C-14	34,778	35,823	36,897	38,004	39,143	40,317	41,528	42,774	44,057	46,061
C-15	36,121	37,204	38,321	39,471	40,654	41,874	43,131	44,425	45,757	47,840
CD	33,587	37,469	39,123	40,776	42,432	44,086	46,428			

C-12 – Senior Clerk

C-15 – Finance Assistant, Accounting

C-13 – Principal Clerk

C-15 – Finance Assistant, Benefits

C-14 – Department Assistant

C-15 – Finance Assistant, Payroll

C-15 – Assistant Town Clerk

CD – JCC Dispatcher

C-15 – Finance Assistant, Treasurer/Collector

GROUP: TEAMSTERS - DPW

Effective: July 1, 2010 (Contract Negotiations in Progress)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
D1	--	--	--	--	--	--
D2	16.65	17.25	17.87	18.51	19.17	20.26
D3	17.16	17.78	18.42	19.08	19.76	20.92
D4	17.92	18.56	19.23	19.92	20.64	21.85
D5	18.34	19.00	19.68	20.39	21.12	22.48
D6	--	--	--	--	--	--
D7	20.81	21.56	22.33	23.13	23.96	25.38
D8	21.18	21.94	22.73	23.55	24.39	25.86
D9	21.56	22.33	23.13	23.96	24.82	26.31
D10	--	--	--	--	--	--
D11	23.27	24.10	24.96	25.85	26.79	28.38

D-2 Maintenance Worker

D-3 Grounds Worker

D-4 Medium Equipment Operator

D-5 Heavy Equipment Operator

D-5 Sr Grounds Worker

D-5 Water Worker 1

D-7 Highway Working Foreman

D-7 Mechanic/Welder

D-7 Parks Working Foreman

D-7 Water Worker 2

D-8 Maintenance Mech/Welder

D-9 Lead Mechanic/Welder

D-9 Sr Foreman

D-9 Water Worker 3

D-11 Water Working Foreman

GROUP: FIRE

Effective July 1, 2009 (Contract Negotiations in Progress)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Deputy/EMT	F-6E				74,647
Captain/EMT	F-5E	61,087	63,126	65,253	67,462
Lieutenant/EMT	F-4E	57,414	59,215	61,163	63,224
Elec./Mech./EMT	F-3E	54,468	56,121	58,160	60,119
Prevention Inspector/EMT	F-2E	52,829	54,545	57,322	58,174
Firefighter/EMT	F-1E	49,488	51,128	52,828	54,585

GROUP: POLICE

Effective: July 1, 2011 (0% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Patrolman	P-1	35,111	46,815	49,156	51,613	54,194	55,115
Sergeant	P-2	58,103	61,008	64,058	67,261	N/A	N/A

<p style="text-align: center;">APPENDIX E: MASSACHUSETTS GENERAL LAWS CHAPTER 40, SECTION 22F (ARTICLE 16)</p>

**Massachusetts General Laws
PART I. Administration of the Government
TITLE VII. Cities, Towns and Districts**

Chapter 40: Powers and Duties of Cities and Towns

Section 22F: License Fees; Service Charges; Acceptance of Section

Section 22F. Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a city by a vote of the city council, with the approval of the mayor if so required by law, and in a town by vote of the town meeting, or by vote of the town council in towns with no town meeting.

APPENDIX F: MAP OF 24 AND 26 LAKESHORE DRIVE (ARTICLE 22)



**TOWN BOARD, COMMITTEE AND
COMMISSION VACANCIES
AS OF MARCH 9, 2011**

APPOINTED BOARD, COMMITTEE, COMMISSION	APPOINTING AUTHORITY	VACANCY	CURRENT TERM EXPIRES
375 th Anniversary Committee	Selectmen	Four Vacancies	12/31/2013
Advanced Life Support Committee	Selectmen	One Vacancy	6/30/11
Board of Public Works	Selectmen	One Vacancy	Expires at the Conclusion of the 2012 Annual Town Meeting
Cochituate State Park Advisory	Selectmen	One Vacancy	6/30/13
Economic Development Committee	Selectmen	One Vacancy	6/30/12
Historical Commission	Selectmen	One Vacancy	6/30/12
Historical Commission	Selectmen	One Vacancy	6/30/13
Housing Partnership	Appointed by Selectmen Representing Conservation Commission	One Vacancy	6/30/12
MBTA Advisory Board	Selectmen	One Vacancy	6/30/11

**Anyone interested in filling the above openings may obtain
further information from the Town Administrator's Office by
calling (508) 358-7755, or email fturkington@wayland.ma.us.**



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 Annual and Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before March 22, 2011.

Given under our hands and seals this 21st day of March, 2011.

Steven J. Correia, Chair

Thomas J. Fay, Vice Chair

John Bladon

Joseph F. Nolan

Susan W. Pope

Selectmen of the Town of Wayland

Cherry C. Karlson, Chair

Richard M. Stack, Vice Chair

Paul Grasso

Thomas Greenaway

David J. Gutschenritter

Sam H. Peper

William Steinberg

Finance Committee of the Town of Wayland