

TOWN OF WAYLAND

**WARRANT for
SPECIAL
TOWN MEETING**



Wednesday, November 12, 2008 7:30 P.M.

PLEASE NOTE:

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

WAYLAND MIDDLE SCHOOL GYMNASIUM

DOORS OPEN AT 6:00 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.

Note: A limited number of assistive listening devices are available for Town residents with hearing impairment. Please present your ID to the Assistant Town Clerk at the check-in table to obtain a device.

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

TOWN OF WAYLAND
2008 SPECIAL TOWN MEETING WARRANT

Special Town Meeting will start at 7:30 p.m.
In the WAYLAND MIDDLE SCHOOL GYMNASIUM
on Wednesday, November 12, 2008

Doors will open at 6:00 p.m.

TABLE OF CONTENTS

About Town Meeting	1
Warrant of Special Town Meeting	2
ARTICLE	
1. Resolution for Waste Reduction in Wayland	2
2. Increase Town Matching Circuit Breaker Tax Credits	4
3. Transfer Landfill Employees, Property and Funds to Board of Public Works	5
4. Grant Roadway Easements on Route 20 to the Commonwealth of Massachusetts and Accept Traffic Control Facilities Easement on Route 27	6
5. Amendment of Article 23 – Mixed Use Overlay District	10
6. Amendment of Article 5 – Earth Movement	12
7. Increase Surplus Property Disposal Approval Thresholds	13
8. Increase Demand Charge for Delinquent Taxes	14
9. Designate Permitted Authority for Excavating Trenches	14
10. An Act Establishing a Post Employment Benefit Trust Fund in the Town of Wayland	15
11. Current Year Transfers	17
12. Water Meter Reading Program	18
13. Funding for Repair of Former Railroad Freight House	18
14. Public Shade Tree Funds Transfer	19
15. Amend Dog Control Bylaw	20
16. Increase Annual Dog License Fees	20
17. Amend Non-Criminal Bylaw Chapter 1, Article II	22
18. Establishment of a Temporary Study Committee to Review the Master Plan	23
19. Acquire 41 River Road Open Space Land	24

APPENDICES

Appendix A.	The Moderator's Rules and Regulations Governing Wayland's Town Meetings	26
Appendix B.	M.G.L. Chapter 62, Taxation of Incomes	34
Appendix C.	Roadway Easements on Route 20 to the Commonwealth of Massachusetts and Accept Traffic Control Facilities Easement on Route 27	35
Appendix D.	Planning Board Reports for Warrant Articles 7 and 8	39
Appendix E.	M.G.L. Chapter 30B, Section 15. Tangible Supply; Disposition	41
Appendix F.	Map, 41 River Road	42
	Update: Housing at the Former Nike Site (aka "89 Oxbow") Opportunity for Certain Qualified Buyers	42
	Town Board Vacancies	45

THE TOWN NEEDS YOUR INPUT ABOUT HOW WELL THE TOWN COMMUNICATES WITH YOU

Please go to <http://www.mywayland.org> and take a 2 minute online survey to tell us what you think.

The Town chartered the Wayland Electronic Communications Committee (ECC) to recommend how to improve communications between the Town and its residents. The ECC will present an Implementation Plan at Annual Town Meeting in April 2009. The ECC seeks resident feedback via this survey to fulfill its objective of gathering ideas for efficient communications within the Town.

Thank you for your input!

ADJOURNED MEETINGS

It is anticipated that if an adjourned meeting is necessary to complete action on this warrant, it will be held on Thursday, November 13, 2008, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the Warrant Hearing on Monday, November 3, 2008, at 7:30 P.M. at the Town Building. You may also call the Town Administrator's office at (508) 358-7755 before Special Town Meeting.

NOTICE REGARDING MOTIONS

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

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

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 vote is required for approval of a main motion thereunder. For articles which are anticipated to be funded by borrowing, a two-thirds vote is required.

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.

NO SMOKING NOTICE

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

COMMONWEALTH OF MASSACHUSETTS

*Middlesex, ss.**Town of Wayland*

**WARRANT of the
SPECIAL TOWN MEETING
OF NOVEMBER 12, 2008**

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 meet in the Middle School Gymnasium on

WEDNESDAY, NOVEMBER 12, 2008, AT 7:30 P.M.

to act on the following Articles:

ARTICLE 1: RESOLUTION FOR WASTE REDUCTION IN WAYLAND

Proposed by: Petitioners

To determine whether the Town will vote to endorse the following Resolution:

WHEREAS Pay-As-You-Throw (PAYT) and home composting strategies for solid waste disposal are advocated by the US Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP),

WHEREAS 120 Massachusetts communities have adopted PAYT programs and report outcomes such as increased recycling rates, reduced waste disposal fees, increased revenues, and reduced user fees,

WHEREAS the DEP finds that PAYT is more equitable and offers guidance, materials and funding to promote such programs,

WHEREAS the EPA finds that solid waste typically is reduced 20-35% by PAYT programs and that an additional 24% could be removed by composting of kitchen and yard wastes,

BE IT THEREFORE RESOLVED THAT TOWN MEETING SUPPORTS THE CREATION OF A BOARD OF HEALTH ACTION PLAN AND TIMELINE TO EVALUATE AND IMPLEMENT, AS SOON AS POSSIBLE, STRATEGIES SUCH AS PAY-AS-YOU-THROW AND HOME COMPOSTING TO PROMOTE FISCALLY RESPONSIBLE SOLUTIONS FOR INCREASED RECYCLING AND WASTE REDUCTION.

PETITIONERS' COMMENTS: In a Pay-As-You-Throw (PAYT) program, residents purchase preprinted stickers or bags for disposal of trash, thereby paying directly for the amount of solid waste that they generate. PAYT thus provides an incentive to residents to reduce waste and increase recycling. Advantages of a PAYT program include: Economic: By reducing the amount of solid waste, the Town would save money on trash disposal. In addition, by increasing the recycling rate, revenues

from recycling would increase. Environmental: Less waste and more recycling mean that fewer natural resources would be extracted, fewer products would be manufactured, distributed and ultimately discarded. Equity: PAYT is inherently more equitable. A single person no longer would have to pay as much as a large family. In addition, home composting of kitchen and yard waste would reduce the burden at the transfer station. Many towns near Wayland have adopted PAYT and also distribute compost bins.

FINANCE COMMITTEE COMMENTS: This resolution encourages the Board of Health to develop an action plan and timeline to implement Pay As You Throw (PAYT) at the landfill and make available for sale bins that facilitate home composting of yard trimmings and food residue.

PAYT is a system (also known as unit based pricing) in which residents pay for each unit (garbage bag) of waste discarded. PAYT programs generally involve a two tiered pricing system that combines a flat fee and a unit based fee. The flat fee (annual) provides revenues to cover fixed costs of operating the transfer station such as labor, infrastructure, equipment, etc. The unit based fee finances the costs of hauling and disposal while giving residents a financial incentive to recycle and compost.

At the urging of the Finance Committee, the petitioners met with the Board of Health (BOH) to discuss the resolution on October 7, 2008. After deliberation, the BOH voted unanimously to approve the following comment:

“The Board has been interested in implementing PAYT program. To that end, an open forum was held on the subject in April and grants have been submitted for PAYT and composting. The board would be very interested in the public’s response to implementing such a program, as we expect it can help recycling and reduce overall costs.

We support this resolution conditional on eliminating the 2009 timeline, as the 2009 budget has been set. We hope that this resolution will increase public awareness of this important topic.” Vote 3–0.

A resolution is not binding. It is meant to reflect the opinion or sense of Town Meeting.

ARGUMENTS IN FAVOR: The Massachusetts Department of Environmental Protection (DEP) lists three factors in promoting PAYT:

1. fairness,
2. increased recycling, composting and waste reduction, and
3. improved environmental quality.

It is fair because the residents pay only for the amount of trash they generate. Recycling rates can increase 20 to 27 % according to DEP data. And finally, by diverting waste from disposal, PAYT decreases air pollution from trash incinerators, reduces the need for new disposal facilities and protects natural resources such as land, air and water.

Depending on the items recycled, the DEP estimates a 20% to 27% increase in recycling.

A reduction in solid waste tonnage hauled and disposed would reduce expenses.

To encourage consumers to compost kitchen scraps and yard wastes, the DEP makes home composting bins available to cities and towns by granting the ability to piggyback onto a statewide contract. The bins cost between \$33 and \$53 depending on design. There may also be grants

available to further reduce bin costs for the initial order. The DEP estimates that the average household can compost between 500 and 1000 pounds of organic material a year that otherwise might be disposed as solid waste.

ARGUMENTS OPPOSED: This resolution might be unnecessary based on the BOH October 7, 2008 vote and the public discussion and actions taken last spring. The BOH rightly points out that further public discussion should take place to solicit resident input.

Large families may see their cost to dispose of solid waste increase if they generate an amount greater than the average.

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

QUANTUM OF VOTE: Majority.

For more information about this article, contact Elizabeth Newton at info@newtonstats.com.

ARTICLE 2: INCREASE TOWN MATCHING CIRCUIT BREAKER TAX CREDITS

Sponsored by: Council on Aging

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to amend Chapter 161 of the Acts of 2000 by replacing “750.00” with “the amount of the income tax credit set forth in subsection (k)(2) of section 6 of chapter 62 of the General Laws”.

FINANCE COMMITTEE COMMENTS: The Circuit Breaker Tax credit program is a program that enables certain Wayland residents to be granted an abatement on their property taxes. To qualify for an abatement, a Wayland resident first has to meet several state income tax requirements and receive a state income tax credit tied to the amount of real estate taxes owed. If a Wayland resident so qualifies, then the resident must meet certain Town requirements to qualify for the Town real estate tax abatement. The proposed article is seeking to allow the Town of Wayland to grant real estate tax abatements up to the size of the income tax credit allowed by the state (hence the term “match”) related to the property taxes owed.

Background At the 2000 Annual Town Meeting, Article 39 was passed. This article identified the \$750 match figure for the Circuit Breaker Tax Credit. A Home Rule Petition was then issued by the State Legislature in July 2000 capping the match at \$750. In 2002 the Board of Selectmen proposed Article 17 stating:

“to determine whether the Town will vote to modify its vote under Article 39 of the Warrant for the 2000 Annual Town Meeting by clarifying that the property tax rebates to be granted under the program funded by the Town pursuant to Chapter 161 of the acts of 2000 shall match, rather than supplement, the state tax credits granted to qualifying senior citizens under Sections 80 and 81 of Chapter 127 of the acts of 1999, the so-called Circuit Breaker Tax Credit Law.”

The 2002 vote did not include the necessary language to enable the Board of Selectmen to petition the legislature to amend the Home Rule Petition issued in July, 2000.

The purpose of this article is correct this administrative oversight to permit matching. The current credit amount is \$900 versus the Town limit of \$750. The incremental cost of this article is estimated to be not more than \$17,400 and will likely be less depending on the number and mix of eligible, participating taxpayers. For FY08 the Town granted 108 Circuit Breaker abatements in the amount of \$75,711.76. Of the 108 abatements, 91 received the full amount.

The Property Tax Relief Committee voted 8-0 in favor of recommending to the Council on Aging that they propose this article to the November Town Meeting.

The Council on Aging voted 8-0 in favor of presenting and supporting this article.

ARGUMENTS IN FAVOR: This article seeks to increase the tax burden relief available to eligible Wayland residents under the Circuit Breaker Tax Credit program from up to \$750 to the amount specified by the Commonwealth, currently up to \$900. Eligible Wayland taxpayers are generally less able to bear the burden of increasing property taxes and this proposed article will lessen that burden. The granting of this relief would cause a de-minimis increase in the tax burden borne by taxpayers generally.

ARGUMENTS OPPOSED: Increasing the exemption to eligible tax payers raises the tax burden on non-eligible taxpayers. This article makes any future increases/decreases in the Commonwealth exemption amount applied automatically in Wayland. Any future increases in the exemption will further add to the amount that has to be absorbed by the Wayland taxpayers.

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

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

See M.G.L. Chapter 62, Section 6 at Appendix B. For more information about this article, contact Julie Secord or JoAnn Kunz at (508) 358-2990.

ARTICLE 3: TRANSFER LANDFILL EMPLOYEES, PROPERTY AND FUNDS TO BOARD OF PUBLIC WORKS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend and modify its vote under Article 10 of the Warrant for the 1996 Annual Town Meeting by transferring the care, custody, management and control of all landfill-related employees, equipment, vehicles, structures, material, supplies, budgetary funds, other funds and accounts from the Board of Health to the Board of Public Works effective July 1, 2009.

FINANCE COMMITTEE COMMENTS: The 2008 Town Meeting approved the creation of the Department of Public Works (DPW). The original drafted article included the transfer of landfill employees, property and funds. However, due to concerns that the moderator would rule that the transfer of land would require 2/3rds vote, the Selectmen submitted a modified article at Town Meeting. Because the wording of the revision was in excess of 25 words and Selectmen didn't distribute the revised motion to Town Meeting, the Moderator ruled the revision out of order and that section was stricken from the motion by the Selectmen. The land transfer, however, has been included in the special act creating the DPW, which has been enacted by the House of Representatives and

Senate and is awaiting the Governor's signature. This article completes the transfer of landfill employees, other property and funds to the Board of Public Works.

ARGUMENTS IN FAVOR: This is housekeeping article completing the transfer of assets to the DPW as created by the 2008 Town Meeting and makes no changes to the article as passed.

ARGUMENTS OPPOSED: The only reason to oppose is to stop the transfer of landfill operations from the Board of Health to the Board of Public Works. However, this is no longer a choice since the DPW has been created by Town Meeting.

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 4: GRANT ROADWAY EASEMENTS ON ROUTE 20 TO THE
COMMONWEALTH OF MASSACHUSETTS AND ACCEPT TRAFFIC
CONTROL FACILITIES EASEMENT ON ROUTE 27**

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

- (a) transfer the care, custody, management and control of the following parcels of Town-owned land from the Board of Selectmen to the Board of Selectmen for the purpose of granting to the Commonwealth of Massachusetts roadway easements in, on over, across and through said parcels of land:

Parcel E-1

A certain parcel of land containing 2,462 square feet, more or less, situated on Boston Post Road (Route 20), Wayland, Massachusetts, shown on Exhibit Plan 1 drawn by Hancock Associates dated July 29, 2008, scale 1" = 40' prepared for Twenty Wayland, LLC, a copy of which plan is on file in the Office of the Town Clerk, and further described:

Beginning at the southeast corner of premises on the northerly sideline of Boston Post Road (Route 20) being the April 6, 1920 State Highway Layout No. 1857 at Land of the Town of Wayland and Land of Twenty Wayland, LLC and being about four hundred thirty-nine feet (439') northwest of a drill hole in a stone bound (DHSB) found on said 1920 State Layout, thence;

Westerly and northerly by two courses a distance of about one hundred seventeen feet (117') and about twenty-one feet (21') along said 1920 State Highway Layout to a point, said point being about twenty-eight feet (28') south of a drill hole in a stone bound found on said layout, thence;

S 88°30'36" E a distance of about one hundred seventeen feet along the 2008 proposed State Highway Alteration Section 1 by land of the Town of Wayland, thence;

Southerly a distance about twenty-one feet to a point on the northerly sideline of Boston Post Road 1920 State Highway Layout No. 1857 by land of Twenty Wayland, LLC, said point being the point of beginning.

Said Parcel E-1 is a portion of the parcel of land described in the deed recorded with the Middlesex South Registry of Deeds in Book 8428, Page 389 and contains 2,462 square feet, more or less, according to said plan.

Parcel E-7

A certain parcel of land containing 708 square feet, more or less, situated on Boston Post Road (Route 20), Wayland, Massachusetts, shown on Exhibit Plan 2 drawn by Hancock Associates dated July 29, 2008, scale 1" = 40' prepared for Twenty Wayland, LLC, a copy of which plan is on file in the Office of the Town Clerk, and further described:

Beginning at the northeast corner of the premises on the northerly sideline of Boston Post Road (Route 20) being the September 12, 1916 State Highway Alteration, Layout No. 1703, said point being about ninety-one feet west of a stone bound found on said layout and also being the beginning of the proposed 2008 State Highway Alteration Section 3, thence leaving said layout;

S 75°28'04" W a distance of thirteen and ninety-seven hundredths feet (13.97') to a point, thence;

Southwesterly and curving to the left along the arc of a curve having a radius of two hundred fifty-four and no hundredths feet (254.00') a length of twenty-two and fourteen hundredths feet (22.14') to a point, thence;

Southwesterly and curving to the right along the arc of a curve having a radius of one thousand three hundred forty seven and no hundredths feet (1347.00') a length of sixty-five and twenty-eight hundredths feet (65.28') to a point, thence;

Southwesterly and curving to the right along the arc of a curve having a radius of four hundred sixty-two and no hundredths feet (462.00') a length of one hundred forty-one and four hundredths feet (141.04'), the previous four courses along land of the Town of Wayland, to a point on the September 10, 2003 Boston Post Road (Route 20) State Highway Alteration, Layout No. 7596, said point being the end of the proposed 2008 State Highway Alteration Section 3, thence;

Northeasterly by said 2003 State Highway Alteration, Layout No 7596 and curving to the left along the arc of a curve having a radius of about four hundred feet (400') a length of about sixty-three feet (63') to a point at the intersection of said 2003 State Highway Alteration, Layout No. 7596 and said 1916 State Highway Alteration, Layout No. 1703, thence;

Northeasterly by said 1916 State Highway Alteration, Layout No. 1703 and curving to the left along the arc of a curve having a radius of about five hundred thirty feet (530') a length of about one hundred sixty-six feet (166') to a point, thence;

Northeasterly by said 1916 State Highway Alteration, Layout No. 1703 about fourteen feet (14') to a point, said point being the point of beginning.

Said parcel E-7 is a portion of the parcel of land described in the deed recorded with the Middlesex South Registry of Deeds in Book 5212, Page 22 and contains 708 square feet, more or less, according to said plan.

Parcel D-1

A certain parcel of land containing 928 square feet, more or less, situated on Boston Post Road (Route 20), Wayland, Massachusetts, shown on Exhibit Plan 2 drawn by Hancock Associates dated July 29, 2008, scale 1" = 40' prepared for Twenty Wayland, LLC, a copy of which plan is on file in the Office of the Town Clerk, and further described:

Beginning at the southeast corner of the premises on the proposed 2008 Boston Post Road (Route 20) State Highway Alteration Section 3, thence;

Southwesterly by said Alteration Section 3 and curving to the right along the arc of a curve having a radius of four hundred sixty-two and no hundredths feet (462.00') a length of about twenty-two feet to a point, said point being the end of said State Highway Alteration Section 3 on the September 10, 2003 Boston Post Road State Highway Alteration, Layout No. 7596, thence;

Southwesterly along said 2003 State Highway Alteration and curving to the right along the arc of a curve having a radius of about four hundred feet (400') a length of about twenty-three feet to a point, thence;

N 02°07'22" E a distance of about twenty feet (20') by land of the Town of Wayland to a point, thence;

S 87°52'38" E a distance of about forty-five feet (45') by land of the Town of Wayland to a point, thence;

S 02°07'22" W a distance of about twenty feet (20') by land of the Town of Wayland to a point, said point being the point of beginning.

Said parcel D-1 is a portion of the parcel of land described in the deed recorded with the Middlesex South Registry of Deeds in Book 5212, Page 22 and contains about 928 square feet, more or less, according to said plan.;

- (b) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to grant to the Commonwealth of Massachusetts roadway easements in, on, over, across and through said parcels of land; and
- (c) accept, as a gift, an easement from Wayland Meadows Limited Partnership for the installation, construction, repair, replacement, improvement and operation of traffic control facilities, devices and equipment in, on, over, under, across and through the following parcel of land:

Parcel TS-1

A certain parcel of land containing 357 square feet, more or less, situated on Old Sudbury Road (Route 27), Wayland, Massachusetts, shown on Exhibit Plan 3 drawn by Hancock

Associates dated July 29, 2008, scale 1" = 40' prepared for Twenty Wayland, LLC, a copy of which plan is on file in the Office of the Town Clerk, and further described:

Beginning at the northeasterly corner of the premises on southerly sideline of the 1955 County Layout of Old Sudbury Road (Route 27) at Land of Twenty Wayland, LLC and Wayland Meadows Limited Partnership said point being about four hundred twenty-eight feet (428') northwest of a point that is S 43° 49' 01" W a distance of fifty feet from a concrete bound with a lead plug found on the northern sideline of said layout, thence;

Southwesterly and westerly by two courses, first curving to the right along the arc of a curve having a radius of about fifteen feet (15') a length of about twenty-four feet (24') and second a distance about thirteen feet (13') both courses being along said Land of Twenty Wayland, LLC to a point, thence;

Northerly a distance about forty feet to a point on the southerly sideline of said 1955 County Layout of Old Sudbury Road (Route 27), said point being about six hundred forty-three feet southwest of a point which is S 43°59'21" W a distance of fifty feet (50') from a concrete bound with an iron pin found on the northern sideline of said layout, thence;

Southeasterly a distance of about thirteen feet (13') along the southerly sideline of said 1955 County Layout of Old Sudbury Road (Route 27) to a point, said point being the point of beginning.

Said parcel TS1 is portion of the parcel of land described in the deed recorded with the Middlesex South Registry of Deeds in Book 32174, Page 145 and contains about 357 square feet, more or less, according to said plan.

FINANCE COMMITTEE COMMENTS: This article transfers 3 parcels of land to the Board of Selectmen for the purpose of granting roadway easements to the Commonwealth of Massachusetts. Section c) transfers an easement on parcel TS-1 from Wayland Meadows to the town; this easement will stay with the town as it is adjacent to a Town way. The purpose of all the easements is to facilitate traffic flow and safety in and around the planned Town Center.

In May 2006, Town Meeting approved the Mixed-use Overlay District which permits the residential and commercial development referred to as the Town Center. In January 2008, the Planning Board approved the Master Special Permit, and they are now working on the site plan approval. Much work has been done, and these easements are an anticipated part of the process.

Please reference the maps in Appendix C, page 35, for additional information on location.

Parcel E-1 is 2462 square feet and lies along the north side of Rt. 20 near the entrance to the proposed Town Center project.

Parcel E-7 is 708 square feet and lies in seven angled parcels along Rt. 20 to allow for slight widening of the roadway. These parcels lie on the north side of Rt. 20 in front of the Public Safety Building and before the intersection with Rt. 27.

Parcel D-1 is 928 square feet and is located on the curve of the northeast corner of the intersection of Rts 20/126/27. It will be used for roadway widening and drainage improvements.

Parcel TS-1 is about 357 square feet and allows for widening of the north side of the access road to Rt. 27.

Three of these parcels, E-1, E-7 and D-1, are presently owned by the Town, and there will be no loss of tax revenue from granting these easements. The fourth parcel and easement will also be tax neutral as Wayland Meadows will retain ownership of the land.

ARGUMENTS IN FAVOR: Each of these parcels allows for improved traffic flow and safety improvements related to traffic for the new Town Center. Granting the easements to the Commonwealth of Massachusetts was anticipated as part of the roadway improvement process.

There will be no financial cost to the Town from the roadway improvements, and, in fact, they are being done for the benefit of the Town and State.

Granting these easements will be further confirmation from the Town that the Town Center development should move forward.

ARGUMENTS OPPOSED: In some instances, there will be some loss of trees from wooded areas when the road improvements are done.

Additionally, two of the parcels are in the Historic District and impact the integrity of the district along Rt. 20. They also lie in a floodplain in the center of town.

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

QUANTUM OF VOTE: (a) Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A.
(b) Majority – see Massachusetts General Laws Chapter 40, Section 3.
(c) Majority.

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

ARTICLE 5: AMENDMENT OF ARTICLE 23 – MIXED-USE OVERLAY DISTRICT

Proposed by: Planning Board

To determine whether the town will vote to amend Chapter 198 (Zoning) of the Code of the Town of Wayland by amending §198-2308.2.1 and §198-2308.2.2 thereof by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering).

2308.2. The total amount of development allowed under Article 23, exclusive of any uses related to a wastewater treatment facility, is limited to 372,500 square feet of Gross Floor Area, of which 40,000 square feet of Gross Floor Area can be used only for municipal uses.

2308.2.1. The non-residential component of any Mixed-Use Project, exclusive of municipal uses and any uses related to a wastewater treatment facility, shall be limited to ~~165,000~~177,000 square feet of Gross Floor Area. Not more than 156,750 square feet of such Gross Floor Area shall be dedicated to retail uses. Not more than ~~10,000~~22,000 square feet of such Gross Floor Area shall be dedicated to office uses, except that such 22,000 square foot limitation shall not apply to Gross Floor Area devoted to uses within the category of “banks and financial institutions” in Table A: Mixed Use Overlay District Table of Uses.

2308.2.2. The residential component of any Mixed-Use Project shall be limited to ~~467,500~~155,500 square feet of Gross Floor Area. There shall be no more than 100 dwelling units, and there shall be no more than 200 bedrooms. Not more than 15 dwelling units within any Mixed-Use Project shall be three-bedroom units. No unit shall have more than three bedrooms.

FINANCE COMMITTEE COMMENTS: This zoning article amends the composition of the retail/residential square footage of the Mixed-Use Overlay District approved for the Town Center area at town meeting in May 2006. The chart below outlines the previously approved (existing) limits and those proposed by this article.

Mixed-use Overlay District

Existing Zoning		Proposed Amendment
Square Footage (no more than)	Type	Square Footage (no more than)
167,500	Residential	155,500
<u>165,000</u>	Non-residential	<u>177,000</u>
332,500	Total	332,500

Non-residential breakdown (not to exceed limits above):

156,750	Retail	156,750
<u>10,000</u>	Office	<u>22,000</u>
166,750		178,750

Overall, the office component of the non-residential use is increasing and the residential segment is decreasing in square footage. The number of units and the number of bedrooms allowed in the residential segment is unchanged. Finally, the office space of not more than 22,000 square feet does not include allowances for a bank/financial institution.

Plans for the commercial development envisioned a mix of one and two story buildings with retail stores on the first level and offices above. This amendment will be more conducive to clustering than what was initially approved; by increasing the square footage of office space, more variety in building heights and more second floor offices will be allowed. There is a consensus that this provides for a better project design, primarily along the "Main Street" portion of the project.

The applicant is still required to obtain all necessary permits as required under the current zoning.

The Planning Board voted 3 - 0 to support this article.

ARGUMENTS IN FAVOR: The first phase of the Town Center project is to complete the commercial development, which includes the retail and office components of the project. Given the soft residential real estate market, shifting some square footage from residential to commercial allows the Town to collect additional tax revenues sooner.

The addition of office space should bring more foot traffic and additional economic vitality to the

Town Center. The additional second story space will provide a design that has been deemed to be more appealing than the design with less second story space along the main street of the project.

ARGUMENTS OPPOSED: Some may say that the originally approved Overlay District should not be changed or that the square footage of the residential component should not be reduced.

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

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 by-law amendment is consistent with federal and Massachusetts law.

See Planning Board Reports at Appendix D. For more information about this article, contact Joe Laydon, Town Planner, at (508) 358-3778, or email jlaydon@wayland.ma.us.

ARTICLE 6: AMENDMENT OF ARTICLE 5 – EARTH MOVEMENT

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 (Zoning) of the Code of the Town of Wayland by amending §198-504.1.3 thereof by making the following deletions (indicated in ~~striktthrough lettering~~) and insertions (indicated in underlined lettering):

504.1. No earth in excess of 500 cubic yards shall be moved on any parcel of land in any district less than 40,000 square feet in area and no earth in excess of 1,500 cubic yards on any parcel of land in any district 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.

504.1.2. Where the amount of earth to be moved is limited to the volume of the foundation and basement of the primary structure, or excavation for, septic systems, driveway, 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 ~~such~~ Town-owned parcels.

FINANCE COMMITTEE COMMENTS: This article amends Chapter 198 (Zoning) of the Code of the Town of Wayland by amending §198-504.1.3.

The Earth Movement by-law was most recently discussed at annual Town Meeting in 2004 in Article 23. One section of the by-law references permitting exceptions specific to earth movement on town-owned land. This amendment is submitted as a result of prior confusion on the part of both residents and contractors relating to the proper removal of earth on certain property.

One word is changed from “such” to “Town-owned” to clarify that a permit is not required for earth movement on or transferred between or among Town-owned parcels.

ARGUMENTS IN FAVOR: This is a clarification of Chapter 198 which provides a clearer understanding and explanation of earth movement that is an exception under the ZBA permitting/approval process.

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

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

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 by-law amendment is consistent with federal and Massachusetts law.

See Planning Board Reports at Appendix D. For more information about this article, contact Joe Laydon, Town Planner, at (508) 358-3778, or email jlaydon@wayland.ma.us.

ARTICLE 7: INCREASE SURPLUS PROPERTY DISPOSAL APPROVAL THRESHOLDS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Chapter 62 (Surplus Property Disposal) Code of the Town of Wayland by striking “\$1,500” from Sections 62-2 and 62-3 thereof and inserting the words “the amount of the estimated net value set forth in Massachusetts General Laws Chapter 30B, Section 15 (f)” in place of said amounts.

FINANCE COMMITTEE COMMENTS: The article proposes to amend the dollar thresholds of Sections 62-2 and 62-3 of the Town Code relating to the disposal of surplus property. Under the current town code, any disposal of surplus property must be done in accordance with State laws, MGL 30B. The Town Code also provides that for property valued below \$1,500 the disposal must have the approval of the Town Administrator. For surplus property valued at greater than \$1,500 the disposal must be approved by Town Meeting. The State periodically modifies its threshold which is currently set at \$5,000. This article would increase the threshold to \$5,000 and would allow that the Town Code be automatically changed to new thresholds as future changes are authorized by the State under MGL 30B. It does not change who is responsible for approving disposals.

ARGUMENTS IN FAVOR: This article brings the levels to the current state levels and makes the Town Code work in concert with the State Procurement rules and dollar thresholds of MGL 30B. By making this change it eliminates time at Town Meeting to approve code changes which are merely housekeeping and keep the town at levels permitted by the State. It does not change the procurement rules or the approval process and maintains the requirement that Town Meeting approve the disposal of higher value property.

ARGUMENTS OPPOSED: It could be argued that this takes away some of the authority of Town Meeting and gives it to the Town Administrator for the disposal of surplus property valued between \$1500 and \$5,000.

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 by-law amendment is consistent with federal and Massachusetts law.

See M. G. L. Chapter 30B, Section 15 (f) at Appendix E. For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 8: INCREASE DEMAND CHARGE FOR DELINQUENT TAXES

Proposed by: Board of Selectmen

To determine whether the Town will vote to charge for each written demand issued by the Town Treasurer-Collector a fee of \$30.00 or such greater amount as authorized by state law to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective January 1, 2009.

FINANCE COMMITTEE COMMENTS: This allows the Town Treasurer-Collector to raise the fee for each written demand of delinquent taxes from \$5 to \$30. It would also allow this rate to automatically change in the future as the State increases the amount as authorized by MGL Chapter 60, Section 15. Mass. DOR has determined that town meeting approval is needed because it is not a license fee or charge for services. It is a statutory penalty.

ARGUMENTS IN FAVOR: This fee has not changed in years and does not cover the cost and overhead of processing a written demand. These costs should be borne by the delinquent taxpayer. Also, it brings the fee to a level consistent with the State. Also, by making this change it eliminates time at Town Meeting to approve fee changes which are merely housekeeping that keep the town fee at levels permitted by the State.

ARGUMENTS OPPOSED: The fee is applied to all delinquent taxes, both property and excise, and the fee is applied regardless of the amount of delinquency. It could be argued that the Town is adding additional burden to the delinquent taxpayers and it could add a \$30 fee to a taxpayer with just a small outstanding tax, which might seem unfair.

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 9: DESIGNATE PERMITTED AUTHORITY FOR EXCAVATING TRENCHES

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding thereto the following new article and section:

ARTICLE VII, Excavation of Trenches in Public Ways and on Private Land.

§158-16. Permit issuing authority. The Board of Road Commissioners and, effective July 1, 2009, the Board of Public Works shall have the authority to issue permits for the excavation of trenches on

privately owned land and for the excavation of a public way of the town pursuant to the provisions of Chapter 82A of the General Laws.

FINANCE COMMITTEE COMMENTS: The State has mandated that no person (or business) shall, except in an emergency, contract or cause the digging of a trench on private property or in the public way without first obtaining a permit from the designated board or person within the town authorized to issue the permit (M.G.L. Chapter 82).

A trench is defined by state regulation as “an excavation which is narrow in relation to its length, made below the surface of the ground in excess of three feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.”

This article names the Road Commissioners (and subsequently the Board of Public Works) as the permit authority.

ARGUMENTS IN FAVOR: A recent trench tragedy caused the Massachusetts legislature to enact this law. This article addresses the state mandated requirement of designating a permit authority.

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

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

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 by-law 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 10: AN ACT ESTABLISHING A POST EMPLOYMENT BENEFIT TRUST FUND IN THE TOWN OF WAYLAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act substantially the same as the special act set forth below.

AN ACT ESTABLISHING A POST EMPLOYMENT BENEFIT TRUST FUND IN THE TOWN OF WAYLAND

Section 1. There shall be in the Town of Wayland an account called “Other Post-Employment Benefits Trust Fund” or “OPEB Trust Fund” as defined in Governmental Accounting Standards Board, Statements 43 and 45, which shall be under the supervision and management of the Town Administrator and Finance Director. The Town Treasurer shall be the custodian of the OPEB Trust Fund.

Section 2. The OPEB Trust Fund shall be credited with all amounts appropriated or otherwise

made available by the town, including any earnings or interest accruing from the investment of these funds, to offset the anticipated cost of health/life insurance contributions or other benefits for retired employees, their spouses and eligible dependents and the surviving spouses and eligible dependents of deceased retirees.

Section 3. Amounts in the OPEB Trust Fund shall be expended only for the payment of the costs payable by the town for OPEB.

Section 4. The Town Treasurer shall invest and reinvest the funds prudently. The Town Treasurer may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and pay such expense from the fund. The funds could be invested with the commonwealth as part of the Pension Reserves Investment Trust Fund, the Middlesex Retirement System or other stock/bond mutual fund available for other trust investments.

Section 5. The act shall take effect upon its passage.

FINANCE COMMITTEE COMMENTS: Governmental Accounting Standards Board (GASB) Statements 43 and 45 were issued in 2004 for the purposes of identifying and managing the “Other Post-Employment Benefits” or specifically, the healthcare expense related to retirees. OPEB is retiree health care costs and a small amount of life insurance.

This article establishes the trust account which will house the funds to pay those liabilities. Under GASB 45, we are required to create this account during this fiscal year, FY2009. No funding is being requested with this article; there is no tax impact to creating the account.

As background, municipalities must create a trust account to hold funds to pay healthcare benefits to retirees. We will conduct an actuarial study to calculate potential liability (budgeted in FY2009) and determine a plan for funding. Funding can be one-time monies or regular appropriations through the Town Meeting budget process. In the meantime, the Town has taken many actions to control healthcare costs and, thus, retiree healthcare costs: passing section 18 Medicare changes; awareness of the benefit levels associated with new positions; introduction of the Rate Saver healthcare programs; and, implementation of contribution rate changes in the union negotiation process.

Creating this account and developing a funding plan shows Town management commitment to taking action to comply with GASB 43 and 45.

ARGUMENTS IN FAVOR: Establishing this account is mandated by GASB, and we need to create this account during FY2009 to remain in compliance.

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

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 Michael DiPietro, Finance Director, at (508) 358-3611, or email mdipietro@wayland.ma.us.

ARTICLE 11: CURRENT YEAR TRANSFERS*Proposed by: Finance Committee**Estimated Cost: \$188,000*

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 2009		
	PURPOSE	AMOUNT
1	LANDFILL – SALARIES	\$ (86,000)
2	LANDFILL – SERVICES	\$ 274,000
TOTAL CURRENT YEAR TRANSFERS		\$ 188,000

FUNDING SOURCES:

UNRESERVED FUND BALANCE	\$ 188,000
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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:

Landfill-Salaries (-\$86,000) & Landfill- Contract Services (\$274,000) net \$188,000: These funds are necessary as part of the conversion of the Landfill to a transfer station. Since the landfill is full, the town is now required to haul trash to an offsite location.

At Annual Town Meeting in April, 2008, when the FY 2009 budget was approved, the timing of the conversion of the Landfill to a Transfer Station and value of the associated hauling contract had not yet been determined, so the approved budget reflected an amount that was based upon the normal landfill operations. In August, 2008 the facility was converted from a Landfill to a Transfer Station and the trash hauling contract commenced. The cost of the trash hauling contract is partially offset by a reduction in Landfill personnel. When setting the sticker fee, the Board of Health incorporated the additional cost of \$188,000, the transfer station fee structure, in the FY2009 sticker fee. These monies have been committed for FY2009. Based upon stickers sold and revenue to date, there may be an additional deficit (\$65,000) which will be addressed with the Board of Health and further reviewed at annual town meeting if necessary.

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

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 emailmdipietro@wayland.ma.us.

ARTICLE 12: WATER METER READING PROGRAM*Proposed by: Board of Water Commissioners**Estimated Cost: \$650,000*

To determine whether the town will vote to appropriate a sum of money to be expended by the Board of Water Commissioners to purchase a Remote Radio Water Meter Reading System; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by borrowing, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth or Federal Government, or otherwise.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote this special town meeting article. We will therefore defer commentary and recommendation until Special Town Meeting.

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 Jack Mitchell, Acting Water Superintendent, at (508) 358-3696, or email jmitchell@wayland.ma.us.

ARTICLE 13: FUNDING FOR REPAIR OF FORMER RAILROAD FREIGHT HOUSE*Proposed by: Community Preservation Committee, Historical Commission
and Historic District Commission**Estimated Cost: \$50,000*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Historical Commission for the rehabilitation and preservation of the Town-owned former railroad freight house located at 1 Concord Road; 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 funds received as grants from the Commonwealth or the Federal Government, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: The building in question is located between the Library and the Grout-Heard House. It is currently be used by the Library and the Park and Recreation Commission for storage purposes. It is a post and beam timber-framed building built in 1881 and is located within the Wayland Center Historic District. A report evaluating the condition of the building was completed in November, 2006 by Wayland's Building Commissioner. This report identified the need for structural repairs, repair of foundation piers, roof replacement, trim, siding, and roof drainage system repairs, electrical work and other work necessary to stabilize and preserve the building. In addition, new windows will replace the currently boarded-up window openings and the exterior siding will be stained or painted to preserve it and to improve the appearance of the building.

The cost to repair the building is estimated to be approximately \$50,000. The funding is proposed to come from Community Preservation Act (CPA) funds. The current balance in this account is \$2.1 million, of which \$544,076 is earmarked for historic preservation initiatives, this project being one such project.

The Community Preservation Committee has voted unanimously in favor of this proposal, and the Wayland Historical Commission has voted unanimously for this project as well.

ARGUMENTS IN FAVOR: This project is the type of project envisioned by the CPA and will maintain this building for years to come. Wayland has sufficient funds collected via the CPA for historic preservation so no additional tax dollars are required to fund this project.

ARGUMENTS OPPOSED: Historic preservation funding is limited; there may other projects that are more deserving of funding. While the building resides within the Wayland Center Historic District, no other rationale was given to support its historic nature with the possible exception of its construction being symbolic of techniques dating to that period in Wayland's history.

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

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 Steve Curtin, Wayland Historical Commission, at escurtin@comcast.net, or Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net.

ARTICLE 14: PUBLIC SHADE TREE FUNDS TRANSFER

Proposed by: Board of Selectmen

Estimated Cost: \$15,000

To determine whether the Town will vote to appropriate \$15,000.00 to be expended by the Park and Recreation Commission for the acquisition and planting of public shade trees; and to determine whether such appropriation shall be provided by transfer from the General Fund - unappropriated fund balance.

FINANCE COMMITTEE COMMENTS: As part of the settlement with the developer of Wayland Commons for illegal tree removal, the developer agreed to replant the trees along Route 27 and to pay the Park and Recreation Commission \$15,000 for tree plantings elsewhere in town. The \$15,000 was deposited in the Town's general fund. This transfer of \$15,000 to Park and Recreation is an accounting transaction allowing Park and Recreation access to these funds for future tree plantings.

ARGUMENTS IN FAVOR: The tree replanting account will be used to replant trees in areas of greatest need as identified by the Park and Recreation Commission and the Planning Board. These trees would either be planted by our Parks Department workers or by an outside contractor.

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

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

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 87, Section 7.

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

ARTICLE 15: AMEND DOG CONTROL BYLAW

Proposed by: Conservation Commission

To determine whether the Town will vote to amend its Dog Control Bylaw, Chapter 91 of the Code of the Town of Wayland, by:

a.) adding to Paragraph D of Section 91-5 thereof the following new subparagraph:

“(7) Conservation land. A keeper may only have two dogs under effective voice control at any given time while on Town-owned lands under the care, management, and control of the Conservation Commission. If a keeper has three or more dogs at any time on such lands, then all dogs must be under leash control.” ; and

b.) re-numbering the existing subparagraph (7) thereof as subparagraph (8).

FINANCE COMMITTEE COMMENTS: The purpose of this article is to limit the number of dogs off leash on Town Conservation land. By limiting the number of dogs per keep that can be off leash while on town conservation land, this article has the intended effect of limiting the aggregate number of dogs that are off leash at any time on town conservation land.

The Conservation Commission voted 4-0 in favor of this article.

ARGUMENTS IN FAVOR: This article addresses an on-going concern that too many dogs may be off leash on town conservation land to the detriment of others using town conservation land.

ARGUMENTS OPPOSED: The article is well intended but inconsistent with existing town regulations. Current dog licensing regulations require a kennel license for four or more dogs. Also, no distinction is made between owners walking their own dogs versus hired dog walkers that may be walking more than three dogs. No indication is given as to the cost or method of enforcing the proposed by-law.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-3-3.

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 by-law amendments are consistent with federal and Massachusetts law.

For more information about this article, contact Brian Monahan, Conservation Administrator, at (508) 358-3669, or bmonahan@wayland.ma.us.

ARTICLE 16: INCREASE ANNUAL DOG LICENSE FEES

Proposed by: Board of Selectmen and Town Clerk

To determine whether the Town will vote to amend its Dog Control Bylaw, Chapter 91 of the Code of the Town of Wayland, by making the following revisions to Article I, Section 91-2, Vaccination, licensing and fees), Paragraphs A.(10) and B. (10) thereof:

[Key to revisions: underlining = additions; ~~striketrough~~ = deletions]

A. Three or fewer dogs.

.....

(10) License fees. The fees for licensing each dog are:

- (a) Annual license fee for each neutered or spayed dog over six months old: ~~\$10.~~ \$15.
- (b) Annual license fee for each unaltered dog over six months old: \$20.
- (c) License fee for any dog younger than six months: none.
- (d) Fee to replace lost dog tag: ~~\$2.~~ \$5.
- (e) Fee for transfer license: ~~\$2.~~ \$5.
- (f) Late fee: \$25.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the town, the Board of Selectmen may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

.....

B. Four or more dogs.

(10) Fees. The fees for licensing each kennel are:

- (a) Annual kennel license fee for four dogs: ~~\$50.~~ \$75.
- (b) Annual kennel license fee for 5-10 dogs: ~~\$75.~~ \$100.
- (c) Annual kennel license fee for 11 or more dogs: ~~\$100.~~ \$125.
- (d) Fee to replace lost dog tag: ~~\$2.~~ \$5.
- (e) Late fee: \$25.

After a public hearing, notice of which is posted for at least two weeks in a conspicuous place in Town Building and published at least once, not less than two weeks prior to the time specified for the hearing, in a newspaper of general circulation within the town, the Board of Selectmen may change the foregoing license fees pursuant to Massachusetts General Laws Chapter 40, Section 22F. Any such changes shall take effect upon the filing of notice thereof in the Office of the Town Clerk.

FINANCE COMMITTEE COMMENTS: The article proposes to do two things: 1) increase the license fees for dogs and kennels as reflected in the proposed article; and 2) change the procedure so future increases in dog and kennel fees don't have to be approved by Town Meeting but could be made by the Selectmen after a properly noticed public hearing is held (procedures as defined in the article).

ARGUMENTS IN FAVOR: Dog and kennel fees haven't increased in years. The Town Clerk's office spends considerable time and effort to process the approximately 1700 dog licenses a year. The increase is appropriate to offset the costs incurred by the town in processing these licenses.

Using Town Meeting to approve dog license fees is not the best use of Town Meeting time. The public hearing / Selectmen approval process provides a more efficient and timelier process to approve dog license fees.

ARGUMENTS OPPOSED: Many dog owners might argue that the cost increase is too great. The changes in the rate setting process may be viewed as taking away authority from Town Meeting and granting too much authority to the Selectmen.

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

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 by-law amendments are consistent with federal and Massachusetts law.

For more information about this article, contact Lois Toombs, Town Clerk, at (508) 358-3631, or email ltoombs@wayland.ma.us.

ARTICLE 17: AMEND NON-CRIMINAL BYLAW CHAPTER 1, ARTICLE II

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 1, Article II, Section 1-2 (Noncriminal disposition of violations; enforcement) by adding the following new paragraph thereto:

“ J. Violation of Rules and Regulations of the Conservation Commission relative to the use of lands under the care, management, and control of the Conservation Commission.

(1) Penalty: \$100 per day.

Enforcing persons: Town police officers, other officers having police powers, and agents of the Conservation Commission.”

FINANCE COMMITTEE COMMENTS: The purpose of this article is to empower the Conservation Commission to assess a non-criminal penalty of \$100 for any violation of the Rules & Regulations for the use of land under the care, management and control of the Commission. Enforcement of the Rules & Regulations involves direct observation of a violation and can be assessed by Town police officers or agents of the Conservation Commission and would be in the form of a written ticket. It is the intent of the Commission that a penalty be assessed only for a serious or repetitive infraction of the Rules & Regulations.

ARGUMENTS IN FAVOR: This article provides the Conservation Commission with a mechanism to enforce the rules for use of the conservation lands in Town. This is a new, albeit minor, source of revenue for the Town.

ARGUMENTS OPPOSED: The article is well intended but could be difficult to enforce since direct observation of any infraction is required. Also, no indication is given as to the cost of enforcing the proposed penalty.

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

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 by-law amendment is consistent with federal and Massachusetts law.

For more information about this article, contact Brian Monahan, Conservation Administrator, at (508) 358-3669, or bmonahan@wayland.ma.us.

ARTICLE 18: ESTABLISHMENT OF A TEMPORARY STUDY COMMITTEE TO REVIEW THE MASTER PLAN

Proposed by: Petitioners

To determine whether the Town will vote to establish an Advisory Study Committee under the direction of the Planning Board to 1) review the current 2004 Master Plan as a mid-course check and an opportunity to give the document and its vision renewed life and usefulness; and 2) to ensure its consistency with the values of the town with regard to (a) the need for balance between development and open space; (b) the preservation of the town's semi-rural character; (c) the emerging emphasis on sustainable growth; and (d) support of the new Town Center's success through careful analysis of impacts of future potential changes in town development.

Keeping in mind the matters listed in the previous paragraph, the committee would review the recommendations of the existing Master Plan to assess their implementation status and recommend actions.

- a. The Study Committee shall be comprised of 11 volunteer citizens of Wayland, 1 appointed by the Board of Selectmen, 4 appointed by the Planning Board, 1 appointed by the Conservation Commission, 1 appointed by the Finance Committee, 1 appointed by the Housing Authority, 1 appointed by the Park and Recreation Commission, 1 appointed by the Historic Commission, and 1 appointed by the Moderator.
- b. The Study Committee will meet for a period of 12 to 18 months, starting from the first organizational meeting, and may continue in an advisory capacity as directed by the Planning Board. The Study Committee shall prepare a report and present its findings to the Planning Board and Town Meeting.

PETITIONERS' COMMENTS: The report and final Master Plan when updated would serve as a definitive representation of the town's vision for Wayland and as a sound reference when the Planning Board has to consider significant changes in land use, ensuring comprehensive and proactive planning based on town priorities. The normal life span of the implementation portions of such plans is about five years, and so it is a good time to review the plan as it comes up on its five year birthday. Much has happened in the town since the plan was written, and it should be reviewed taking these developments into account. The Master Plan itself calls for a review in five years from its creation. A review will support keeping the plan relevant and useful in town planning. The Study Committee initiative would be budget neutral, using available existing funds for any needed resources.

FINANCE COMMITTEE COMMENTS: The Finance Committee did not receive this article in advance of the printing of the warrant and will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Malcolm Astley at email malcolmastley@verizon.net or (508) 358-2946.

ARTICLE 19: ACQUIRE 41 RIVER ROAD OPEN SPACE LAND*Proposed by: Board of Selectmen**Estimated Cost: Unknown*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in the parcel of land located on River Road known and numbered as 41 River Road, Wayland, Massachusetts, containing thirteen acres, more or less, as described in deed dated October 24, 2007 and recorded with the Middlesex South Registry of Deeds in Book 50265, Page 16, for open space purposes;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of said parcel of land; and
- 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.

FINANCE COMMITTEE COMMENTS: On October 24, 2007, the property at 41 River Road was sold. Approximately 12 acres of this 13 acre parcel is subject to a Chapter 61B tax lien. (*See Map at Appendix F.*)

Chapter 61B is a state program that is designed to encourage the preservation of open space and promote recreational uses. It offers significant local tax benefits to property owners willing to make a long term commitment to preserving land in an undeveloped condition or for use for outdoor activities. To qualify, the parcel must consist of at least 5 contiguous acres of land under the same ownership. In addition, the land must be maintained in a substantially natural, wild or open condition permitting the preservation of wildlife and natural resources. The owner must file an application with the Board of Assessors by October 1 of the year before the start of the fiscal year for which taxation as classified land is sought. Once the initial application is approved, the Assessors record a statement at the Registry of Deeds indicating that the land has been classified as recreational land under Chapter 61B. That statement constitutes a lien on the land.

Towns have an option to purchase Chapter 61B parcels whenever owners plan to sell or convert parcels to residential, commercial or industrial use. Although the Seller notified the Town of the impending transaction in October, 2007, the Seller sold the land prior to the expiration of the 120-day purchase option during which the Town later gave notice of its exercise of the option to purchase. The Town is currently in litigation with the landowner relative to its rights to acquire the land under Chapter 61B. By filing litigation, Wayland has preserved its right to purchase the portion of 41 River Road that is subject to the Chapter 61B tax lien.

If a favorable outcome to litigation is achieved prior to STM, and the CPA Committee votes to fund the purchase, the approval of this article will allow the Town to exercise that option and provide a funding source.

ARGUMENTS IN FAVOR: The 41 River Road Chapter 61B land is on the Conservation Commission's open space acquisition list. The land abuts U. S. Fish and Wildlife property along the Sudbury River floodplain. Acquisition of this parcel would further Town and Federal efforts to preserve land near or abutting the Sudbury River.

Previously collected Community Preservation Authority (CPA) funds would be used to fund the purchase.

ARGUMENTS OPPOSED: CPA funds should be preserved for more substantial acquisitions.

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

As of the date that the warrant went to print, a settlement had not been reached, a price had not been determined, and, neither the CPC nor the Conservation Commission had deliberated or voted.

QUANTUM OF VOTE: Two thirds – see Massachusetts General Laws Chapter 40, Section 14.

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

APPENDIX A

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

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

I. The Warrant

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting 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 By-Laws of the Town and these rules and regulations.

B. 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.

C. 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 By-laws 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. 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, or in opposition to, 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. 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.
- c. 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.
- d. 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; 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 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.

10. 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 then 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, or if seven or more voters have immediately questioned his declaration of such vote, 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 their portion of the vote from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration is final.

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, 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.”

E. Adjournment

1. 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.

2. 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
November 12, 2008

<p style="text-align: center;">APPENDIX B The General Laws of Massachusetts</p>

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE IX. TAXATION

CHAPTER 62. TAXATION OF INCOMES

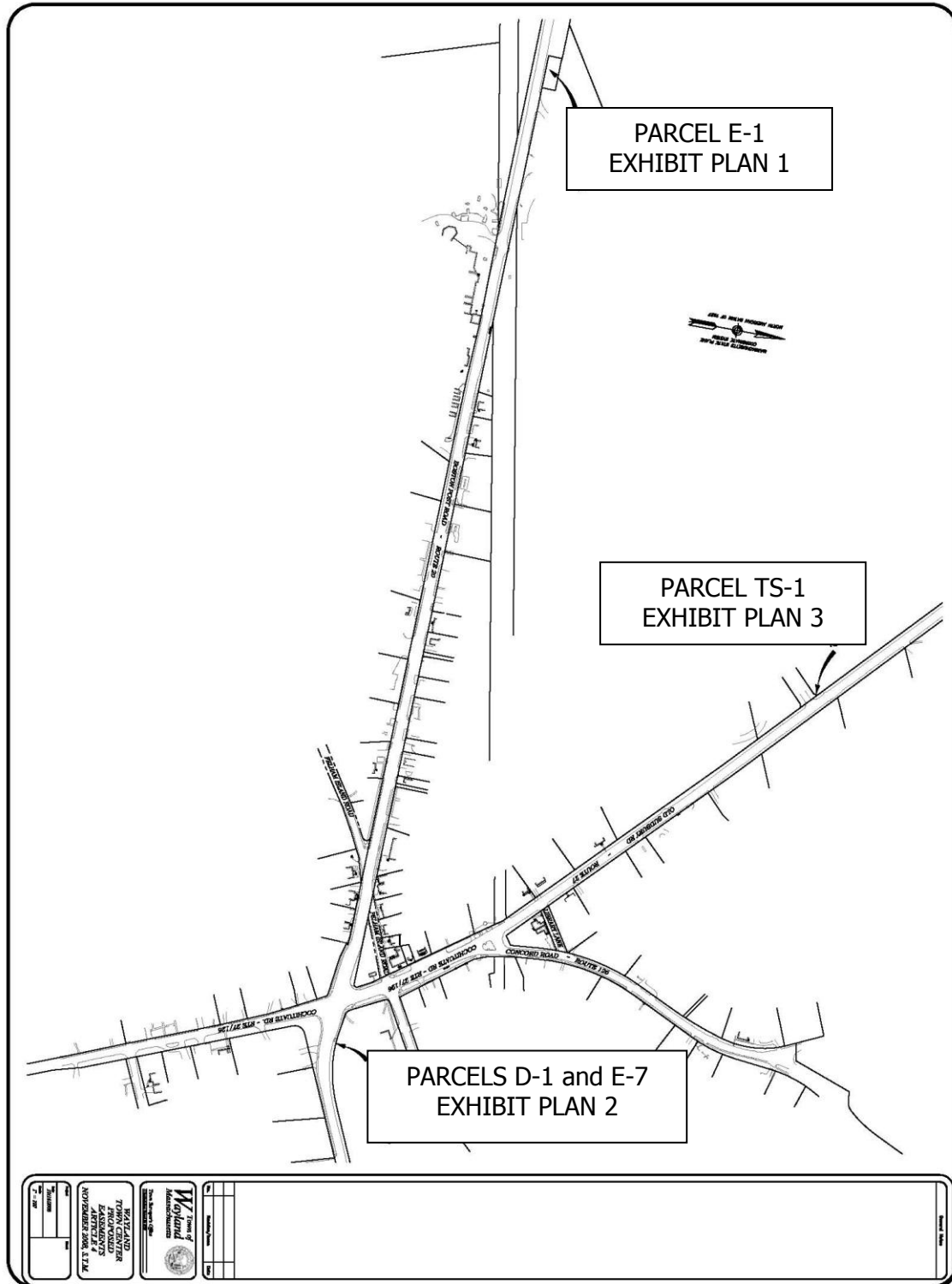
TAXATION OF INCOME FROM ANNUITIES, PROFESSIONS, EMPLOYMENTS, TRADE AND BUSINESS

Chapter 62: Section 6. Credits

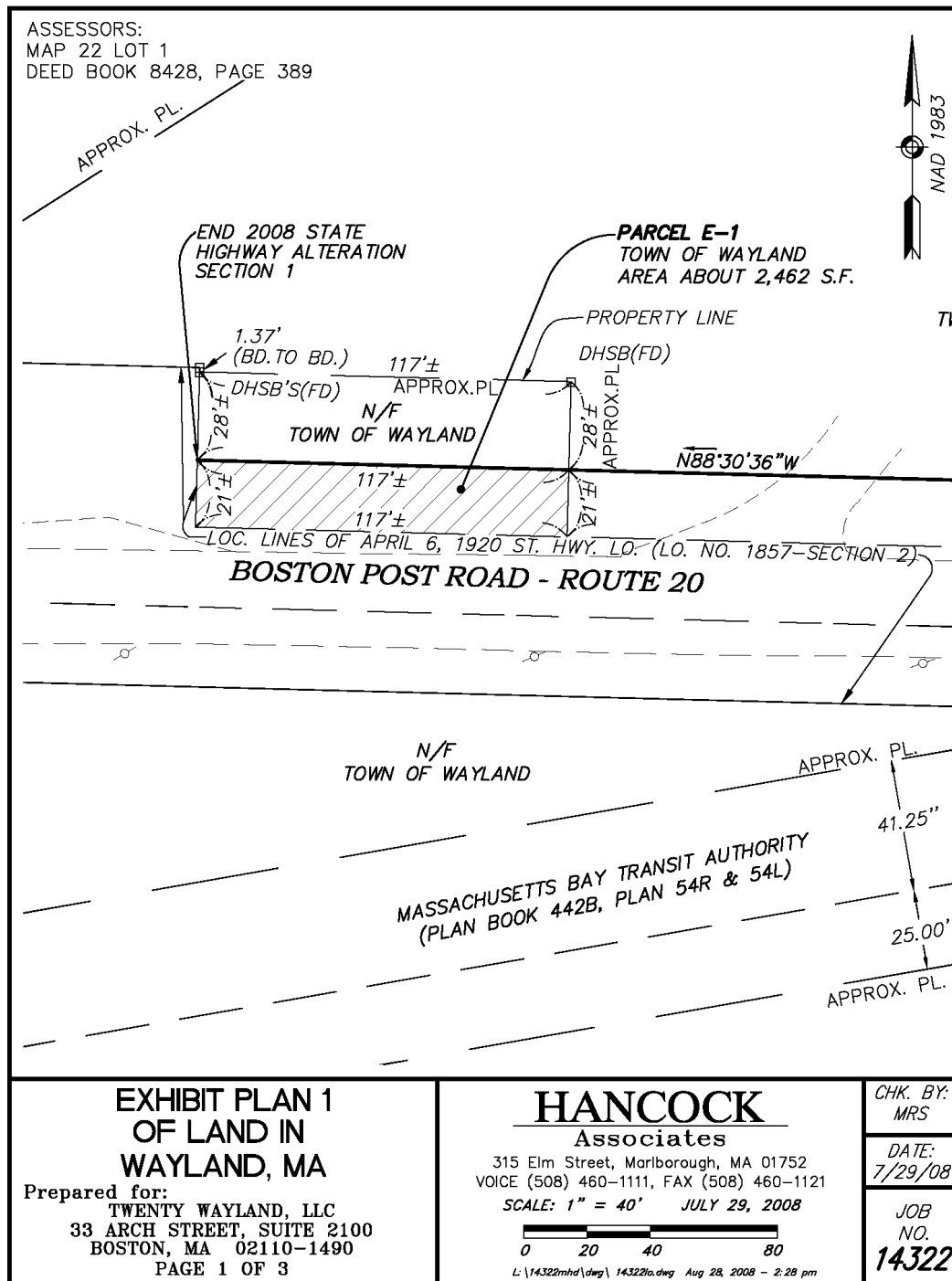
- (k) (2) An owner or tenant of residential property located in the commonwealth, who is 65 years of age or older, who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to the amount by which the real estate tax payment or the rent constituting real estate tax payment exceeds 10 per cent of the taxpayer's total income, but the credit shall not exceed \$750.

APPENDIX C

Roadway Easements on Route 20 to the Commonwealth of Massachusetts and
Accept Traffic Control Facilities Easement on Route 27



PARCEL E-1
EXHIBIT PLAN 1



PARCEL E-7
TOWN OF WAYLAND
AREA ABOUT 708 S.F.

PARCEL D-1
TOWN OF WAYLAND
AREA ABOUT 928 S.F.

END 2008 STATE HIGHWAY ALTERATION SECTION 3

BEGIN 2008 STATE HIGHWAY ALTERATION SECTION 3

LAYOUT LINES OF SEPTEMBER 10, 2003 STATE HIGHWAY ALTERATION (L.O. NO. 7596)

LAYOUT LINES OF MAY 31, 1900 STATE HIGHWAY LAYOUT (L.O. NO. 458)

BOSTON POST ROAD - ROUTE 20

ROUTE 126/27
(ALSO KNOWN AS MAIN ST)
(1915 COUNTY L.O.)
(VARIABLE WIDTH)

COCHITUATE ROAD

MAIN BASELINE

CTR BACK SBT (FD)

N/F
TOWN OF WAYLAND
(PUBLIC SAFETY BUILDING)
(MAP 23, LOT 106)

N/F
CHRISTOPHER L.D. HAGGER & JOAN M. PIERGROSSI
(MAP 23, LOT 113)

APPROX. PL.

ASSESSORS:
MAP 23 LOT 106
DEED BOOK 5212, PAGE 22-24

JOB
NO.
14322

PARCEL TS-1
EXHIBIT PLAN 3

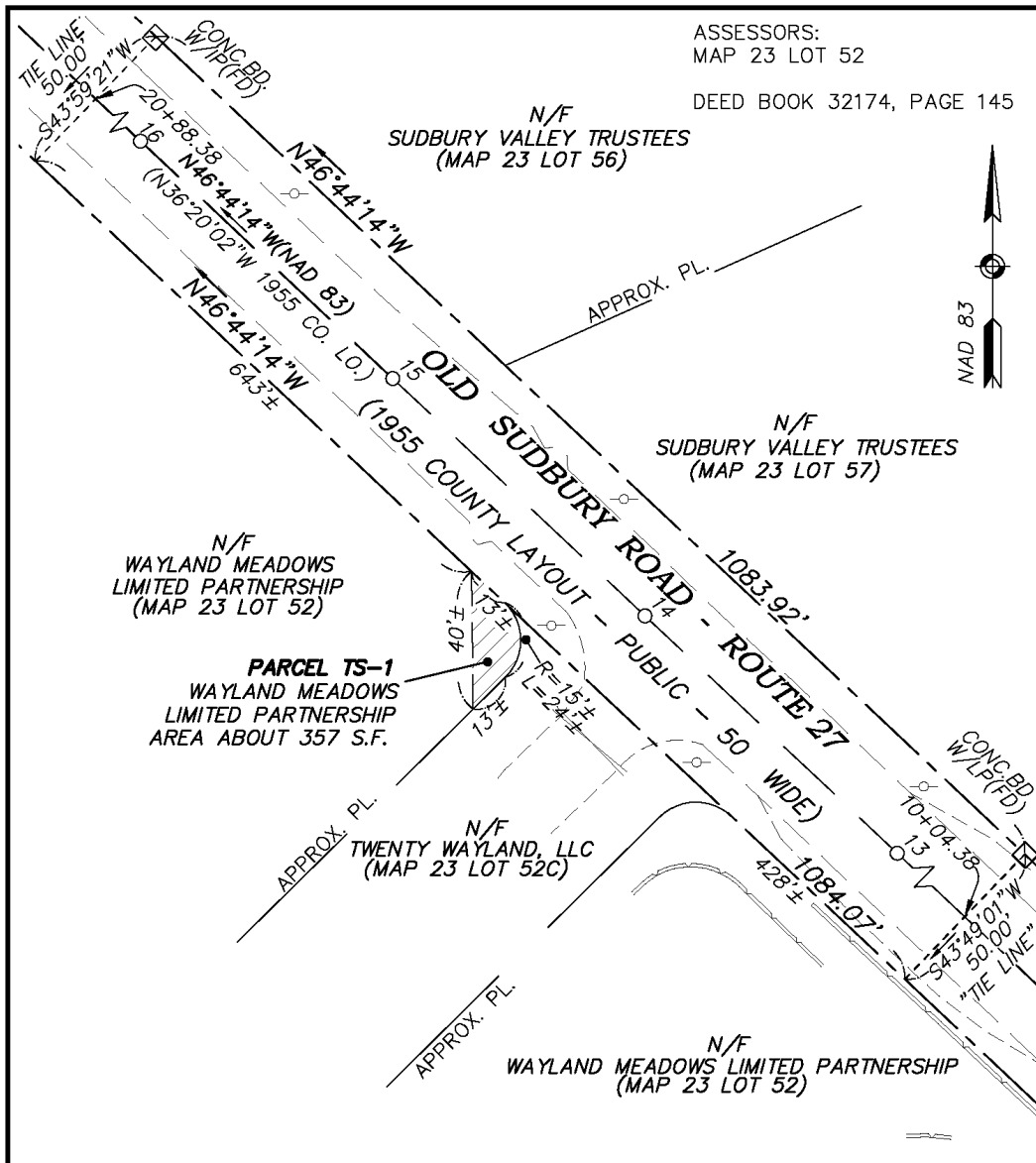


EXHIBIT PLAN 3
OF LAND IN
WAYLAND, MA

Prepared for:
TWENTY WAYLAND, LLC
33 ARCH STREET, SUITE 2100
BOSTON, MA 02110-1490
PAGE 3 OF 3

HANCOCK
Associates

315 Elm Street, Marlborough, MA 01752
VOICE (508) 460-1111, FAX (508) 460-1121

SCALE: 1" = 40' JULY 29, 2008

0 20 40 80

L:\14322mhd\dwg\ 14322la.dwg Aug 28, 2008 - 2:34 pm

CHK. BY:
MRS

DATE:
7/29/08

JOB
NO.
14322

**APPENDIX D
PLANNING BOARD REPORTS
FOR 2008 SPECIAL TOWN MEETING
WARRANT ARTICLES 7 AND 8**

Planning Board Report on Special Town Meeting Warrant Article 7: Proposed Amendments to Article 23 - Mixed Use Overlay District (MUOD)

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, on October 6, 2008, the Planning Board held a Public Hearing on proposed amendments to Article 23 – Mixed-Use Overlay District (MUOD) that would amend two subsections of §198-2308.2 as they relate to the allowed gross floor area for non-residential and residential uses:

1. An amendment to §198-2308.2.1 increases the gross floor area of non-residential uses, exclusive of municipal and wastewater facility uses, by 12,000 square feet from 165,000 square feet to 177, 000 square feet.
2. An amendment to §198-2308.2.2 reduces the gross floor area of the residential use by 12,000 square feet from 167,500 square feet to 155, 500 square feet.

The proposed amendments, to Article 23 - Mixed-Use Overlay District will allow for a transfer of gross floor area from the residential component to the non-residential component, without increasing the size of the Town Center Project. The total unit count allowed, including bedroom count, is not reduced by the proposed amendments.

Public Comments No members of the public were in attendance to provide comment on the proposed Article.

Planning Board Recommendation

Article 23, entitled Mixed-Use Overlay District, was adopted by Town Meeting on May 6, 2006. The MUOD established an overly district within which residential, office, retail, and municipal uses are permitted. The MUOD district covers the property known as the Former Raytheon Property. Since that time the Planning Board has been reviewing a development proposal for the MUOD (known as the ‘Town Center Proposal’) and the Town Center developers are in the process of obtaining the necessary permits and approvals.

During the site permitting process, the Town Center development team identified an opportunity to both increase activity within the commercial portion of the project and improve aesthetics by adding an incremental amount of office space in the second stories of the buildings within the commercial portion of the project. The transfer of 12,000 square feet of gross floor area from the residential to the nonresidential component will allow for additional second story businesses [e.g., office use]. The Board agrees that the project will benefit from the transfer. Furthermore, the increased commercial space may increase tax revenues for the Town, as the current housing market is likely to cause a delay in the construction of residential units.

Article 7 does not change the allowed maxima of 100 units and 200 bedrooms as originally defined in §198-2308.2. The decision regarding how many units to build under the defined maxima is at the discretion of the Developer and will likely be influenced by the market conditions present when the Developer begins the residential component of the project. The number of affordable units will continue to be 25% of the total number of residential units built. Thus, if the Developer builds fewer than 100 residential units, the number of affordable units will be reduced accordingly.

The Planning Board believes the proposed Article will result in a Town Center Project that has an increased vitality and viability. The Planning Board voted 3 to 0 to approve this article and recommends its passage by Town Meeting.

Planning Board Report on Special Town Meeting Warrant Article 8: Amendment to Article 5 Regarding Earth Movement

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, on October 6, 2008 the Planning Board held a Public Hearing on a proposed amendment to the Town's zoning by-laws that would amend §198-504.1.3 by deleting the word "such" and replacing it with the words "Town-owned." The proposed amendment clarifies that earth movement on, between, or among Town-owned parcels is exempt from the provisions of §198-504.1.

Public Comments The Board did not receive any public comment on the Article.

Planning Board Recommendation

The proposed amendment to §198-504.1.3 will clarify that exemptions from the Earth Movement Bylaw under this section are only allowed for Town Owned Parcels. This was the original intent of the Earth Movement Bylaw approved by Town meeting in 2005. The Board believes that the amendment will eliminate confusion as to whether earth movement is exempt for parcels other than those owned by the Town of Wayland. The Planning Board voted 3 to 0 to approve this article and recommend its passage by Town Meeting.

<p style="text-align: center;">APPENDIX E The General Laws of Massachusetts</p>

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE III. LAWS RELATING TO STATE OFFICERS

CHAPTER 30B. UNIFORM PROCUREMENT ACT

Chapter 30B: Section 15. Tangible supply; disposition

Section 15.

- (a) A governmental body shall dispose of a tangible supply, no longer useful to the governmental body but having resale or salvage value, in accordance with this section. This section does not apply to the disposal of real property.
- (b) The governmental body shall offer such supply through competitive sealed bids, public auction, or established markets.
- (c) Notice of sale by bid or auction shall conform with the procedures set forth in paragraph (c) of section five. The notice shall indicate the supply offered for sale, designate the location and method for inspection of such supply, state the terms and conditions of sale including the place, date and time for the bid opening or auction, and state that the governmental body retains the right to reject any and all bids.
- (d) If the governmental body rejects the bid of the highest responsive bidder, the governmental body may:
 - (1) negotiate a sale of such supply so long as the negotiated sale price is higher than the bid price; or
 - (2) resolicit bids.
- (e) A procurement officer may trade-in a supply listed for trade-in in the invitation for bids or request for proposals.
- (f) For a supply with an estimated net value of less than \$5,000, the procurement officer shall dispose of such supply using written procedures approved by the governmental body.

Exhibit A



**Update: Housing at the Former Nike Site (aka “89 Oxbow”)
Opportunity for Certain Qualified Buyers**

After years of hard work by Town employees and volunteers and significant support by Wayland’s taxpayers, the sixteen affordable housing units, which are located adjacent to the park land at the former Nike missile site, are nearing completion. The homes are currently expected to be ready for occupancy in January 2009.

The *Residences at 89 Oxbow* will provide a unique opportunity for qualified buyers, most of whom otherwise would not likely be able to acquire a home in Wayland, to do so at an average price of \$186,000 – well below the average market value of comparable homes in Wayland. There will be eleven 2-bedroom and five 3-bedroom homes with average living areas of approximately 950 to 1,290 square feet. A number of “green” features have been included, including energy star plus construction and appliances and solar panels, to help reduce the long-term utility costs for each homeowner.

Local Preference

It is expected that preference for the sale of 70% of the homes will be given to persons who (i) are “first-time homebuyers” (which includes certain otherwise excluded prospective buyers) as defined below, (ii) meet certain income requirements and (iii) meet one or more of the following additional criteria:

- (a) are Wayland residents, regardless of duration of residency;
- (b) have a parent, grandparent or child, whether by birth, adoption, step-relation or marriage, residing in Wayland at the time of the application;
- (c) are employees (including new hires who haven’t started work) who work for the Town of Wayland, regardless of duration of employment;
- (d) have resided in Wayland within five years immediately prior to the time of application; or
- (e) have a child enrolled in the Wayland Public Schools at the time of application.

This so-called “local preference” will be implemented by the agent conducting the lottery for the initial sale of the housing units.

First-Time Homebuyers

The Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) defines a first-time homebuyer to be an individual or an individual and his or her spouse who have not owned a home during the 3-year period before the planned purchase of a home with DHCD assistance.

DHCD provides several exceptions to the definition noted above, most notably “displaced homemakers” and single parents that may have owned a home with his or her spouse or resided in a home owned by the spouse during the 3-year period noted above.

Income Requirements

The homes at 89 Oxbow will be sold to “first-time homebuyers” who also meet the following income requirements:

- (a) Eleven (11) homes will be sold to households earning no more than eighty percent (80%) of the median household income for the region/Boston FMSA, i.e., \$46,300 to \$71,450 depending on family size, and
- (b) Five (5) homes will be sold to households earning no more than one hundred percent (100%) of the median household income for the region/Boston FMSA, i.e., \$60,100 to \$99,500 depending on family size.

Estimated Home Prices

The estimated home prices at 89 Oxbow will vary based on the household income level and family size of the buyers. It is currently estimated that eleven (11) homes will be sold for between \$161,834 and \$178,153 and five (5) homes will be sold for between \$216,759 and \$239,213.

Sales Process

Applications for the homes at 89 Oxbow were first made available in October.

Following the receipt of applications and the screening to make sure applications meet the various qualifications noted above, there will be a lottery.

The lottery will be conducted by an independent lottery agent that has previously been approved by the Town of Wayland and hired by the developer. Each prospective buyer will have to complete an approved homebuyer training course. As previously noted, the homes are expected to be ready for occupancy in January 2009.

Additional Information

Additional information regarding this project and the sales process is available from both the developer, Oxbow Partners LLC, and the lottery agent, JTE Realty Associates.

The developer has posted certain marketing information on its project website at www.89oxbow.com and has prepared a marketing flyer, copies of which will be available at Special Town Meeting, the Town Building, the Wayland Public Library and on the website noted above. This information can also be obtained by writing the developer at Oxbow Partners LLC, 31 St. James Avenue, Suite 840, Boston, MA 02116 or by calling (617) 482-2300.

The lottery agent has posted information regarding this project on its website at www.jterealtyassociates.com including how to obtain an application.

TOWN BOARD VACANCIES

APPOINTED COMMISSIONS/COMMITTEES	TO BE APPOINTED	TERM
CABLE TV ADVISORY BOARD	1 Vacancy	Fill a Term to Expire June 30, 2009
CABLE TV ADVISORY BOARD <i>(Non-voting High School Member)</i>	1 Vacancy	Fill a Term to Expire June 30, 2009
HISTORIC DISTRICT COMMISSION ALTERNATE MEMBER	1 Vacancy	Fill a Term to Expire June 30, 2009
HISTORIC DISTRICT COMMISSION ALTERNATE MEMBER	1 Vacancy	Fill a Term to Expire June 30, 2010
HOUSING PARTNERSHIP <i>(Appointed by Board of Selectmen, representing Conservation Commission)</i>	1 Vacancy	Fill a Term to Expire June 30, 2011
NIKE SITE REUSE ADVISORY COMMITTEE	1 Vacancy	Fill a Term to Expire June 30, 2009
TRANSITIONAL BOARD OF PUBLIC WORKS	5 Vacancies	Fill a Term to Expire with the April 2010 Election
WASTEWATER MANAGEMENT DISTRICT COMMISSION	1 Vacancy	Fill a Term to Expire June 30, 2011
WayCAM (Wayland Community Access and Media Inc.) Board of Directors	1 Vacancy	Fill a Three-Year Term to Expire October 2011
YOUTH ADVISORY COMMITTEE <i>(Appointed by School Committee)</i>	1 Vacancy	Fill a Term to Expire June 30, 2011

Anyone interested in filling the above openings may obtain further information from the Town Administrator's Office.

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

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before October 28, 2008.

Given under our hands and seals this 27th day of October, 2008.

Steven J. Correia
Douglas J. Leard
Joseph F. Nolan, Vice Chair
Michael L. Tichnor, Chair
William D. Whitney

Selectmen of the Town of Wayland

David J. Gutschenritter
Cherry C. Karlson
Robert L. Lentz
Sam H. Peper, Chair
Susan W. Pope
G. Christopher Riley
Richard M. Stack, Vice Chair

Finance Committee