

**TOWN OF WAYLAND**

**WARRANT for  
SPECIAL  
TOWN MEETING**



**PLEASE NOTE:**

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

**WAYLAND MIDDLE SCHOOL GYMNASIUM**

**DOORS OPEN AT 6:00 P.M.**

*Use Side Entrance Door by Gymnasium*

**Tuesday, November 16, 2010 7:30 P.M.**

**[www.wayland.ma.us](http://www.wayland.ma.us)**

## NOTICE

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

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

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

Name:	John Senchyshyn
Title:	Assistant Town Administrator/HR Director
Office Address:	41 Cochituate Road, Wayland MA 01778
Phone Number:	(508) 358-3623
Fax Number:	(508) 358-3627
TDD:	(508) 358-0194 or 911
Days/Hours Available:	Monday, 8:30 a.m. to 7:00 p.m. Tuesday to Thursday, 8:30 a.m. to 4:00 p.m. Friday, 8:30 a.m. to 12:30 p.m.

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

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

**TOWN OF WAYLAND**  
**2010 SPECIAL TOWN MEETING WARRANT**

Special Town Meeting will start at 7:30 p.m.  
In the WAYLAND MIDDLE SCHOOL GYMNASIUM  
on Tuesday, November 16, 2010

**Doors will open at 6:00 p.m.**

<b>TABLE OF CONTENTS</b>
--------------------------

Warrant Article Process: Guide for Petitioners	
About Town Meeting .....	1
Upcoming 375 <sup>th</sup> Anniversary of the Founding of Wayland .....	2
Warrant of Special Town Meeting .....	3

**ARTICLE**

1. Amend Public Ceremonies Committee Composition and Charge .....	3
2. Rescind Authorized but Unissued Debt .....	4
3. Amend FY2011 Capital Budget .....	5
4. Wayland High School Field House Weight Room Code Upgrade .....	7
5. Authorization to Transfer and Lease Wayland High School Weight Room .....	7
6. Acquire Town of Sudbury's Interest in Septage Facility .....	8
7. Dudley Area Land Study Funding .....	11
8. Appropriate CPA Funds For Renovation To Vokes Theatre .....	13
9. Appropriate CPA Funds For Appraisal Of Mainstone Farm .....	15
10. Acquire 41 River Road Open Space Land .....	16
11. Amend Zoning Bylaws - Zoning Bylaw Revision .....	18
12. Amend Zoning Bylaw to Establish Municipal Services Overlay District .....	71
13. Adopt Stretch Energy Code as a Bylaw .....	74
14. Acceptance And Acquisition Of Alice Drive And Hidden Springs Lane As Town Ways .....	77
15. Acquire Easements for Pelham Island Road Bridge Replacement .....	78
16. Amend Zoning Bylaw – Aquifer Protection District .....	79

<b>APPENDICES</b>
-------------------

Appendix A.	The Moderator's Rules and Regulations Governing Wayland's Town Meetings .....	81
Appendix B.	Dudley Area Map .....	89
Appendix C.	Town Meeting Approved Appropriations from the Community Preservation Fund .....	90
Appendix D.	Map of 41 River Road .....	91
Appendix E.	Municipal Services Overlay District .....	92
Appendix F.	Summary of Stretch Code .....	93
Appendix G.	Location and Site Map Alice Drive and Hidden Springs Lane .....	95
Appendix H.	Map of Pelham Island Easements and Parcel List .....	96
Appendix I.	Location Map Aquifer Protection District .....	98

## WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted by January 15th for ATM or by the date stated for submission of articles for STM. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

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

### ATM Time Line and Process

Date	Action	Responsibility
December	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting.</i> Potential articles and the submission process may be discussed with the Selectmen and experienced volunteers.	Board of Selectmen
January 15, 4:30	<i>Submit petitioners' articles for Annual Town Meeting both on paper with signatures and by email in Microsoft Word.</i> Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide comments, arguments in favor, and arguments against their articles at the time of submission.	Town Administrator
January - March	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners</i> The Board may discuss substantive articles with petitioners or attend the Finance Committee's meeting with petitioners.	Board of Selectmen
January - March	<i>Study each petitioner's article and prepare a report for the Warrant</i> The Committee meets with petitioners to discuss their article. They may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including pro and con arguments and the Committee's recommendation.	Finance Committee
January - March	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report.</i> Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.	Petitioners
February	<i>Review articles for form and legal correctness, add required legal citation(s), indicating the quantum of vote required for Passage</i>	Town Counsel
Approximately 7 days prior to ATM	<i>Attend a warrant article hearing.</i> Petitioners should attend this hearing to review their warrant articles.	Selectmen with Moderator and Finance Committee
ATM	<i>Move the article and make a brief presentation on the merits of the article</i> Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies should be prepared for the moderator and made available for people attending Town Meeting.	Lead Petitioner or Sponsoring Board or Committee
ATM	<i>Consider each article at Annual Town Meeting</i> Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Amendments should be legibly written for submission to the moderator and made available to people attending Town Meeting.	Town Meeting attendees

Petitioners' Article Form may be found on our website at:  
[http://www.wayland.ma.us/Pages/WaylandMA\\_Admin/art.pdf](http://www.wayland.ma.us/Pages/WaylandMA_Admin/art.pdf)

**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 18, 2010, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the Warrant Hearing on Monday, November 8, 2010, 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 no smoking is permitted on school grounds.

**ASSISTANT TO THE MODERATOR**

The Moderator has appointed Dennis J. Berry as the Assistant to the Moderator. Mr. Berry will be available to voters, who attend town meetings and may have questions concerning the rules and procedures that govern town meetings, but do not wish to interrupt the debate by asking those questions of the Moderator from the procedural microphone. Mr. Berry's answers are not binding on the Moderator, but he expects those answers to be sound. Mr. Berry will be seated at the front of the Gym at a table next to the Town Counsel.

**IMPORTANT NOTICE**  
**UPCOMING 375<sup>th</sup> ANNIVERSARY**  
**OF THE FOUNDING OF WAYLAND**

Wayland will celebrate the 375th anniversary of its founding as a community in 2013. At the suggestion of the Public Ceremonies Committee, the Board of Selectmen will form a special committee to plan a year-long gala celebration to recognize this important milestone. We want to celebrate our historical, agricultural, business, governmental, religious, artistic and cultural heritage through a series of events open to and shared with the community. We will work with community organizations and businesses to plan and support multiple events that will appeal to diverse interests. We want to develop a program that draws on the ingenuity, resourcefulness and enthusiasm of our citizens to celebrate our achievements and promote the institutions that make Wayland a special place.

Individuals interested in being considered to serve on the steering committee should send a letter and biographical sketch to [selectmen@wayland.ma.us](mailto:selectmen@wayland.ma.us) by December 8, 2010.

---

**COMMONWEALTH OF MASSACHUSETTS**

---

*Middlesex, ss.**Town of Wayland*

\* \* \*    **WARRANT**    \* \* \*

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

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

**TUESDAY, NOVEMBER 16, 2010, AT 7:30 P.M.**

to act on the following Articles:

---

**ARTICLE 1:     AMEND PUBLIC CEREMONIES COMMITTEE COMPOSITION  
                    AND CHARGE**

*Sponsored by: Board of Selectmen, Veterans Memorial Committee, Public Ceremonies Committee*

To determine whether the Town will vote to amend its vote under Article 38 of the Warrant for the 1994 Annual Town Meeting by making the following revisions:

[Key to revisions: underlining = additions]

That the Town establish a committee to be known as the Public Ceremonies Committee for the purpose of (i) overseeing public ceremonies including the Memorial Day Parade and other ceremonies and occasions as they deem appropriate; (ii) overseeing and administering the Freedom Prize competition and funds; and (iii) overseeing the future engraving of additional names on the Town's Veterans Memorial monument. The Public Ceremonies Committee shall consist of five persons serving terms of three years each to be appointed by the Moderator who shall also have the power to fill vacancies for the remainder of any unexpired term. Additionally, the Town's Veterans Agent shall serve as an ex officio member of the Committee. In the initial appointment of members, the Moderator shall appoint persons for terms of one, two and three years, so that at the end of their initial terms, all terms thereafter shall be staggered so that no more than two persons' terms expire each year. Said Committee shall report annually to the Town Meeting.

**FINANCE COMMITTEE COMMENTS:** Approval of this article amends and updates the charge of the Public Ceremonies Committee to include the engraving of additional names on the Town's Veterans Memorial monument and the administration of the Wayland Veterans Memorial Committee's Freedom Prize, with the Town's Veterans Agent added as an ex officio member of the Public Ceremonies Committee. Approval of this article will effectively dissolve the Veteran's Memorial Committee and incorporate the role of the Town's Veterans Agent within the Public Ceremonies Committee.

The Wayland Veterans Memorial honors Wayland residents and all others who have served in the United States military. The Memorial was dedicated on July 3, 2005 and is a granite sculpture on the

grounds of Wayland Town Building that provides the artistic inspiration for the theme “Celebration of Freedom.” This is also the theme for the Wayland Veterans Memorial Committee’s annual Freedom Prize.

The Freedom Prize is an endowed award to a Wayland student(s) for the entry judged “Best” on the topic of freedom. The competition is conducted by the Wayland High School Social Studies Department. An independent panel of citizens selects the winner from a group of unidentified finalist papers. The award, which began in 2006, is presented on Memorial Day at the Lakeview Cemetery Ceremony. The winning essay is considered for publication in the “Town Crier.”

**ARGUMENTS IN FAVOR:** Approval of this article updates the specific responsibilities of the Public Ceremonies Committee to include oversight the engraving of names on the Towns Veterans Memorial, the administration of the Wayland Veterans Memorial Committee’s Freedom Prize and the addition of the Town’s Veterans Agent as an ex officio member of the Public Ceremonies Committee. Approval of this article also consolidates like functions within one committee.

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

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

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact Richard Turner, Chair, Public Ceremonies Committee, at rickypt@verizon.net, (508) 358-4294, or John Dyer at johndyer7@hotmail.com, (508) 653-7240.*

---

## **ARTICLE 2: RESCIND AUTHORIZED BUT UNISSUED DEBT**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to rescind the \$227,000 remaining from the borrowing authorized at the town meetings listed below:

Item Description	Warrant Article #	Town Meeting Year	Amount Authorized
Sewer	40	Annual Town Meeting 1999	\$27,000.00
Septage	7	Annual Town Meeting 2006	\$200,000.00

**FINANCE COMMITTEE COMMENTS:** This article rescinds borrowing authorizations that are no longer necessary because the relevant projects have been either completed, are no longer being considered, or have been inactive for a long period. The article will rescind the borrowing authority authorized at the town meetings referred to above. It does not prevent the town from funding a similar capital item in the future

Sewer: In 1999, the Town authorized \$40,000 to design and construct a sewer connection from the town building to the Wastewater Management District Route 20 sewer system. The design phase of the project was completed at a cost of \$13,000 but construction of the connection was never started so the remaining \$27,000 will no longer be needed. A 2010 assessment of the town building’s current septic system by the Board of Health indicated that it is in excellent condition and flowing at a rate of



less than half of its rated capacity.

Septage: In 2006, as part of the FY 2007 budget the Septage Committee requested debt capital in the amount of \$200,000 to fund a facility upgrade required to meet Mass DEP consent decree requirements. In FY2005 the Septage Committee and the Mass DEP had entered an agreement to incorporate denitrification of the septage plant effluent into the treatment process. The denitrification project was ultimately funded from retained earnings (surplus cash) so the borrowing authority of \$200,000 is no longer required.

**ARGUMENTS IN FAVOR:** Approval of this article will remove the Town's authority to borrow for the items described above since it is no longer necessary. This action will also add to the existing borrowing capacity of the Town should more ability to borrow be needed.

**ARGUMENTS OPPOSED:** Some may wish to reconsider the reason for not proceeding with these projects.

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

**QUANTUM OF VOTE:** Majority.

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

---

### **ARTICLE 3: AMEND FY2011 CAPITAL BUDGET**

*Proposed by: Board of Public Works*

*Cost Neutral*

To determine whether the Town will vote to amend its vote under Article 5 of the Warrant for the 2010 Annual Town Meeting relative to the Fiscal Year 2011 Capital Budget by replacing "Stonebridge Road" with "Old Sudbury Road and Glezen Lane" in Line 12A.

**FINANCE COMMITTEE COMMENTS:** The Department of Public Works - Water capital budget for FY2011 contained three items one of which was to clean and line the water main on Stonebridge Road. This was listed as capital item 12A on page 29 of the warrant for Annual Town Meeting, May 2010.

As explained by the Department of Public Works (DPW) Director at the Warrant Article Hearing on September 27, "clean and line" means to scrape the interior of the water pipe clean from build-up and then spray a cement lining throughout the pipe to minimize the resistance for water flow.

The DPW conducted tests of several water mains this summer. The fire flow test from Stonebridge Road was 800 gallons per minute which is sufficient and does not require maintenance work in the near term. A fire flow test of the water pipes at the intersection of Glezen Lane (6" pipe) and Old Sudbury Road (10" pipe) produced a flow of only 700 gallons per minute through the larger pipe. This is a major restriction for the new water treatment plant which can produce flow of 1200 gallons per minute.

This article proposes amending the capital budget to replace the cleaning and lining of the Stonebridge main with that of the 12" main leaving the Baldwin Pond treatment plant and heading toward Route 20

on Old Sudbury Road. The 6" Glezen Lane pipe and the 10" continuation on Old Sudbury will also be cleaned and lined. The cost for all the work will remain at the \$510,000 previously approved, and it is the same type of work at a different location.

The engineering firm Tata & Howard, Inc. issued an opinion in May 2010 stating that the 12" main leaving the Baldwin treatment plant should be cleaned and lined. They also suggested work on the Glezen Lane and Old Sudbury lines to improve flow. Total costs were estimated at \$333,330. Adding the work on the Glezen Lane pipe (\$120,000) and adding expenses for site work, excavating, filling, paving, staff time and a 10% contingency brings the total expenses to the previously requested amount of \$510,000.

The Board of Public Works voted unanimously to support this article.

**ARGUMENTS IN FAVOR:** Both the Old Sudbury Road and Glezen Lane water mains are major transmission lines for the entire water distribution system when we are pumping from the Baldwin Pond treatment plant. Improving the flow through these pipes is critical.

According to the DPW, the work on Old Sudbury Road is prioritized as the most important water distribution project for the Town.

The new DPW board and structure are continuing to evaluate the timing and scope of previously suggested capital projects; amending the capital budget as proposed reflects a better use of taxpayer funds.

The engineering estimate from Tata & Howard, Inc. supports the scope and pricing of the work.

This project needs to be considered out of the normal budget cycle so that the work can be completed now while water demands are low.

**ARGUMENTS OPPOSED:** Voters approved work at Stonebridge Road through the capital budget vote at Annual Town Meeting. If that work is not needed, some might say that we should not spend the capital funds elsewhere.

Voters approved water capital work based on confidence in the work suggested by the Board of Public Works. Now, there may be concern on the relative priorities of other work.

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

**QUANTUM OF VOTE:** Majority.

*For more information about this article, Don Ouellette, DPW Director, at (508) 358-3672, or email [douellette@wayland.ma.us](mailto:douellette@wayland.ma.us).*

---

**ARTICLE 4: WAYLAND HIGH SCHOOL FIELD HOUSE WEIGHT ROOM CODE UPGRADE***Sponsored by: Board of Selectmen, School Committee**Estimated Cost: \$185,000*

To determine whether the Town will vote to:

- a.) appropriate a sum of money to be expended by the School Committee to refurbish for future use the exterior walls and roof of the structure presently known as the Weight Room, which is located on the north side of the High School Field House; and
- b.) 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.

**RECOMMENDATION:** The Finance Committee defers commentary and a recommendation until Special Town Meeting. Vote: 7-0.

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

*For more information about this article, contact Louis Jurist, Chair, School Committee, at [louis\\_jurist@wayland.k12.ma.us](mailto:louis_jurist@wayland.k12.ma.us), or Lea Anderson, Chair, High School Building Committee, at [lea@anderson.name](mailto:lea@anderson.name).*

---

**ARTICLE 5: AUTHORIZATION TO TRANSFER AND LEASE WAYLAND HIGH SCHOOL WEIGHT ROOM***Sponsored by: Board of Selectmen, School Committee*

To determine whether the Town will vote to:

- a.) authorize the School Committee, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the structure presently known as the Weight Room, which is located on the north side of the High School Field House, to the Board of Selectmen for the purpose of leasing said structure; and
- b.) authorize the Board of Selectmen, with the approval of the School Committee, and the approval of the Town Counsel as to form, to lease said structure.

**FINANCE COMMITTEE COMMENTS:** This article will allow the School Committee to transfer control of the weight room at Wayland High School to the Board of Selectmen for the purpose of leasing the facility to a third-party. This transfer is required because the Selectmen have the sole authority in the Town to lease real property. This article is also authorizing the Board of Selectmen, following the transfer from the School Committee and with their approval, to solicit prospective tenants and enter into a lease.

The primary purpose of these actions is to provide the authority for the Town to enter into a lease arrangement for the building shell (former Weight Room) with the winning bidder. It would be the

tenant's responsibility to fit out the interior space to their specifications using their own funds.

Prior to entering into any lease arrangement, the Selectmen will issue a Request for Proposals (RFP) to solicit interest from prospective lessees. In addition to a bid amount, this RFP will require that all interested parties provide detailed information about the organization's intended use of the facility, outline any benefits to the Town and provide evidence of the entity's long term financial viability.

Wayland Community Access and Media, Inc. (known as WayCAM) is a 501 (c) (3) non-profit corporation whose mission is to provide a non-profit forum for the free exchange of information and ideas for the Wayland community. WayCAM's services include live and recorded broadcasts of town government meetings, civic events, and production of a variety of programs by both the community and high school students. Over 100 Wayland students have been involved in both classes and independent programming over the last year.

WayCAM is currently located at Wayland High School and as part of the High School modernization project, WayCAM will be displaced and in need of a new facility. WayCAM's space requirements are approximately 2,000 sq. ft. including a broadcast studio, production rooms, training rooms, operations center and storage. WayCAM intends to bid on the lease RFP.

**ARGUMENTS IN FAVOR:** This article will give authority and put controls in place so that WayCam can remain at new high school, assuming they are the winning bidder on the RFP.

This is a higher and better use of this facility than its current use with no financial cost to taxpayers.

**ARGUMENTS OPPOSED:** Some might say that this space should remain available for future expansion needs at the new high school.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote: 6-0-1.

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

*For more information about this article, contact Town Administrator Fred Turkington at (508) 358-3620, or email [fturkington@wayland.ma.us](mailto:fturkington@wayland.ma.us), or Steven Correia, Chair, Board of Selectmen, at (508) 868-2264 or email [stevencorreia@comcast.net](mailto:stevencorreia@comcast.net).*

---

## **ARTICLE 6: ACQUIRE TOWN OF SUDBURY'S INTEREST IN SEPTAGE FACILITY**

*Proposed by: Board of Selectmen*

*Estimated Cost: \$130,000*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase or otherwise, all of the Town of Sudbury's right, title and interest in and to the Septage Treatment Facility and the parcel of land upon which it is situated known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420;

- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of the Town of Sudbury's right, title and interest in said facility and parcel of land;
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, or otherwise; and
- d.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to enter into and execute all necessary and appropriate instruments and agreements, including, without limitation, intermunicipal agreements, in connection with said acquisition.

**FINANCE COMMITTEE COMMENTS:** This article seeks to authorize the Board of Selectmen (BoS) to acquire the Town of Sudbury's rights, title and interest in and to the Septage Treatment Facility. Briefly, the four steps to the article are to:

- a.) Authorize the BoS to acquire Sudbury's interest;
- b.) Appropriate a sum of money to be expended by the BoS to do so;
- c.) Determine the method of appropriation; and
- d.) Authorize the BoS to execute all necessary documents in connection with said acquisition.

Background: The Wayland Sudbury Septage Facility was fully decommissioned on October 22, 2009 and permanently closed on December 1, 2009. The closing followed a lengthy process in which the Boards of Selectmen of Wayland and Sudbury, based on a 4-2 recommendation of the Septage Committee, determined that even with significant expenditures for capital improvements to meet the permitting requirements of the Department of Environmental Protection (DEP), the aging facility had little chance of remaining economically viable over the long term.

The Towns achieved all the requirements of the final DEP Administrative Consent Order ahead of the December 1, 2009 deadline to decommission the plant. All steps were followed in closing, and all regulatory requirements have been completed. Now, the two Towns need to conclude the existing inter-municipal agreement governing the operation of the facility including disposition of the facility itself. The inter-municipal agreement gives Sudbury an interest in the facility and proceeds from its use; this interest can either remain through the life of the agreement (2017) or be extinguished through the sale of Sudbury's interest to Wayland.

While DEP would have some regulatory/permitting role if the building is used as a holding/transfer facility for septage, Wayland's Board of Health would be the primary permitting authority. The plant as currently configured is not reusable as a treatment facility.

The parcel of land on which the treatment facility is located remains in the ownership of the Town of Wayland, and any future use of the land will be determined by the Town. Options include leasing the building for use as a septage transfer point/holding facility, building a DPW garage on a portion of the site and adjacent town-owned land, potentially using a portion of the site for shared transfer station operations with Sudbury, or selling the land if it is rezoned for commercial purposes. Further study of the site and any appropriation for such facilities will come before future Town Meetings. Similarly, a decision to rezone and/or sell the property for commercial development would be made by a two-thirds majority of a future Town Meeting.

A similar article was before Sudbury at their town meeting in April 2010, and they approved selling their interest to Wayland.

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

**Financial Assessment:** Since May 2010, the following efforts have been completed to determine the value of the property and assess unfunded employee liabilities.

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

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

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

Pending receivables total \$27,370 from five septage haulers and are over 120 days old. The majority of the receivables are owed by two haulers; some balances date back to FY06 and FY07 and one of the two is a company that went out of business. Sudbury holds a small balance of \$5737 in previously collected shared receivables. The pending receivables are likely uncollectible and were reviewed in the recent annual audit.

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

For example:

	<u>Total</u>	<u>Sudbury</u>	<u>Wayland</u>
<u>Assets:</u>			
Building	\$263,000	\$131,500	\$131,500
Equipment	\$0	\$0	\$0
Septage Fund	\$240,653	\$120,327	\$120,327
Pending Receivables	\$0	\$0	\$0
Collected Receivables	\$5,737	\$2,869	\$2,869
<u>Liabilities:</u>			
Employee Costs	\$250,154	\$125,077	\$125,077
Net	\$259,236	\$129,618	\$129,618

In this case, Wayland would pay Sudbury approximately \$130,000 to buy out Sudbury's share of the inter-municipal agreement. Additionally, Wayland would be responsible for the demolition of the building; however, that cost would be considered as part of any future development project for the land. Demolition costs have been estimated at approximately \$500,000.

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

**ARGUMENTS IN FAVOR:** Purchasing Sudbury's share gives Wayland control of the building and land now. Wayland will have the independence and flexibility to decide how to use the facility rather than waiting for the inter-municipal agreement to expire in 2017.

The appropriation covers the net of 50% of the assets and 50% of the liabilities. The value of the building and of the employee liabilities have been determined by outside professionals. The reasonableness of the anticipated legacy costs have also been reviewed by Wayland's Finance Director.

There is no indication of any hazardous material on the site, and all stored chemicals have been disposed. All regulatory requirements with regard to past DEP Administrative Consent Orders have been completed.

**ARGUMENTS OPPOSED:** Passage of this article extinguishes Sudbury's interest in the facility; both their interest in potential future revenue from leasing the building, but also the cost of demolition or renovation. Wayland alone would carry the ultimate disposition of the building and land.

Some may question why Wayland needs to act on this item now rather than waiting until the alternative uses for the land/building have been studied.

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

**QUANTUM OF VOTE:** a.) Two-thirds – See Massachusetts General Laws Chapter 40, Section 14. b. and c.) Majority – See Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. d.) Majority – See Massachusetts General Laws Chapter 40, Sections 4 and 4A.

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

---

## **ARTICLE 7: DUDLEY AREA LAND STUDY FUNDING**

*Sponsored by: Board of Selectmen*

*Estimated Cost: \$75,000*

To determine whether the Town will vote to a.) appropriate a sum of money to be expended by the Board of Selectmen for professional services to study the feasibility of disposition and use of the Town-owned parcels 47C-006, 47A-037A, 47A-037B, 47A-037C, 47A-037D, 47B-055H, 47B-055G, 47B-055F, 47B-055E, 47B-055D, 47B-055C, 47B-055B, 47B-055A, 47B-055, 47A-027A, 47A-027, 47A-026, 47B-056G, 47B-056A, 47A-027E, 47B-057A, 47C-002, 47C-001, 47D-027, 47B-056F, 47B-056E, 47B-056D, 47B-056C, 47B-056B, 47B-057E, 47B-057D, and 47B-057C of land on Doran

Road, Curtis Road, Pond Drive and Cross Street located in Wayland, Massachusetts, and shown on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectman, Doran Road - Town Parcels" dated August 14, 2006, prepared by the Town of Wayland, Town Surveyors Office, which property is more fully described in Appendix B, for the purposes of open space preservation, passive recreation use, septic treatment for any new structures on said land or for properties in the vicinity of said parcels of land, pond management, and construction of affordable housing; and b.) 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.

**FINANCE COMMITTEE COMMENTS:** The purpose of this article is to appropriate funds to allow the Town to have a study done to evaluate all the potential uses of the land identified in the article.

At the 2010 Annual Town Meeting, an article titled "Transfer and Restrict Use of Certain Town-Owned Land for Septic Purposes and Conservation Purposes" was presented, debated and voted. While a majority of the voters at Town Meeting were in favor of the article, it did not have the required 2/3rds majority needed to pass. One of the suggestions made at Town Meeting was to conduct a study to evaluate all potential uses of the land in question. Subsequent to Town Meeting, several interested parties continued to discuss ways to resolve this issue in a manner that was in the collective best interest of the Town as a whole. This article provides the funding to conduct the study to evaluate the various potential use(s) of the land in question and enable the Town to make an informed decision as to the best use(s) of the land.

Based on the scope of the study, \$75,000 is believed to be sufficient to cover the cost of the study. Since the scope of the study covers both affordable housing/open space preservation as well as other uses like pond management and passive recreation, some of the study can be funded with CPA funds. The Community Preservation Committee voted 6-0 to spend up to \$35,000 for this study. The remaining \$40,000 will be funded by the Town using free cash.

There is an existing grant outstanding from the Mass Housing Partnership (MHP) for \$35,000. This grant would cover a study to explore the feasibility of septic facility siting as well as affordable housing and open space. However, after discussions with the MHP, it was determined that the MHP grant was too narrow in scope to explore all the available options to the Town and that a study with a broader scope, paid for as described above, is in the best interest of the Town as a whole. If follow-up work is needed that is within the scope of the MHP grant, the money would be available for that use.

If this article is approved at Special Town Meeting, a 9 member committee (the Dudley Area Advisory Committee) consisting of interested constituencies will be appointed by the Board of Selectmen to assist the Board with studying the disposition of and make recommendations on the use of the Town owned land referenced above. The Committee will be responsible for: 1) hiring the individuals(s)/firm(s) with the requisite breadth of expertise to conduct the study, 2) oversee the expenditure of the appropriated funds, and 3) make one or more recommendations to the Board of Selectmen as to the best use(s) of the Town owned land. The Committee is expected to complete its work by November 30, 2011, but may be extended if circumstances warrant it.

As of the printing of the Warrant article, various Town Boards and Committees have taken the following positions:



Community Preservation Committee – Voted 6-0 to spend up to \$35,000 of CPA for this study.

Surface Water Quality Committee – voted 3-0 to support the article.

Wayland Housing Partnership – voted unanimously to support the spirit of the article but opposes the amount of money requested from the Town to fund the study.

**ARGUMENTS IN FAVOR:** This study will provide information needed to make an informed decision on what the best use(s) of the land in question is/are for the Town of Wayland. The results of the study will provide information needed to help facilitate a full and open discussion of the various alternatives and will bring all interested parties together to discuss/debate the issue. Approving this article at this Meeting will enable the preparatory work to be done over the winter and the outdoor testing to commence in the spring.

Using the two sources of funding listed above; the study can be scoped to encompass all of the issues relevant to the area being studied and meet the needs of all the stakeholders and the Town as a whole. The permissible activities allowed under the Mass Housing Partnership grant would limit the scope of the study too narrowly. Based on the results of the proposed study, if additional analysis is needed that falls within the permissible guidelines of the Mass Housing Partnership grant, the Town would be able to use that grant money for that additional work.

**ARGUMENTS OPPOSED:** Some may say \$75,000 may not be sufficient to conduct a proper study and if the scope of the study is cut back, not enough information will be available to make the informed decision on the use of the land. This would then be a poor use of Town financial resources.

The Wayland Housing Partnership supports this article in spirit but also supports using the \$35,000 Mass Housing Partnership Grant money instead of Town money to fund the study and therefore is opposed to using \$35,000 of Town money when the MHP grant money is available.

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

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

*See Map at Appendix B. For more information about this article, contact Town Administrator Fred Turkington at [fturkington@wayland.ma.us](mailto:fturkington@wayland.ma.us), telephone (508) 358-3620, or Tom Fay, Vice Chair, Board of Selectmen at [tfay@BMCattorneys.com](mailto:tfay@BMCattorneys.com), telephone (508) 358-2205.*

---

## **ARTICLE 8: APPROPRIATE CPA FUNDS FOR RENOVATION TO VOKES THEATRE**

*Proposed by: Community Preservation Committee*

*Estimated Cost: \$6,000*

To determine whether the Town will vote to appropriate a sum of money for the purpose of renovating the Vokes Theatre; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise.

**FINANCE COMMITTEE COMMENTS:** The Community Preservation Act (CPA) was signed

into law by the State of Massachusetts on September 14, 2000 and became effective 90 days later on December 13, 2000. The Town of Wayland approved adoption of the CPA and a CPA surcharge in the amount of 1.5% of annual tax payments during the April 2001 Annual Town Meeting. The CPA enables communities to levy a property tax surcharge on real property for the purpose of creating a community preservation fund and qualifying for state matching funds. This property tax surcharge is calculated and based upon a homeowner's tax payments and not upon assessed valuation. The CPA also establishes a Community Preservation Committee (CPC) that makes recommendations on how the money shall be spent. Town Meeting may appropriate amounts in the Community Preservation Fund for purposes and amounts not greater than amounts recommended by the CPC. Each fiscal year, upon recommendation of the CPC, Wayland must set aside for future spending, the following share of annual Community Preservation Fund revenues:

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

Once these allocations are met, the CPC recommends how the remaining 70 percent of annual CPA revenues are to be divided among the three eligible purposes including recreational usage within the statutory definition of open space. Recreational purposes include land for active or passive recreational uses including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. As of June 30, 2010, the Wayland CPA fund had a total balance of \$6,594,537 with \$1,940,548 reserved for open space, \$659,076 reserved for historic resources and 175,000 reserved for community housing. Previously committed expenses, but not yet paid, totaled \$241,575 leaving a remaining unreserved and undesignated balance of \$3,578,338.

The Wayland Historical Commission also supports this warrant article. Under the CPA, a historic resource is defined to include a building, structure, vessel, or other real property that is either:

- Listed or eligible for listing on the State Register of Historic Places; or
- Determined by the local Historic Commission to be significant in the history, archeology, architecture, or culture of the city or town.

This article would approve the specific set aside of \$6,000 of the unreserved portion of Wayland CPA funds for historic resources in order to restore the proscenium arch in the Vokes Theater.

The Community Preservation Committee voted unanimously in favor of this warrant article.

**ARGUMENTS IN FAVOR:** The Vokes Theater is a historic structure listed on Wayland's Survey of Historic Resources. Opening night was September 23rd, 1904. This article would provide funding to restore the proscenium arch of the theater to its original glory.

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

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

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

*See Complete Town Meeting Approved Appropriations from the Community Preservation Fund at Appendix C. For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net.*

## **ARTICLE 9: APPROPRIATE CPA FUNDS FOR APPRAISAL OF MAINSTONE FARM**

*Proposed by: Community Preservation Committee, Conservation Commission*

*Estimated Cost: \$40,000*

To determine whether the Town will vote to appropriate a sum of money for the purpose of funding of an appraisal and feasibility analysis to determine the value of Mainstone Farm for the purpose of determining the value of a conservation restriction on a portion of such land that has been offered by the owners to the Town; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise.

**FINANCE COMMITTEE COMMENTS:** The Community Preservation Act (CPA) became law on December 13, 2000 and enabled communities to levy a property tax surcharge on real property for the purpose of creating a community preservation fund and to qualify for state matching funds. This property tax surcharge is calculated/based upon a homeowner's tax payments and not upon assessed valuation. The Town has established a Community Preservation Committee (CPC) to make recommendations on how the money shall be spent. Any spending recommendations made by the CPC must be ratified by Town Meeting.

The Town of Wayland approved adoption of the CPA and a CPA surcharge in the amount of 1.5% of annual tax payments during the April 2001 Town Meeting. Each fiscal year, upon recommendations of the CPC, Wayland must set aside for future spending, the following share of annual Community Preservation Fund revenues: 10% for open space, 10% for historic resources and 10% for community housing. The remainder of the funds are considered uncommitted until Town Meeting votes to appropriate funds for a specific initiative. As of June 2010, the Wayland CPA fund had a balance of:

Open space	\$1,940,548
Historic	659,076
Housing	175,000
Committed	241,575
Uncommitted	<u>3,578,338</u>
Total	\$6,594,537

This article requests appropriation not to exceed \$40,000 to determine the value of a significant portion (~218 acres) of the Mainstone Farm property in either a residentially-developed or undeveloped and Conservation-restricted state. The Mainstone land is an iconic property which has remained in the same family since the 18th century and currently contains Wayland's only working farm. Given the proximity to Boston, it is a unique and visible asset to the Town. As such, it carries great value to the citizens who enjoy the scenery and the benefits of a local farm, but also to the owners. What this study will do is to quantify that value. This study represents an opportunity for negotiations for preservation of the land in its current state or for recognizing any potential financial benefit to the Town based on limited residential development. The appropriation would both fund a study to appraise the value of the Mainstone property and to conduct a land-planning and land use analysis which would determine the feasibility of residential development on the property given proximity to wetlands and other similar characteristics.

The Community Preservation Committee voted unanimously in favor of this warrant article.

**ARGUMENTS IN FAVOR:** Simply put, the intent of the article is to gain better understanding of the uses of the land, the feasibility of such uses, and ultimately any difference in property value depending on usage.

Although the article does not specifically state the method of appropriation to fund this study, the Finance Committee recommends the use of CPA funds to do so in keeping with the spirit and intent of the Community Preservation Act as it pertains to preserving open space.

**ARGUMENTS OPPOSED:** Some would say that the owner of the property should fund the study as they support this feasibility and value appraisal study primarily for the purposes of determining a beneficial sales price of the conservation restriction to the Town.

**RECOMMENDATION:** The Finance Committee recommends approval of this article. Vote: 7-0.

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

*See Complete Town Meeting Approved Appropriations from the Community Preservation Fund at Appendix C. For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net.*

---

## **ARTICLE 10: ACQUIRE 41 RIVER ROAD OPEN SPACE LAND**

*Sponsored by: Board of Selectmen, Conservation Commission*

*Estimated Cost: \$80,000*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in not more than twelve acres of 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, provided that no acquisition of said parcel of land by eminent domain shall be consummated without the consent of the owner;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of such portion 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 are subject to a Chapter 61B tax lien. (See map at Appendix D).

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 1st 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 property.

Towns have an option to purchase Chapter 61B parcels whenever owners plan to sell or convert parcels to residential, commercial, or industrial use.

The prior owner of the property at 41 River Road (“the Seller”) designated a portion of the property as Chapter 61B parcel. Although the Seller notified the Town of his plan to sell the property in October 2007, the Seller sold the property before the expiration of the 120-day purchase option period. The Town exercised its option to purchase the property within the 120 days, but after the Seller had sold the property. The Town is currently in litigation with the new owner of the property over the Town’s rights under Chapter 61B. By filing litigation, the Town has preserved its right to purchase the portion of 41 River Road that is subject to the Chapter 61B tax lien.

Through this article, the Town is seeking authorization to acquire the open space portion of the land through other means (purchase, eminent domain, gift, or otherwise). The article limits the Town’s ability to obtain the property by eminent domain, in that eminent domain is only authorized if the new owner of the property consents. The article would also appropriate \$80,000 to be expended by the Board of Selectmen for the acquisition of the portion of the parcel subject to the Chapter 61B lien.

**ARGUMENTS IN FAVOR:** The 41 River Road Chapter 61B land is on the Conservation Commission’s open space acquisition list. The land abuts the U.S. Fish & 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.

**ARGUMENTS OPPOSED:** The subject portion of the parcel may not be developable in any event, since it is largely wetlands, so the acquisition is unnecessary.

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

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

*See Map at Appendix D. For more information about this article, contact Town Administrator Fred Turkington at [fturkington@wayland.ma.us](mailto:fturkington@wayland.ma.us), telephone (508) 358-3620.*

---

**ARTICLE 11: AMEND ZONING BYLAW – ZONING BYLAW REVISION***Proposed by: Planning Board*

To see if the Town will vote to amend the Town's Zoning Bylaw, Chapter 198 of the Town Code as follows:

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

**Chapter 198: ZONING**

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

**GENERAL REFERENCES**

Billboards and advertising signs — See Ch. 97.

Aquifer Protection District — See Ch. 300.

Conservation cluster development — See Ch. 301.

Site plan review and approval — See Ch. 302.

Subdivision of land — See Ch. 303.

**ARTICLE 1 General Provisions****§ 198-101. Purpose.**

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

**§ 198-102. Applicability.**

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

**§ 198-103. Severability.**

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

## § 198-104. Definitions.

- 104.1. Unless otherwise expressly stated, words used in this Zoning Bylaw shall have the definitions in, first, the Zoning Act (MGL c. 40A, § 1A) or, if not defined in said section of said Act, then in this Article, or, if not defined in either said Act or in this Article, then in the most recent edition Article 2 of 780 of the Code of Massachusetts Regulations (CMR), the Massachusetts State Building Code (the Building Code) or, successor code if not occurring in any of the preceding places, in Webster's Unabridged Dictionary, most recent edition. [Amended 4-30-1975 ATM by Art. 31; 5-3-1993 ATM by Art. 17] Additional definitions applicable to particular provisions, including overlay districts, in this Zoning Bylaw may be found under the particular Article regulating those districts.

- 104.2. As used in this Zoning Bylaw, the following terms shall have the meanings indicated:  
[Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 38]

**ACCESSORY DWELLING UNIT** — An dwelling unit additional set of living facilities, with permanent provisions for living, cooking and sanitation, located in a single family residence dwelling, or a building accessory thereto, and occupying no more than 35% of the combined gross floor area total living areas of the accessory dwelling unit and the principal single family dwelling residence.

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

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

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

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

**ASSISTED/INDEPENDENT LIVING** – See Article 21.

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

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

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

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

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

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

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

~~BUILDING ENVELOPE — The three dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof. [Added 5-3-2000 ATM by Art. 32]~~

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

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

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

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

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

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

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

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

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



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

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

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

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

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

FLOOR AREA, GROSS (GROSS FLOOR AREA) — The sum of all floor areas within the perimeter of the outside walls of the building under consideration, without deduction for bathrooms, toilet compartments, lavatories, hallways, stairs, closets, thickness of walls, columns or other features; but excluding unfinished basements, cellars and attics; ~~space used for mechanical systems; and~~ garages, and areas open to below such as foyer spaces, balconies, and two-story atriums. [Amended 5-5-1999 STM by Art. 11]

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

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

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

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

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

HAZARDOUS MATERIAL STORAGE – Storage or disposal of hazardous materials.

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

HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION) — Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or an accessory structure. Said occupation to include but are not

necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter. Where customary home occupations are permitted by the Table of Accessory Uses § 198-804, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § 198-203. [Added 4-30-2001 ATM by Art. 25]

HOSPITAL – A licensed sanitarium or hospital.

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

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

KENNEL – The maintenance of dogs and suitable shelters therefore; any kennel or other structure used exclusively by dogs may be no closer than 20 feet from any lot line and no closer than 50 feet from any existing dwelling, whether or not located on the lot.

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

LIGHT MANUFACTURING – Manufacturing that employs electricity, and/or other quiet motive power, utilizes hand labor, and/or quiet machinery, and/or processes and that is free from neighborhood-disturbing odors or other neighborhood disturbing characteristics such as noise or dust.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROADSIDE STAND – A roadside stand selling agricultural and other products produced or grown on the lot where the stand is located or on an adjacent lot under the same ownership.

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

**SPGA — Special permit granting authority.**

**STOR(E)Y — That portion of a building included between the upper surface of a floor and**

upper surface of the floor or roof next above.

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

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

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

TOWN USES (MUNICIPAL USES) – A use of or pertaining to the Town of Wayland, except that in single residence districts, such a use is restricted to fire stations, police stations, public libraries, parks, water supply reservations and parks and memorial buildings.

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

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

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

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

WIRELESS COMMUNICATIONS FACILITY — A structure which may include a tower, one or more antennas and one or more accessory structures designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service. [Amended 5-7-1997 ATM by Art. 32]

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

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

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

ZBA — The Wayland Zoning Board of Appeals.

---

## ARTICLE 2 Administration and Enforcement

§ 198-201. Zoning Board of Appeals.

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

- 201.1. ~~A Zoning Board of Appeals (ZBA) of five members and three associate members to be appointed by the Selectmen is hereby created under the provisions of MGL c. 40A, as amended, to assume the duties and powers given to such Board stated hereinbefore and further powers as follows:~~ A Zoning Board of Appeals (ZBA) consisting of five members shall be

appointed by the Board of Selectmen and shall have the powers as provided for in the Zoning Act, MGL, c.40A, and in this Zoning Bylaw. As provided for in c. 379 the Acts of 1996, the ZBA members shall be appointed for terms of three years. The Board of Selectmen shall also appoint three associate members of the ZBA as provided for in MGL c.40A, §12. Each associate member shall be appointed for a term of three years and shall participate in ZBA proceedings as provided for in MGL c.40A, §12. The ZBA shall have the following powers:

- 201.1.1. Editor's Note: Former Section 201.1.1, which provided the ZBA with the power to adapt requirements of the Zoning Bylaw to irregular, unusual, narrow or shallow lots, and which immediately preceded this section, was repealed 5-14-1998 ATM by Art. 53. Said Art. 53 also redesignated former Sections 201.1.2 through 201.1.6 as Sections 201.1.1 through 201.1.5, respectively. To permit a substitution for, or an extension or alteration to, an existing building, whether conforming or nonconforming, in accordance with provisions on use.
- 201.1.2. To grant temporary and conditional permits ~~of limited duration~~ for nonconforming uses, ~~and buildings, and structures~~ incidental to the development of the use, building, or structure operations.
- 201.1.3. To grant special permits pursuant to § 198-~~1604~~203 for the conversion of a house for a single ~~dwellinghousekeeping~~ unit existing on September 5, 1934, into a house for two ~~dwellinghousekeeping~~ units, provided that: [Amended 3-20-1974 ATM by Art. 43; 4-30-1975 ATM by Art. 31; 4-16-1980 ATM by Art. 20]
  - 201.1.3.1. The lot on which the house is located conforms to the area and frontage regulations set forth in this Zoning Bylaw in effect at the time that the application for a permit shall have been filed;
  - 201.1.3.2. Each ~~dwellinghousekeeping~~ unit shall have its own kitchen and at least one bathroom;
  - 201.1.3.3. Each ~~dwellinghousekeeping~~ unit shall have sufficient space to park two automobiles off street; and
  - 201.1.3.4. A disposal works construction permit for such use shall have been granted by the Board of Health.
- 201.1.4. To grant special permits provided for in this Zoning Bylaw. [Amended 4-30-1975 ATM by Art. 31; 6-21-1978 ATM by Art. 6; 4-22-1980 by Art. 24; 4-28-1986 ATM by Art. 28]
- 201.1.5. To hear and decide petitions for variances for use or activity pursuant to the provisions of MGL c. 40A, § 10.

#### § 198-202. Permit application.

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

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

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

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

§ 198-204. Planning Board associate member.

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

- 204.1. There shall be one associate member of the Planning Board who shall be elected to serve a term of five years.
- 204.2. ~~Within 30 days after the Town is notified that this § 198-204 is approved by the Attorney General, or within 30 days after this § 198-204 becomes effective without action by the Attorney General, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members from both Boards present, the first associate member to serve until the next annual Town election. At least a quorum of each of the Boards shall be present for this appointment and vote. Said position shall subsequently be filled by election in the same manner as election of regular members. Notwithstanding the expiration of the term of any duly appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until such matter is decided.~~  
Reserved for possible future use.
- 204.3. In the event of a vacancy in the position of associate member, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members of both boards present, an associate member ~~position shall be filled by appointment in the same manner as specified in § 198-204.2 above, for a period ending at the next annual Town election, for the remaining portion of the term~~ at which time the position shall be filled by election in the manner as regular members, specified in said § 198-204.2 above. No vote to fill a vacancy may occur unless a quorum of both the Board of Selectmen and the Planning Board is present for the vote.



204.4.

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

§ 198-205. Enforcement.

- 205.1. The Building Commissioner/Zoning Enforcement Officer shall be charged with the enforcement of this Zoning Bylaw. No building permit may shall be issued for the construction, alteration or moving of any building or structure if the building or structure, as constructed, altered or moved, would be in violation of this Zoning Bylaw. [Amended 5-2-1990 ATM by Art. 13]
- 205.2. The penalty for each violation of this Zoning Bylaw shall be as stated in the article specifying the penalty for such violations in the Town of Wayland Code, as may be amended from time to time (currently Chapter 1, General Provisions, Article II, Violations and Penalties). [Amended 5-3-1993 ATM by Art. 20]
- 205.3. No building permit may shall be issued under any application of any kind unless the plans and specifications that shall accompany such application, and the intended use of any building, structure or lot ~~or premises~~ under such permit, shall be in all respects in conformity with the provisions of this Zoning Bylaw. [Amended 5-20-1990 ATM by Art. 13]

---

## ARTICLE 3 Establishment of Districts

§ 198-301. Designation.

- 301.1. For the purpose of this Zoning Bylaw, the Town of Wayland is divided into the following types of districts, designated as:
- 301.1.1. Single Residence Districts. For the purposes of § 198-705.1 and § 198-705.2 of Article 7 of this Zoning Bylaw, the Single Residence District shown on the map referred to in § 198-301 herein is hereby divided into four types of zones designated as follows, all as shown, defined and bounded on a second map accompanying this Zoning Bylaw entitled "Town of Wayland, Amendment to Zoning Map 1934, March 1939," dated and approved February 27, 1939, by the Wayland Planning Board, as revised March 13, 1939, by said Board and on file with the Town Clerk, and said second map and the explanatory matter thereon, as so revised, are hereby made a part of this Zoning Bylaw: [Amended 3-12-1973 ATM by Art. 15; 5-4-2000 ATM by Art. 35]
- 301.1.1.1. Residence Zone 20,000 square feet - 120 feet Front.

Residence Zone 30,000 square feet - 150 feet Front.

Residence Zone 40,000 square feet - 180 feet Front.

Residence Zone 60,000 square feet - 210 feet Front.

301.1.2. Roadside Business Districts. [Amended 3-12-1973 ATM by Art. 15]

301.1.3. Business Districts A. [Amended 3-12-1973 ATM by Art. 15]

301.1.4. Business Districts B. [Amended 3-12-1973 ATM by Art. 15]

301.1.5. Light Manufacturing Districts. [Amended 3-12-1973 ATM by Art. 15]

301.1.6. Limited Commercial Districts. [Amended 3-12-1973 ATM by Art. 15]

301.1.7. Planned Development Districts. [Amended 10-30-1974 STM by Art. 7]

301.1.8. Refuse Disposal District. [Amended 11-12-1975 STM by Art. 8]

301.2. Said districts are defined and described in numerous votes of the Town, beginning with the adoption of this Zoning Bylaw under Article 5 of the September 5, 1934, Special Town Meeting, and subsequent Town Meetings, and are shown on a plan accompanying this Zoning Bylaw that has been filed with the Town Clerk entitled "Town of Wayland Zoning Map," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, December 5, 2003, as the same may be amended from time to time hereafter. [Amended 5-7-1997 ATM by Art. 39; 4-30-2001 ATM by Art. 23; 5-5-2004 ATM by Art. 19]

§ 198-302. Overlay districts.

[Amended 3-20-1974 ATM by Art. 44; 4-30-1975 ATM by Art. 28]

302.1. To carry out the purposes of this Zoning Bylaw, the Town of Wayland is also divided into the following districts that overlay the districts established by § 198-301 above:

302.1.1. A Floodplain District that includes all land and water in the Town of Wayland subject to seasonal or periodic flooding by the Sudbury River, except for temporary excavations, whose surface lies below elevation 124 feet above mean sea level, as such elevation is shown by the notation "--124--Floodplain" in the Atlas of the Town of Wayland, Massachusetts, prepared and corrected to January 1, 1972, by Everett M. Brooks & Co., corrected to January 1, 1975, by the Wayland Engineering Department.

302.1.2. ~~A Federal Flood Protection District, defined as the one hundred year floodplain, Zones A and A1 A30, that is shown, defined and bounded on maps published by the Federal Emergency Management Agency on file with the Town Clerk and entitled "FIRM—Flood Insurance Rate Map, Town of Wayland, Massachusetts, Middlesex County;" and "Floodway Flood Boundary and Floodway Map, Town of Wayland, Massachusetts, Middlesex County;" dated June 1, 1982. [Amended 5-4-1982 ATM by Art. 17; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31 Editor's Note: This article also repealed former § 198-302.1.2, which provided for a Watershed Protection District, and redesignated former § 198-302.1.3 through 198-302.1.6 as § 198-302.1.2 through 198-302.1.5, respectively.]~~ Reserved for possible future use.

302.1.3. A Southeast Wayland-Cochituate Planning District that includes all land to be placed in said district by a two-thirds vote of Town Meeting, but including only



such land with an area not less than 25 acres, a substantial portion of which (herein defined as more than 30%) is wet areas, as defined in § 198-1402 herein, and that is located in the area shown as Residence Zone 30,000 square feet-150 feet Front bordering on the Wayland-Natick town lines on the map entitled “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003. [Amended 6-16-1987 STM by Art. 3; 4-30-2001 ATM by Art. 22; 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31]

- 302.1.4. An Aquifer Protection District that is shown on a map on file with the Town Clerk entitled “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003. The district comprises areas in the Town of Wayland where liquids or water-soluble materials placed on or below the surface of the land will migrate to the Town’s municipal wells if pumping is sufficiently heavy and prolonged. For data, standards and procedures by which the boundary of the district was established and for other details, see a report on file with the Town Clerk entitled “Aquifer Mapping Project, Town of Wayland,” January 1988, by IEP, Inc., Consulting Environmental Scientists of Northborough, Massachusetts, and also a report on file with the Town Clerk entitled “Report on Conceptual Zone II Study of the Baldwin Pond Wellfield,” March 1994, by Anderson-Nichols & Company, Inc., Consulting Engineers, Boston, Massachusetts. [Added 5-1-1989 STM by Art. 7; amended 4-30-2001 ATM by Art. 23; 4-29-2002 ATM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31]
- 302.1.5. A Senior and Family Housing Overlay District which includes all of the following land: Parcels F and G as shown on a plan entitled “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003, and is available at the office of the Town Clerk for public inspection. [Added 4-28-1997 STM by Art. 5; amended 4-30-2001 ATM by Art. 23; 4-29-2002 ATM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31]
- 302.1.6. A Wireless Communications Services District that includes the land owned by the Town of Wayland known as the “old landfill site” as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22 and 23, Parcels 22-001 and 22-002, and known as the “new landfill site” as shown in the Atlas of the Town of Wayland, Massachusetts, 1996, on Plates 17, 21, and 22 inclusive, that portion of Parcel 17-018 that is south of the line that is the continuation of the northwestern property line of Parcel 22-004, Parcels 21-010A, 22-003, 22-004, 22-006 and 22-007; and the land comprising the portion of the so-called Massachusetts Bay Transportation Authority (MBTA), “right-of-way” from its boundary with the southerly sideline of Boston Post Road (Route 20) westerly to its westernmost boundary with the Town of Sudbury as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22, 26 and 27, inclusive, and as shown on the plan entitled “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003, a copy of which is on file in the office of the Town Clerk. [Added 11-17-1999 STM by Art. 3; amended 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31 Editor’s Note: This article

also redesignated former § 198-302.8 as § 198-302.6.

- 302.1.7. (Reserved) Editor's Note: Former Subsection 302.1.7, Cochituate Interim Planning Overlay District, added 4-30-1997 STM by Art. 7; amended 5-8-2000 ATM by Art. 47 and 4-30-2001 ATM by Art. 23, was repealed 5-5-2004 ATM by Art. 18.
- 302.1.8. (Reserved)
- 302.1.9. A Planned Wireless Communications Services District that includes the land on Reeves Hill, so-called, as shown on Plate 34 of the Atlas of the Town of Wayland, Massachusetts, 1996, numbered as Parcels 34-026, 34-027, and 34-026A, and as shown on the plan entitled "Town of Wayland Planned Wireless Communications Services Zoning Overlay District," prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated August 11, 2005, a copy of which plan is on file in the office of the Town Clerk. [Added 11-1-2005 STM by Art. 2]
- 302.1.10. A Mixed-Use Overlay District that includes the land as shown on Plate 23 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 23-052, 23-052B, 23-052C, and 23-052F, and as shown on the plan entitled "Town of Wayland Mixed-Use Overlay District," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated September 6, 2005, a copy of which is on file in the office of the Town Clerk. [Added 5-3-2006 STM by Art. 2]
- 302.2. Any land lying within the Aquifer Protection District, the Federal Flood Protection District, the Floodplain District or the Watershed Protection District shall also be subject to the regulations of the underlying districts to the extent not inconsistent with the regulations for the applicable overlying district or districts and shall, in addition, conform to the additional requirements of the one or more overlying districts in which the land lies. In the event of any conflict between the regulations applying to two or more overlying districts that apply to the same parcel of land, the conflict shall be resolved by applying the most restrictive provisions. [Added 5-4-1982 ATM by Art. 17; amended 5-1-1989 STM by Art. 7]

§ 198-303. Plans and maps.

- 303.1. The plans and maps referred to in §§ 198-301 and 198-302 shall be part of this Zoning Bylaw. [Amended 6-21-1978 STM by Art. 6; 4-17-1980 ATM by Art. 23]

---

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

§ 198-401. Continuance; conditions.

- 401.1. Any building, structure, or use lawfully in existence or lawfully begun or as to which a building or special permit has issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such building, structure, or use does not conform to the terms of said provision or amendment, subject, however, to the following:
  - 401.1.1. Construction or operations under a building or special permit shall conform to any subsequent provision of this Zoning Bylaw, or any amendment thereto, unless the use or construction is commenced within a period of not more than six months after the issuance of the building or special permit and, in cases involving construction, unless such construction is continued through to completion as continuously and

expeditiously as is reasonable.

- 401.1.2. Preexisting nonconforming buildings, structures, or uses may be changed, extended or altered by a special permit issued by the ZBA pursuant to the provisions of § 198-201 and § 198-203 of this Zoning Bylaw, provided that no such change, extension or alteration shall be permitted unless there is also a finding by the ~~Zoning Board of Appeals (ZBA)~~ that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming building, structure, or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions and/or alterations to nonconforming buildings, structures, and uses in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw; and further provided, however, that a single or two-family dwelling may be changed, extended, or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine if a change, extension or alteration to a single or two-family dwelling increases the nonconforming nature of the structure. [Amended 4-28-1997 STM by Art. 5; 5-14-1998 ATM by Art. 45]
- 401.1.3. A structure for one or two ~~dwellinghousekeeping~~ units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a special permit, provided that the following conditions are met: [Amended 5-4-1994 ATM by Art. 24]
- 401.1.3.1. Such alteration, reconstruction, extension or structural change shall comply with this Zoning Bylaw; and
- 401.1.3.2. Such alteration, reconstruction, extension or structural change shall not exceed 20% of the gross floor area of the structure in existence on the date this paragraph first become effective, which is May 4, 1994, and such alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the structure. Open decks, accessory buildings less than 175 square feet in gross floor area, and accessory structures, such as fences, retaining walls, swimming pools, and tennis courts less than 175 square feet shall be permitted as a matter of right and shall not be included in any gross floor area calculation. [Amended 5-5-1999 STM by Art. 11; 5-3-2000 ATM Art. 30]
- 401.1.4. Wherever a lawful nonconforming building, structure, or use has been abandoned, or has not been used for two24 consecutive ~~years~~months or more, it shall not be resumed or reestablished, and all future buildings, structures, and uses shall conform to this Zoning Bylaw. [Amended 5-14-1998 ATM by Art. 45]
- 401.1.5. If a nonconforming building or structure is damaged or destroyed by natural causes or otherwise, then any rebuilding or restoration may take place as of right as long as the rebuilding or restoration conforms precisely in size, location, configuration and extent of use to that which existed prior to the damage or destruction. All rebuilding or restoration shall be commenced within two years of the date of the damage or destruction and shall be continued through to completion as continuously and expeditiously as reasonable. Prior to the expiration of the two years, if the owner

applies to the ZBA for an extension of this time period, and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months [Amended 5-14-1998 ATM by Art. 45]

- 401.1.6. The ZBA may, ~~but shall not be obligated to,~~ issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming building or structure damaged or destroyed by natural or other involuntary causes, provided that the ZBA shall find that such changes shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. [Amended 5-14-1998 ATM by Art. 45; 5-5-2004 ATM by Art. 20]
- 401.1.7. Any permitted restoration or rebuilding under § 198-401.1.6 shall commence within six months after the issuance of the special permit therefor and shall continue through to completion as continuously and expeditiously as is reasonable or such permission shall lapse. Prior to the expiration of the six months, if the owner applies to the ZBA for an extension of this time period and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months. Unless otherwise authorized by the ZBA, the new or restored building or structure shall have the same height and location on the lot as the replaced structure.
- 401.1.8. Whenever land is taken by, or conveyed to, a governmental authority having the power of eminent domain or a street is created, widened or relocated, any then existing lot shown on a plan or described in a deed recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements before, but not thereafter, shall be considered to conform, and any existing structure that was in compliance with regulations respecting location before, but not thereafter, shall be considered to be in compliance. This paragraph shall not be applicable if the street was a private way and the land on which it was created, widened or relocated was owned by the owner of the lot or structure affected. [Amended 4-28-1986 ATM by Art. 24; 5-4-1992 STM by Art. 4]
- 401.1.9. A building, structure, or use existing on January 1, 1947, shall be conclusively presumed to have been in existence before the first publication of notice of the public hearing on the original enactment of this Zoning Bylaw. [Amended 5-3-1990 ATM by Art. 22]

---

## ARTICLE 5 General Regulations

### § 198-501. Signs and exterior lighting.

- 501.1. Only those signs and exterior lighting as pertain to buildings, structures, or uses permitted in this Zoning Bylaw and on the same ~~lot~~premises are permitted. Yard requirements as otherwise specified in this Zoning Bylaw shall apply to signs and exterior lighting fixtures and structures, except freestanding lampposts at a residence in a residential district, which lampposts shall have a minimum front yard setback requirement of 15 feet, to be measured from the front property line. Signage in residential districts shall be limited to that which is permitted by other sections of this ~~B~~bylaw. Signage in districts other than residential districts may not exceed 40 square feet of area ~~in the aggregate~~ and 15 feet in height, including supporting structures and light sources. Signs attached to buildings may not rise above the front roofline of the building to which it is attached. Signs must be fixed in position so as not to rotate or oscillate. Signage

in excess of that which is permitted may be allowed with a special permit issued by the special permit granting authority with appropriate jurisdictional responsibility for site plan approval, as provided for in § 198-603; provided, however, that signs with moving parts and internally illuminated signs are prohibited. The sign dimensions set forth in this Zoning Bylaw apply in the aggregate to all signs on the lot. [Amended 4-29-1996 STM by Art. 1; 5-1-2002 ATM by Art. 30]

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

§ 198-502. Temporary signs.

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

- 502.1. Real estate signs are permitted in all districts as of right, but shall refer only to the building, structure, or lot ~~premises or tract~~ on which they are located and have an area not exceeding six square feet.
- 502.2. One contractors sign, not exceeding nine square feet in area, maintained on the lot ~~premises~~ while a building is actually under construction or being renovated is permitted. No more than one contractors sign may be on the lot ~~premises~~ at any one time.
- 502.3. Nonresidential site development and subdivision signs are allowed in the form of one wall-mounted or freestanding sign, erected at the development/subdivision entrance from a street. The sign shall not exceed 15 square feet, and may bear decorative or logo devices, but no commercial advertisement. For nonresidential site development, the sign shall not be erected prior to the issuance of a building permit and shall be removed upon completion of construction or the issuance of a certificate of occupancy, whichever comes first. For subdivisions, the sign shall not be erected prior to the commencement of construction activities and shall be removed upon the issuance of the first certificate of occupancy or the issuance of certificates of occupancy for 25% of the development, whichever comes later. Signs shall be removed if construction activities have halted for a period of 6 months and may be reinstalled with approval of the Building Commissioner or designee. Signs required from federal, state, and/or local permitting authorities are excluded from the provisions of this section.

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

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

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

## Bylaw.

## § 198-504. Earth movement.

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

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

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

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

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

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

504.3. Before a special permit is issued, the applicant shall show to the satisfaction of the ZBA that the movement will not impair the usability of the ~~lot~~area and adjacent lots for the purposes permitted in this Zoning Bylaw, that the grades to be established within the ~~lot~~area will permit vehicular access to the ~~lot~~area and the continuation of streets from the abutting ~~lots~~premises, and that the ~~lot~~area may ultimately be developed compatibly with the neighboring land.

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

## § 198-505. Performance standards.

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

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

## § 198-506. Off-street parking.

[Amended 5-5-1999 STM by Art. 11; 5-5-2004 ATM by Art. 15 Editor's Note: This Article 15 also



redesignated former § 198-1105.1 through § 198-1105.6.4 as § 198-506. ]

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

- 506.1.1. For general retail businesses, commercial and personal service establishments, parking facilities on the basis of one parking space per 140 square feet of gross floor area. In addition to this amount, one parking space for every two employees shall be provided. [Amended 5-5-2004 ATM by Art. 16]
- 506.1.2. For office, professional or public buildings, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than ground floor.
- 506.1.3. For restaurants, tearooms, lunch counters or other facilities for eating or drinking, one parking space for ~~every~~each three employees, plus one additional space for ~~every~~each four seats.
- 506.1.4. For roadside stands, filling stations, auto sales, automobile repair shops or other roadside service establishments, one parking space for ~~every~~each two employees, plus such additional spaces for customer-motorists as the ZBA shall deem necessary to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
- 506.1.5. Religious facilities, theaters, auditoriums or any public assembly area; one parking space for ~~every~~each three occupants based on the allowed occupancy.
- 506.1.6. Educational or training center, one parking space for each employee plus one parking space for each instructor plus one parking space for ~~every~~each 1.5 students based on the allowed occupancy.
- 506.1.7. Elementary or junior/middle schools, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus sufficient off-street space for the safe and convenient loading and unloading of students.
- 506.1.8. High school, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus one parking space per four students of driving age.
- 506.1.9. ~~Day care center or a~~Nursery school or day care center, one parking space for every ~~per~~ four persons of the facility's licensed capacity plus three parking spaces designed for the safe and convenient loading and unloading of persons.
- 506.1.10. For any and all uses, buildings, or structures not specifically provided for in the foregoing enumeration, such parking spaces as the Site Plan Approval Granting Authority, in accordance with § 198-603, shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

- 506.2. Whenever, ~~after the date of this Zoning Bylaw,~~ there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this ~~A~~article, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of ~~this § 198-506~~article, more off-street parking facilities shall ~~be have been~~ provided on the basis of the adjusted needs, as determined by ~~this § 198-506~~article.
- 506.3. Mixed uses.
- 506.3.1. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with § 198-1105. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.
- 506.4. Special permit. The number of parking spaces may be reduced by the granting of a special permit from the Site Plan Approval Granting Authority, in accordance with § 198-603, ~~if where~~ the applicant demonstrates~~ed~~ that such parking spaces will not be needed for the proposed use, subject to the condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record. Additional spaces may be required if, at anytime after the special permit is granted, the Site Plan Approval Granting Authority determines that a need exists or parking is deficient. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.
- 506.5. Location of facilities.
- 506.5.1. Off-street ~~automobile~~ parking facilities, to the extent required in ~~§ 198-506~~this article, may be required either on the same lot ~~or premises~~ with the parking-generating activity or on any lot or premises a substantial portion of which, ~~at least,~~ is, at least, within 300 feet of such activity.
- 506.6. Parking ~~facilities~~areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking ~~facilities~~ areas shall be permanently available for use by persons using or working at ~~patrons and employees of~~ establishments providing such space.
- 506.7. The following design standards apply to off-street parking facilities:
- 506.7.1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street ~~or alley~~, as well as maneuvering areas. Access to and from ~~parking facilities~~lots shall be through designated driveways, with openings or curb cuts not in excess of 40 feet in width at the exterior line of a public or private way.
- 506.7.2. All off-street ~~Said~~ parking ~~facilities~~areas shall be provided and maintained with a permanent, dust-free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.
- 506.7.3. If lighting is provided~~d~~, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent ~~lots~~property.
- 506.7.4. For off-street parking ~~facilities~~ areas of 10 or more spaces, bicycle racks facilitating



locking, shall be provided to accommodate one bicycle per 10 parking spaces.

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

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

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

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

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

§ 198-507. Off-street loading.

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

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

Note: There are no proposed amendments to Article 6, Site Plan Approval

## ARTICLE 7 Area, Yard and Bulk Regulations

§ 198-701. Height regulations.

701.1. Single Residence Districts.

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

structures set forth in § 198-801, Table of Dimensional Requirements. [Amended 5-5-1999 STM by Art. 9]

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

701.2. Light Manufacturing Districts.

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

§ 198-702. Setbacks.

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

702.2. A building ~~or structure~~ in existence on March 1, 1960, may extend within 50 feet of any center line of the street; a porch attached thereon may extend within 20 feet of any street lot line; and a two-story porch that is not enclosed at least 1/2 of the year may project six feet into the front yard. [Amended 5-5-1999 STM by Art. 11]

702.3. In Single Residence Districts ~~if where~~ there are, ~~at the time when this Zoning Bylaw shall take effect~~, two or more ~~single-family dwellings existing buildings~~ on the same side of a street between two streets consecutively intersecting such street and within 200 feet of the lot in question, any ~~new single-family dwelling building or structure on the lot~~ may extend as near the line of such street as the average alignment of such then existing ~~single-family dwellings building~~ with respect to said street lot line. A new ~~single-family dwelling building~~ shall extend only as near such street lot line as the average alignment of the ~~single-family dwellings existing buildings~~. [Amended 5-5-1999 STM by Art. 11]

702.4. On a corner lot, no planting, structure or part of a building ~~may~~~~shall~~ extend within 20 feet of any corner street lot line intersection ~~if the planting, structure or building so as to interfere~~ with the traffic visibility around the corner. [Amended 5-5-1999 STM by Art. 11]

## § 198-703. Yards.

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

## § 198-704. Lot coverage.

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

- 704.1. ~~In all zoning districts, t~~The percentage of a lot that may be covered by any building ~~or structure~~ shall meet the requirements in § 198-801, Table of Dimensional Requirements.
- 704.1.1. In the business districts, the open space required in this paragraph shall be located in such a way as ~~determined by, in the opinion of the Building Commissioner or other permit issuing officer, as herein provided for,~~ to properly light and ventilate the building ~~or structure~~ and to provide access in case of fire.

## § 198-705. Lot area and frontage.

- 705.1. ~~Single Residence Districts~~. [Amended 5-2-1983 ATM by Art. 13; 5-4-1992 STM by Art. 3]
- 705.1.1. (Reserved) Editor's Note: Former § 198-705.1.1, pertaining to types of zones in the Single Residence Districts, was repealed 5-4-2000 ATM by Art. 35. See now § 198-301.1.1.
- 705.1.2. ~~Lot~~. The lots on which dwellings are erected in the Single Residence District ~~as set forth in § 198-301.1~~ shall meet the minimum lot area and frontage requirements of § 198-801, Table of Dimensional Requirements. [Amended 5-7-1997 ATM by Art. 39; 5-5-1999 STM by Art. 9]

- 705.1.3. (Reserved) Editor's Note: Former § 198-705.1.3, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.4. (Reserved) Editor's Note: Former § 198-705.1.4, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.5. (Reserved) Editor's Note: Former § 198-705.1., Lot, amended 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.6. If a ~~parcel or~~ lot ~~of land~~ is shown on a plan recorded at the Registry of Deeds on or before the effective date of an amendment to this Zoning Bylaw increasing the area or frontage requirements enacted at the Special Town Meeting called for June 20, 1951, and if such ~~parcel or~~ lot conformed to the requirements of this Zoning Bylaw before such amendment but not afterwards, then such parcel or lot shall be considered to meet the requirements of such amendment, but no division of such ~~parcel or~~ lot ~~may shall~~ be made that will increase the extent of nonconformity between the ~~parcel or~~ lot and the amended requirements of this Zoning Bylaw.
- 705.1.7. If a lot ~~of land~~ conformed, ~~or was considered to conform,~~ to the requirements of this Zoning Bylaw before the adoption of an amendment or amendments to said Zoning Bylaw changing the area or frontage requirements enacted under the warrant for the Special Town Meeting called for November 30, 1953, but did not conform to the requirements as amended, and if such lot meets either of the following two conditions, no division of ~~the lot may~~ ~~land shall~~ be made whereby the remaining land, if any, excluding the lot or lots to be sold, ~~may shall~~ be smaller than the minimum size provided for the zone in which such remaining land is located or have less frontage than the minimum provided:
- 705.1.7.1. It is shown on a plan or described in a deed recorded at the Registry of Deeds on or before October 9, 1953; or
- 705.1.7.2. It is shown on a plan of a subdivision that was submitted to the Planning Board for approval on or before November 2, 1953, and that was approved by the Planning Board and recorded in the Registry of Deeds not later than 20 days after November 30, 1953; then such lot shall be considered to meet the area and frontage requirements, as amended, but no division of such ~~parcel or~~ lot ~~may shall~~ be made that will increase the extent of nonconformity between the lot and the amended requirements of this Zoning Bylaw.
- 705.1.8. In a Residence Zone 20,000 ~~square feet~~ - 120 feet Front or Residence Zone 30,000 ~~square feet~~ - 150 feet Front, no building lot ~~may shall~~ be laid out and no dwelling ~~may shall~~ be erected on a lot unless the center of a circle 75 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. In a ~~Residence Zone of~~ 40,000 square feet ~~- 180 feet Front~~ or a ~~Residence Zone~~ 60,000 square feet ~~- 210 feet Front in a Single Residence District,~~ no building lot ~~may shall~~ be laid out and no dwelling ~~may shall~~ be erected on a lot unless the center of a circle 100 feet in diameter can be passed along a continuous line from the side line of the street

along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. This § 198-705.1.8 shall not apply to an existing dwelling or to a dwelling for which a building permit has been issued as of the effective date of the adoption of this paragraph, which is May 2, 1983, or to any alteration, extension or structural change thereto. [Amended 5-5-1999 STM by Art. 11]

- 705.2. No building, structure, or dwelling ~~may shall hereafter~~ be erected in a Business District or in a Light Manufacturing District or in a ~~zone designated~~ “Residence Zone 20,000 square feet-120 feet Front” on a ~~parcel or~~ lot of land ~~not fronting on a street, which parcel or~~ unless the lot has at least of land shall contain less than 20,000 square feet of area and at least 120 feet of frontage on a street. No dwelling ~~shall hereafter may~~ be erected in a ~~zone designated~~ “Residence Zone 30,000 square feet-150 feet Front” on a ~~parcel or~~ lot of land ~~not fronting on a street, which parcel or~~ unless the lot has at least of land shall contain less than 30,000 square feet of area and at least 150 feet of frontage on a street. No dwelling ~~may shall hereafter~~ be erected in a ~~zone designated~~ “Residence Zone 40,000 square feet-180 feet Front” on a ~~parcel or~~ lot of land unless the not fronting on a street, which parcel or lot has at least of land shall contain less than 40,000 square feet of area and 210 feet of frontage on a street.
- 705.3. No building, structure, or dwelling ~~shall may hereafter~~ be erected on a ~~parcel or~~ lot of land not fronting on a street, which ~~parcel or lot of land shall~~ contains less than 20,000 square feet in area or has that shall have less than the minimum area and frontage on a right-of-way required for the zone in which it is located, unless such building, structure, or dwelling is accessory only to some existing building, structure, or dwelling, and no dwelling ~~may shall hereafter~~ be erected on a ~~parcel or~~ lot of land fronting on a street, which ~~parcel or lot of land shall~~ contains less area and less frontage on a street than the minimum area and frontage required for the zone in which said parcel or lot of land is located, as set forth in § 198-705.1.1 through 705.1.7 herein, except that where a ~~parcel or~~ lot was recorded at the Registry of Deeds at the time this Zoning Bylaw was adopted, in which case, the provisions of § 198-201, applying to narrow and irregular lots, shall apply.
- 705.4. No lot for which application for a permit to build has been made, or upon which a building or structure has been erected, ~~may shall~~ be reduced or changed in area or shape so that the lot, as so reduced or changed, or any land of the owners remaining after such reduction or change ~~shall fails~~ to have the minimum area and frontage required for the zoning district in which such land is located, unless such land as so changed shall be added to, and become a part of, another lot conforming to the requirements of the zoning district in which such lot is located.
- 705.5. The area of any lot, for the purpose of ascertaining the minimum required, ~~may shall not~~ include any part of the street or way upon which it abuts, but this provision shall not ~~be held to~~ apply to any area beyond the street lot line set aside by the Planning Board as a temporary turnaround area on a dead-end street intended for extension. [Amended 5-5-1999 STM by Art. 11]

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

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



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

§ 198-801. Table of Dimensional Requirements.

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

801.1. The Table of Dimensional Requirements sets forth the requirements of this Zoning Bylaw as to area, lot coverage, frontage, setbacks and height requirements for a building or structure enlarged or erected pursuant to a permit issued on or after June 1, 1982. Unless a footnote to the Table of Dimensional Requirements shall expressly state to the contrary, said table shall govern over conflicting requirements in the text of this Zoning Bylaw. Overlay and other special districts may be subject to other dimensional requirements. For such requirements see the applicable Article.

801.2. Additional dimensional requirements located in other articles of this Zoning Bylaw may apply to the placement of signs, sidewalks, driveway openings, curbs, fences, planting strips and parking and loading facilities and to the separation of buildings and/or structures on the premises.

801.3. Footnotes to the table set forth additional requirements and exceptions as stated therein with respect to the category to which the footnote is noted.

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

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

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

802.1.1. A use listed in the Table of Permitted Principal Uses by Districts is permitted as of right in any district under which it is denoted by the word "yes." Uses denoted by the word "no" shall be prohibited. [Amended 5-5-1999 STM by Art. 11]

802.1.2. Uses designated by the letters "SP" may be allowed only if the Zoning Board of Appeals (ZBA) issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]

802.1.3. Uses designated by the letters "P-ZBA" may be allowed only if the ZBA issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]

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

802.1.5. Uses designated by the letters "TAU" are not permitted as principal uses, but are permitted as accessory uses pursuant to § 198-804.

802.1.6. All uses set forth in this Table of Permitted Principal Uses by Districts shall, in addition, conform to all other requirements contained in this Zoning Bylaw; and, in

the event of a conflict between this Table of Permitted Principal Uses by Districts and any other provisions of this Zoning Bylaw, this Table of Permitted Principal Uses by Districts, § 198-802, shall prevail; and the Classification of Principal Uses, § 198-803, below, shall be considered as part of said table and shall likewise prevail in the event of such conflicts. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.

§ 198-803. Classification of Principal Uses.

803.1. Business uses.

Auto~~mobile~~ sales, ~~service, repair.~~ See § 198-1102.1.2 of this Zoning Bylaw.

Automobile service garage. See § 198-1102.1.4

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

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

Bank: ~~bank or loan agency.~~

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

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

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

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

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

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

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

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

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

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

Stables with horses for hire.

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

803.2. General uses.

Agriculture: ~~cultivating, harvesting and storing crops, including the storage of necessary~~

~~farm equipment, provided that greenhouse heating plants and any building in which farm or pleasure animals are kept shall be distant not less than 20 feet from any lot line.~~

~~Cemetery; cemeteries; including any crematory therein.~~

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

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

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

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

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

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

### 803.3. Government, institutional and public service uses.

#### Assisted/Independent Living

~~Bus terminal~~

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

~~Hospital: licensed sanitariums or hospitals.~~

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

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

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

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

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

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

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

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

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



Town uses (Municipal uses): Town of Wayland facility, except in single residence districts, where such a facility is restricted to fire stations, police stations, public libraries, parks, water supply reservations and soldiers' and sailors' memorial buildings.

[Amended 5-3-2000 ATM by Art. 31]

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

#### 803.4. Industrial uses.

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

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

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

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

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

Warehouse/distribution less than or equal to 15,000 square feet: ~~warehouse/distribution facilities less than or equal to 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use. See § 198-1401.1..1 of this Zoning Bylaw.~~

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

#### 803.5. Prohibited uses.

Aircraft landing and taking off

Boarding house

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

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

Junkyards: ~~Commercial salvage yards, commercial junkyard and all open air storage of junk, waste products and salvage materials (including nonoperating automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home,~~

trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be injurious to the neighborhood or to the property in the vicinity are expressly prohibited in all zoning districts in the Town.

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

All uses not specifically permitted by this Zoning Bylaw.

#### 803.6. Residential uses.

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

Conservation cluster: See Article 18 of this Zoning Bylaw.

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

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

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

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

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

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

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

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

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

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

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

#### § 198-805. Classification of accessory uses.

##### 805.1. Residential accessory uses.

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

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

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

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

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

Home occupation, customary. ~~See § 198-104 of this Zoning Bylaw.~~

[Amended 4-30-2001 ATM by Art. 25 Editor’s Note: This article also repealed the entry for in-home office which immediately followed. ]

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

Kennel, four or more dogs: ~~the maintenance of dogs and suitable shelters therefor for four or more dogs six months and older,~~ provided that a special permit is granted to the current owner of the premises in accordance with § 198-203; any kennel or other structure used exclusively by dogs shall be no closer than 20 feet to any lot line and no closer than 50 feet to any existing dwelling located beyond any lot line.

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

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

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

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

805.2. Accessory uses permitted in the Limited Commercial District.

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

## ARTICLE 9 Single Residence District

## § 198-901. Permitted uses.

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

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

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

- 901.1.1. A customary home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met: [Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25]

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

901.1.1.2. There are no employees;

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

901.1.1.4. There are no signs or other external evidence of non-residential use ~~the office~~; and

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

- 901.1.2. A customary home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met: [Added 4-30-2001 ATM Art. 25]

901.1.2.1. The use of the dwelling unit, or an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area of the dwelling unit or 500 square feet, whichever is less, within the dwelling unit or accessory structure on the premises; [Amended 5-6-2004 ATM by Art. 21]

901.1.2.2. No more than one nonresident employee shall be permitted on the ~~lot~~site;

901.1.2.3. There is no change in the outside appearance of the building, ~~or structure, or lot~~premises or any visible or audible evidence detectable

from the property line of the conduct of such business except that one sign not larger than two square feet in area bearing only the name of the practitioner and occupation shall be permitted (words only). The sign shall be flush-mounted to the dwelling unit and shall not be illuminated.

- 901.1.2.4. Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood;
- 901.1.2.5. No hazard or nuisance, including offensive noise, smoke, dust, odors, heat, glare, noxious fumes or vibrations, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;
- 901.1.2.6. There shall be no display of goods or outside storage;
- 901.1.2.7. Parking for the customary home occupation shall be provided ~~met~~ on the lot. ~~site.~~
- 901.1.3. An accessory dwelling unit is as permitted by the Table of Accessory Uses, § 198-804, and provided that: [Amended 4-17-1980 ATM by Art. 22; 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 9]
  - 901.1.3.1. The lot on which the accessory unit is to be situated contains at least 20,000 square feet and at least 50% of the requirement for the district in which it is located.
  - 901.1.3.2. No more than one accessory unit shall exist on the lot on which it is to be situated.
  - 901.1.3.3. The building or buildings in which the accessory unit and the principal residence are to be situated shall have existed for two years. [Amended 4-30-1986 ATM by Art. 29]
  - 901.1.3.4. Any additions made after January 1, 1980, to a building for the purpose of accommodating an accessory unit shall not increase the habitable area of the original building by more than 20%. Any such additions must meet all zoning requirements. [Amended 4-30-1986 ATM by Art. 29]
  - 901.1.3.5. Either the accessory unit or the principal residence shall be occupied by the owner of the lot on which the accessory unit is situated. The owner may be absent for periods not exceeding one year, provided that no one occupies the owner's unit, except a house sitter paying no rent. The owner's unit may be rented for periods not exceeding two years, provided that prior written notice is given to the Building Commissioner, the owners have occupied their unit for the prior two years, and occupy for two years between rental periods, and the owners remain legal residents of the Town. [Amended 4-30-1986 ATM by Art. 29]

- 901.1.3.6. The accessory unit and the principal residence shall each have two means of egress to grade that are in compliance with the Building Code.
- 901.1.3.7. Sufficient parking spaces, not less than 10 feet by 20 feet, shall be provided off street for the occupants of each dwelling unit.
- 901.1.3.8. The Board of Health shall have given written approval that the septic system serving the dwelling with the accessory unit is in compliance with the rules and regulations of the Board of Health in effect at the time of application for special permit, unless a variance is granted by the Board of Health.
- 901.1.3.9. Where a special permit has been issued pursuant to the provisions of this section, the permitted use must commence within one year, otherwise said permit shall lapse.
- 901.1.3.10. Floor plans of the accessory unit and the principal residence and a plot plan showing the location of the building on the lot shall have been filed with the application after review by the Building Commissioner.
- 901.1.3.11. Application for a building permit or certificate of occupancy shall be made to the Building Commissioner, and no use or occupancy shall commence prior to the issuance of a certificate of occupancy by the Building Commissioner. [Amended 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 11]

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

- 901.1.4. An accessory dwelling unit reserved, for a period not less than 10 years, for occupancy by a person or family receiving rental assistance from the Wayland Housing Authority is permitted in accordance with the Table of Accessory Uses, § 198-804, and provided that: [Amended 5-8-1989 ATM by Art. 18; 5-5-1999 STM by Art. 9]
  - 901.1.4.1. The lot on which the accessory unit is to be situated contains at least 15,000 square feet.
  - 901.1.4.2. Any additions made after December 15, 1988, to a building for the purpose of accommodating an accessory ~~dwelling unit~~~~apartment~~ reserved for Wayland Housing Authority rental programs shall not increase the habitable area of the original building by more than 35%, provided that the unit shall not exceed 1,000 square feet of floor space. Any such addition must meet all zoning and Building Code requirements.
  - 901.1.4.3. The accessory unit shall have two means of egress to grade in compliance with the Building Code. [Amended 5-5-1999 STM by Art. 11]
  - 901.1.4.4. The accessory unit shall be served by one parking space, unless the special permit granting authority determines that on-street parking is

not detrimental to the neighborhood.

- 901.1.4.5. The accessory unit shall comply with the requirements of § 198-901.1.3.2, 901.1.3.3, 901.1.3.5, 901.1.3.8, 901.1.3.9, 901.1.3.10 and 901.1.3.11.
- 901.1.4.6. The homeowner shall submit proposed documents leasing the accessory unit, for a period of not less than 10 years, to the Wayland Housing Authority. Such documents shall include certification that the Wayland Housing Authority intends to accept such unit for its rental assistance programs.
- 901.1.4.7. Any special permit issued under this § 198-901.1.4 shall lapse if the homeowner breaches his/her lease with the Wayland Housing Authority (upon proper notice by said Authority) or if the accessory unit ceases to be occupied by an eligible family (as certified by said Authority).

901.1.5. Public buildings.

- 901.1.5.1. ~~Police stations~~ Town Uses (Municipal Uses). [Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

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

- 901.1.5.2. Housing for elderly persons of low income, including adequate parking areas therefor, as such housing is defined by MGL c. 121B, §§ 1, 38, 39 and 40, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]
- 901.1.5.3. Subsidized multi-~~family unit dwellings~~ housing for persons of low income, including adequate parking areas therefor, such housing being more fully described in MGL c. 121B, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 6-2-1981 STM by Art. 6; 5-5-1999 STM by Art. 9]

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

- 901.1.5.4. Where sanitariums, hospitals or nursing homes for the care of the sick or aged, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 5-3-1993 ATM by Art. 18; 5-5-1999 STM by Art. 9]
- 901.1.5.5. Where public or charitable institutional buildings not of a correctional nature, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 4-28-1986 ATM by Art. 25; 5-5-1999 STM by Art. 9]



[Amended 6-16-1987 STM by Art. 5; 5-4-1988 ATM by Art. 20; 5-5-1999 STM by Art. 9: paragraph deleted] Editor's Note: Former § 198-901.1.9 on real estate signs, which immediately followed, was moved to § 198-502 by Art. 47 of the 5-14-1998 ATM.

901.1.6. ~~G~~reenhouses or stable for horses are permitted by the Table of Principal Uses by District, § 198-802, any greenhouse heating plant and any building in which farm or pleasure animals are kept ~~may shall be distant~~ not ~~be within less than~~ 20 feet from any lot line. [Amended 4-30-1975 ATM by Art. 31; 5-5-1999 STM by Art. 9] Editor's Note: Former § 198-902, Accessory uses and buildings, amended 4-30-1986 ATM by Art. 29, and former § 198-903, Permits required by the Zoning Board of Appeals, amended 5-2-1983 ATM by Art. 12, which immediately followed, were repealed 5-5-1999 STM by Art. 9. Prior to this repeal, a former § 198-903, Storage of unregistered vehicles; violations and penalties, was moved to § 198-503 by Art. 47 of the 5-14-1998 ATM and a former § 198-903.1.4, Earth removal, was moved to § 198-504 by Art. 47 of the 5-14-1998 ATM.

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

## ARTICLE 10 Roadside Business District

§ 198-1001. Permitted uses.

1001.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 4-30-1975 ATM by Art. 3; 11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-5-1999 STM by Art. 9]

§ 198-1002. Area, yard and bulk regulations; parking facilities; signs.

1002.1. In a Roadside Business District, buildings, structures, and ~~lots~~~~premises~~ used for purposes other than those permitted in a residence district shall ~~be subject to~~~~observe~~ the following special provisions:

1002.1.1. ~~Lot~~. [Amended 11-13-1991 STM by Art. 6; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

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

Reserved for possible future use.

1002.1.2. All buildings and structures shall conform to the height and lot coverage regulations for residence districts as contained in § 198-701.1 and § 198-704, respectively. [Amended 4-28-1975 ATM by Art. 16]

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

1002.1.3. Except where adjacent buildings, structures, or lots ~~premises~~ are served by the same driveway openings, each ~~of such building, structure, or lot~~~~premises~~ shall be provided with two driveway openings onto the street, one of which shall be used for entrance to, and the other for exit from, the building, structure, or lot~~premises~~. Not more than two such openings shall be permitted for each 200 feet of street frontage. Such openings shall be not more than 20 feet in width at the street lot



line and located no less than 40 feet apart, measured along said line, and not less than 20 feet from side lot lines. Where approval by the MassDOT ~~Highway Department (MHD)~~ ~~MassDOT said Department~~ is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1002.1.3 shall be waived, and the regulations of ~~MassDOT said Department~~ shall be applicable.

- 1002.1.4. Each ~~of such building, structure, or lot~~ premises shall provide and maintain adequate areas off the street for parking of cars of employees and customers to avoid undue interference with traffic. ~~The issuance of a building permit shall not be construed as an approval of the adequacy of such parking areas.~~
- 1002.1.5. Not more than one sign, other than those that are attached to and are part of the architectural design of a building or structure, ~~may~~ shall be permitted on each ~~building or structure~~ premises.
- 1002.1.6. Accessory signs ~~may~~ shall not be located nearer than 30 feet to any ~~lot~~ property or street lot line. [Amended 5-5-1999 STM by Art. 11]
- 1002.1.7. In the event of the construction, reconstruction or substantial alteration of any ~~building or structure~~ premises that ~~is~~ are used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street lot line and to be constructed the full width of the lot, except where driveways exist. ~~The sidewalk shall be, and~~ separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing ~~or potential~~ sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

## ARTICLE 11 Business Districts

### § 198-1101. Establishment.

- 1101.1. Business Districts A and Business Districts B are hereby established. In these districts, no building or structure, and no alteration, enlargement or extension of an existing building or structure, ~~may~~ shall be constructed and no ~~land~~ building, structure, ~~or lot~~ or part thereof ~~may~~ shall be used for any purpose or in any manner other than as provided in the Table of Principal Uses by District, § 198-802. The provisions of Article 6, Site Plan Approval, shall apply as described in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]

### § 198-1102. Permitted uses in Business District A.

- 1102.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

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

- 1102.1.1. Restaurants ~~and other places for the serving and consumption of food or beverages inside the building at tables or counters~~ shall be permitted as described in the Table of Permitted Uses by District. Where the Table of Principal Uses by District, § 198-802, requires either a permit from the Zoning Board of Appeals

(ZBA) or a special permit, the ZBA shall satisfy itself that a clearly established need of the Town will be served thereby and where the ZBA shall satisfy itself that the use of the premises shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use is to occur and shall not be detrimental or offensive because of noise, vibrations, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety, subject, however, to the following: [Amended 3-20-1974 ATM by Art. 61; 5-5-1999 STM by Art. 9]

- 1102.1.1.1. The ZBA may permit food or beverages to be served or consumed on the premises outside the building, subject to such safeguards and limitations as it may impose in its approval of a site plan pertaining thereto, as long as such use shall be incidental to such consumption inside the building.
- 1102.1.1.2. The area of the ~~lot~~premises to be traversed by motor vehicles shall be paved or otherwise covered with a suitable material.
- 1102.1.1.3. Properties in abutting residential districts shall be protected from headlight glare by such methods as the ZBA may require. Any protection required shall be maintained in good condition at all times. No signs or advertisements ~~may~~ ~~shall~~ be attached to any protective screening or fence except on the side facing the use of the ~~building, structure, or lot~~premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.1.4. Illumination of outdoor areas shall be shielded so as not to shine upon any property in a residential district.
- 1102.1.1.5. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.
- 1102.1.1.6. The ZBA may impose such additional conditions with respect to the size, construction, use, maintenance and operation of the premises, and the vehicular and pedestrian access thereto, as may be appropriate.

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

1102.1.2. Automobile sales.

- 1102.1.2.1. Automobile sales, ~~service and repair garages and automobile service and repair garages~~, shall be permitted as described in the Table of Principal Uses by District, § 198-802, and subject to the following: [Amended 5-5-1999 STM by Art. 9]

- 1102.1.2.1.1. Washing, lubricating and major repairing of vehicles are to be performed inside enclosed buildings.

- 
- 1102.1.2.1.2. Dispensing of fuels, lubricants and fluids is to be done entirely on the ~~lot~~premises.
- 1102.1.2.1.3. Auto dismantling and junk operations are prohibited.
- 1102.1.2.1.4. The entire area of the ~~lot~~premises to be traversed by motor vehicles shall be paved.
- 1102.1.2.1.5. Driveways shall be paved and join streets and cross sidewalks at right angles, shall not be more than 24 feet nor less than 10 feet wide at any point, shall be at least 10 feet from any lot line and 25 feet from the intersection of street lot lines and shall be at least 20 feet apart. No more than two driveways ~~may~~shall be permitted for each 100 feet of street frontage. Where approval by the Massachusetts Highway Department (MHD), or successor agency, is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of said MassDOT shall be applicable. [Amended 5-5-1999 STM by Art. 11]
- 1102.1.2.1.6. No parts or partially dismantled vehicles ~~may~~shall be stored out-of-doors.
- 1102.1.2.1.7. Minimum lot area for ~~automobile service and repair garages shall be 30,000 square feet, and minimum frontage shall be 125 feet; minimum lot area for automobile sales and for automobile sales, service and repair garages~~ shall be two acres, and minimum frontage shall be 200 feet, and a structure(s) shall not be less than 100 feet from any residential building. [Amended 4-28-1986 ATM by Art. 27: paragraph deleted]
- 1102.1.2.1.8. Buildings ~~may~~shall occupy no more than 25% of the lot.
- 1102.1.2.1.9. The minimum setback for all structures ~~shall is to~~ be 40 feet from the street lot ~~property~~ line; and with minimum setbacks from other lot lines ~~shall~~ ~~to~~ be 25 feet. [Amended 5-5-1999 STM by Art. 11]
- 1102.1.2.1.10. Properties in abutting residential districts shall be protected from headlight glare by either:
- 1102.1.2.1.10.1. A strip at least four feet wide densely planted with shrubs at

least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or

- 1102.1.2.1.10.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet high above finished grade.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.2.1.11. Protection afforded by § 198-1102.1.2.1.10.1 or 1102.1.2.1.10.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may~~ shall be attached thereto, except on the side facing the use of the building, structure, or lot~~premises~~. Such protective screening or fences may be interrupted by normal entrances or exits.

- 1102.1.2.1.12. Illumination on outdoor areas shall be shielded so as not to shine on any property in a residential district.

- 1102.1.2.1.13. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

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

- 1102.1.3. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein.

- 1102.1.4. Auto~~mobile~~ service stations and automobile service garages. [Amended 5-5-1999 STM by Art. 9]

- 1102.1.4.1. Auto~~mobile~~ service stations and automobile service garages ~~for the sale of gasoline, lubricants and similar supplies and parts of motor vehicles, the making of minor repairs and adjustments to motor vehicles, other than structural changes or repairs, and providing water and compressed air,~~ shall be permitted as described by the Table of Permitted Uses by District. Where a permit from the ZBA or special permit is required as described in the Table of Principal Uses by District, § 198-802, the ZBA shall satisfy for itself that a clearly established need will be served thereby, and subject to the following:

- 1102.1.4.1.1. Washing, lubricating and making of repairs shall be performed inside the building.
- 1102.1.4.1.2. No major repairs, such as body work, are to be performed.
- 1102.1.4.1.3. Sale or rental or display for sale or rental of motor vehicles or trailers is prohibited.
- 1102.1.4.1.4. No services or merchandise other than accessory, portable automotive merchandise may be displayed or sold on the premises.
- 1102.1.4.1.5. The area of the ~~lot~~premises to be traversed by motor vehicles shall be paved.
- 1102.1.4.1.6. Minimum lot area for an automobile service station shall be 40,000 square feet, and minimum frontage shall be 200 feet on any street, and structures shall not be less than 100 feet from any residential building. The minimum lot area for an automobile service garage shall be 30,000 square feet, and minimum frontage shall be 125 feet.
- 1102.1.4.1.7. Driveways shall be paved and join the street and cross sidewalks at right angles; shall not be more than 24 feet nor less than 10 feet wide at any point; shall be at least 10 feet from any lot line and 20 feet from the intersection of street lot lines; and shall be at least 20 feet apart. No more than two driveways ~~may~~shall be permitted for each 100 feet of street frontage. Where approval by the MassDOT is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of MassDOT shall be applicable.
- 1102.1.4.1.8. No vehicles shall be stored out-of-doors, except for those used by employees and those used in the direct operation of the business.
- 1102.1.4.1.9. No parts or partially dismantled motor vehicles may be stored out-of-doors.

[Amended 4-28-1986 ATM by Art. 27:  
paragraph deleted]

- 1102.1.4.1.10. Buildings and structures may ~~shall~~ occupy no more than 25% of the lot.
- 1102.1.4.1.11. The minimum setback of all structures, except gasoline pumps, shall be 40 feet from the street

and 25 feet from other lot lines. Gasoline pumps shall be set back at least 20 feet from the street lot line and 25 feet from other lot lines.

1102.1.4.1.12. Properties in abutting residential districts shall be protected from headlight glare by either:

1102.1.4.1.12.1. A strip at least four feet wide densely planted with shrubs at least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or

1102.1.4.1.12.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet above finished grade.

1102.1.4.1.12.3. Protection afforded by § 198-1102.1.4.1.12.1 or 1102.1.4.1.12.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may~~ shall be attached thereto, except on the side facing the use of the building, structure, or lot premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM  
by Art. 27: paragraph  
deleted]

1102.1.4.1.13. Illumination on outdoor areas shall be shielded so as not to shine upon any property in a residential district.

1102.1.4.1.14. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

§ 198-1103. Permitted uses in Business District B.

1103.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein. [Amended 5-5-1999 STM by Art. 9]

§ 198-1104. Height, area, yard and bulk regulations.

1104.1. Height, area and yard requirements.

[Amended 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9; paragraph deleted]

1104.1.1. In both Business Districts A and B, all signs as permitted herein and all outdoor displays as permitted herein shall be located not closer than 15 feet to the exterior line of any public or private way.

1104.1.2. In Business District A, the area and yard requirements of Article 7-shall apply. This requirement does not constitute relief from conformity with off-street parking and loading requirements under herein (~~§ 198-5604.2 and § 198-507~~).

1104.1.3. In Business District B, the following provisions apply:

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

1104.1.3.1. Exception to the setback requirements from street lot lines for buildings and structures may be made by the ZBA, in accordance with § 198-203, upon presentation of a site plan for approval (See Article 6.), provided that the exception does not reduce the distance to less than 15 feet and that the plan is made in such manner as to minimize the generation of traffic hazards. [Amended 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

1104.1.3.2. For buildings in a Business District B, the ZBA, as outlined above, may grant exception to the fifteen-foot requirement of § 198-1104.1.3.1, provided that such is necessary to permit development of an integrated group of buildings on separate parcels of land. [Amended 5-5-1999 STM by Art. 9]

§ 198-1105. (Reserved)

Editor's Note: Former § 198-1105, Off-street parking and loading requirements was moved to § 198-506, Off-street parking, and § 198-507, Off-street loading, 5-5-2004 ATM by Art. 15.

§ 198-1106. Curbs and sidewalks

~~f.~~ [Amended 4-28-1975 ATM by Art. 26; 4-28-1986 ATM by Art. 27]

1106.1. In both Business Districts A and B, in the event of the construction, reconstruction or substantial alteration of any building or structure ~~premises~~ that is ~~are~~ used, or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purpose, there shall be constructed as part of such construction, reconstruction or substantial alteration a raised granite curb at least six inches in height along the edge of the street, except at approved driveway openings. ~~and~~ There also shall be a paved pedestrian sidewalk no less than five feet in width set back no less than four feet from the street lot line for and covering the entire length of the lot frontage; provided however, except where driveways exist, the sidewalk shall ~~to be~~ separated from the remainder of the lot with a strip four feet wide in which suitable evergreen shrubs or other landscaping approved by the ZBA shall be maintained in good condition ~~suitable evergreen shrubs or other landscaping approved by the ZBA~~. The strip between the sidewalk and the street shall be maintained in good condition as a grass area. The sidewalk location shall be such as to join in a reasonable manner existing or ~~planned~~ potential sidewalks on abutting land.

§ 198-1107. Outdoor displays.

- 1107.1. In both Business Districts A and B, no outdoor display of merchandise for sale, other than motor vehicles, automobile accessories customarily sold at filling stations and farm and nursery produce, shall be permitted.

---

ARTICLE 12 Refuse Disposal District [Amended 11-12-1975 STM by Art. 8]

§ 198-1201. Permitted uses.

- 1201.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. No building or structure may ~~shall~~ be erected or constructed, altered, enlarged or used, and no land, water, building, or structure may ~~shall~~ be used for any purpose, or in any manner, other than as provided below:

- 1201.1.1. The disposal and treatment of septic tank pumpings at the septic treatment facility.
- 1201.1.2. The disposal of refuse and the recycling of materials and sale of recycled materials at such sanitary landfill areas as may have been designated by the Board of Health, all in accordance with its rules and regulations. [Amended 5-14-1998 ATM by Art. 49]
- 1201.1.3. The removal of such vegetation, sod, loam, gravel, stone and/or other earth materials as may have been authorized, from time to time, by the Board of Health. [Amended 5-14-1998 ATM by Art. 49]
- 1201.1.4. The storage of de-icing and earth materials. [Added 5-4-2005 STM by Art. 4]

---

ARTICLE 13 Light Manufacturing District

§ 198-1301. Permitted uses.

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

- 1301.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.

§ 198-1302. Sidewalks.

- 1302.1. In the event of the construction, reconstruction or substantial alteration of any building or structure ~~premises~~ that is ~~are~~ used or intended to be used, in whole or part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration. S ~~s~~ such sidewalk shall ~~to~~ be no less than five feet in width and shall be set back no less than four feet from the street lot ~~property~~ line and shall ~~to~~ be constructed for the full ~~entire~~ width of the lot frontage; provided, however, -except where driveways exist, and separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or potential ~~planned~~ sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

---

ARTICLE 14 Limited Commercial District

§ 198-1401. Permitted uses.

- 1401.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.  
[Amended 5-5-1999 STM by Art. 9]



[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9: paragraph deleted]

1401.1.1. Research and development laboratories/~~offices~~, offices, warehouse/distribution facilities~~for distributing merchandise,~~ and light manufacturing, where the total footprint of all buildings housing such use(s) on the property does not exceed 15,000 gross square feet or 5% of the total lot area, whichever is smaller shall be permitted. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17; 5-5-1999 STM by Art. 9]

1401.1.2. Personal and other service establishment~~facilities, such as cafeterias,~~ banks,  
nursery school/~~and~~ day-care, ~~or~~ recreation/park~~al~~ facilities, and similar facilities, for the employees or other licensees of a permitted or special permit use, but such facilities shall not be available to the general public. [Amended 11-13-1991 STM by Art. 5]

§ 198-1402. Special permit uses.

[Amended 11-13-1991 STM by Art. 5]

1402.1. Buildings, ~~and~~ structures, and lots in a Limited Commercial District may be constructed, reconstructed, altered, enlarged or used, and premises may be used, for the following purposes and no others, subject to the provisions of Article 6, Site Plan Approval, of this Zoning Bylaw, and provided that a permit is obtained from the Zoning Board of Appeals in accordance with § 198-203 of this Zoning Bylaw:

1402.1.1. Research and development laboratories/~~offices~~, warehouses/distribution facility,  
facilities for distributing merchandise and light manufacturing, where the total footprint of all buildings housing such use(s) on the property exceeds 15,000 gross square feet or 5% of the total lot area, whichever is smaller. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17]

§ 198-1403. Area, yard and bulk regulations.

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9]

1403.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.

§ 198-1404. Limitations and development.

[Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 16]

1404.1. Notwithstanding any provision of this Zoning Bylaw to the contrary, no special permit or site plan approval ~~may~~shall be granted by the special permit granting authority or by the site plan approval authority (“the approving authority”) that allows for development in excess of the following limitations and that has not been supported by the traffic impact information set forth in § 198-1405~~following submittals~~.

§ 198-1405. Traffic impact.

1405.1. The applicant shall submit a traffic impact assessment report containing such data and information as required by the approving authority. No new building or structure, group of buildings or structures, improvement, alteration or change in use shall result in a level of service (LOS), as defined by criteria set forth by the Transportation Research Board of the National Research Council, determined to be inadequate within the impact area of the proposed activity. The “impact area” shall mean any road, intersection or way within 1,000 feet of the closest boundary of the project site and projected to receive at least 5% of the anticipated average daily or peak-hour traffic generated by the proposed development. “Inadequate,” for the purpose of this finding, shall mean: [Amended 5-14-1998 ATM by Art.

50]

- 1405.1.1. An LOS of less than “B” (as defined in the reference cited above) for existing designated scenic roads, for all categories of existing residential streets (as defined in the Subdivision Regulations of the Planning Board Editor’s Note: See Ch. 303, Subdivision of Land→.) and for all new streets and intersections created in conjunction with the project.
- 1405.1.2. An LOS of less than “D” (as defined in the above reference) for numbered highways and all other streets.
- 1405.2. The approving authority, at its discretion, may hire a qualified expert in developing and interpreting traffic generation data to confirm data submitted by the applicant, evaluate data and recommend to the approving authority the appropriate LOS to be utilized by the approving authority in determining whether the proposed activity meets the requirement of this § 198-1405. The approving authority may charge the applicant reasonable costs for such work as part of the application fee for review of the application.
- 1405.3. The approving authority, at its discretion, may allow for improvements to affected areas that, when complete, will provide the required LOS and may make such improvements a condition of approval.
- 1405.4. The approving authority may accept a request for waiver of traffic impact if the applicant asserts to the satisfaction of the approving authority that:
  - 1405.4.1. The application of the limitations contained under § 198-1405.1 and 1405.2 above would constitute a hardship or prohibit use of the property for a purpose allowed in this article and that the impact on the affected ways is insignificant; or
  - 1405.4.2. The way(s) affected was (were) below the required LOS at the time of application and the impact on the affected way(s) is insignificant.
- 1405.5. Such request for waiver of traffic impact shall be made, in writing, by the applicant, who shall submit sufficient data satisfactory to the approving authority to support said request. The approving authority shall list, in writing, its reasons for granting or denying said request, after holding a public hearing in accordance with the hearing requirements of MGL c. 40A, the Zoning Act, pertaining to special permits.
- § 198-1406. Physical attributes of the lotsite.
- 1406.1. The footprint of any building(s) may shall not exceed 20% of the total area of the lotsite. The footprint of a building shall be measured at the outermost edge of the foundation of the building or at the outermost edge of any portion of the first floor overhanging the foundation, whichever is greater.
- 1406.2. The floor area ratio (FAR) may shall not exceed 40% when calculated by dividing the total gross floor area of the buildings by the total area of the lotsite. ~~“Total gross floor area” shall mean the floor area within the perimeter of the outside walls of the buildings, without deductions for hallways, stairs, closets, thickness of walls, columns or any other features.~~
- 1406.3. No portion of any building or structure may shall exceed 35 feet in height, except that this limitation shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory rooftop features necessary to the functioning of the building, if such features are in no way occupied by people.
- 1406.4. No building or structure may shall extend to within 100 feet of any street lot line or to within

- 100 feet of any property line. [Amended 5-5-1999 STM by Art. 11]
- 1406.5. The ~~lotsite~~ shall have adequate parking spaces, as determined by the approving authority after review of the traffic impact assessment report. Such parking spaces shall be off-street and shall not be located within 50 feet of the perimeter ~~property-lot~~ line-of-the-site. The approving authority may allow on-street parking and location of parking spaces closer to ~~the said lotproperty~~ line, but only after listing its reasons therefor and finding that allowing such parking is consistent with the purposes of this Zoning Bylaw. However, in no event ~~may~~shall parking be allowed within 100 feet of residential zoning districts or residential properties. All parking shall be screened from adjacent properties by suitable landscaping materials.
- 1406.6. All facilities and all articles stored on the ~~lotpremises~~ shall be located within enclosed buildings or structures, unless the approving authority allows for an adequately screened storage area and lists in its written findings that such an area is consistent with the purposes of this Zoning Bylaw.
- 1406.7. No loading platform ~~may~~shall be located on the street side of any building or structure or on the side of a building or structure facing a residential district, unless properly screened and unless the approving authority lists in its written findings that said screened platform is consistent with the purposes of this Zoning Bylaw.
- 1406.8. In the event of the construction, reconstruction or substantial alteration on any ~~lotsite~~ that is used or intended to be used, in whole or in part, for the purpose allowed under ~~this a~~Article 14, paved pedestrian sidewalks shall be constructed as a part of such construction, reconstruction or substantial alteration. Such sidewalks shall be no less than five feet in width, shall be set back no less than four feet from ~~the~~ street lot lines for the entire width of the lot frontage and shall be separated from the remainder of the ~~lotsite~~ by a four-foot landscaped strip. Sidewalks shall reasonably join existing sidewalks or shall be capable of reasonably joining ~~planned~~potential sidewalks, internally and on abutting land. [Amended 5-5-1999 STM by Art. 11]
- 1406.9. Not more than one sign, consistent with regulations promulgated pursuant to Article 6, Site Plan Approval, of this Zoning Bylaw, shall be allowed at each entrance of the ~~lotsite~~ from each principal way and from which way access to the site is provided in the site plan approval for the site.

~~§ 198-1702. Federal Flood Protection District. Reserved for possible future use.  
[Amended 5-4-1982 ATM by Art. 17]~~

~~1702.1. The purpose of this § 198-1702 is to carry out the purposes of the National Flood Insurance Program so as to enable interested persons to purchase insurance against loss resulting from physical damage to, or loss of, real property, or personal property related thereto, arising from a flood.~~

~~1702.2. The following requirements apply in the Federal Flood Protection District:~~

~~1702.2.1. Within Zone A, as shown on the Flood Insurance Rate Map (FIRM), where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any building and/or structure lying within Zone A shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the Building Code (current Section 744).~~

~~1702.2.2. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:~~

~~1702.2.2.1. All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited, unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the floodway demonstrating that such encroachment shall not result in an increase in flood levels during the occurrence of the one hundred-year flood.~~

~~1702.2.2.2. Any encroachment meeting the above standard shall comply with the floodplain requirements of the Building Code. Editor's Note: Former § 198 1703, Watershed Protection District, as amended 3-15-1967 ATM by Art. 16, 4-30-1975 ATM by Art. 28, and 4-28-1986 ATM by Art. 25, which immediately followed, was repealed 5-5-2005 ATM by Art. 31.~~

---

## Version for Special Town Meeting Warrant for November 16, 2010

## Town of Wayland

## Table of Dimensional Requirements

[Amended 5-27-1981 ATM by Art. 16; 5-4-1982 ATM by Art. 23;

5-2-1983 ATM by Art. 12; 5-2-1983 ATM by Art. 13; 5-14-1998 ATM by Art. 56;

5-5-1999 STM by Art. 10; 5-12-1999 ATM by Art. 37; 5-1-2002 ATM by Art. 31]

Districts	Use	Minimum Lot Area <sup>1</sup> (sq. ft.)	Maximum Lot Coverage	Minimum Frontage	Minimum Yard Setbacks <sup>14</sup>				Maximum Height <sup>4</sup> The lesser of
					Front From Lot Line (ft.)	From ROW Center Line (ft.)	Rear From Lot Line (ft.)	Side From Lot Line (ft.)	
Single Residence		20,000 <sup>15</sup>	20%	120	30 <sup>2</sup>	55	30	15 <sup>3</sup>	35
		30,000 <sup>15</sup>	20%	150	30 <sup>2</sup>	55	30	20 <sup>3</sup>	35
		40,000 <sup>15</sup>	20%	180	30 <sup>2</sup>	55	30	25 <sup>3</sup>	35
Roadside Business		60,000 <sup>15</sup>	20%	210	30 <sup>2</sup>	55	30	30 <sup>3</sup>	35
Business A	Uses permitted in Single Residence Districts	<sup>7</sup>	20%		60	55	30	15 <sup>3</sup>	35
	Permitted nonresidential uses	40,000	20%	200 <sup>8</sup>	60		30	30	35
	Retail, offices, services, trades, etc.	<sup>8</sup>	75% (70% corner lot)		30 <sup>2</sup>	55	15	15 <sup>3</sup>	35
Business B	Automobile service <del>garage and repair garage</del>	30,000	25%	125	40 <sup>10</sup>		25 <sup>9,10</sup>	25 <sup>9,10</sup>	35
	Automobile sales, <del>sales-service and repairs</del>	2 acres	25%	200	40		25 <sup>9,10</sup>	25 <sup>9,10</sup>	35
	<del>Gasoline service stations</del> Automobile service station	40,000	25%	200	40 <sup>10</sup>		25 <sup>9,10</sup>	25 <sup>9,10</sup>	35
							15 <sup>9,11</sup>	15 <sup>3,11,13</sup>	35
Refuse Disposal		None	25%	None	60 <sup>11</sup>				35
Light Manufacturing	Listed permitted uses	None	None	None	30 <sup>2</sup>		30	15 <sup>3</sup>	None
		None	75% (70% corner lot)	None	30 <sup>2</sup>	55	15	15 <sup>3</sup>	40
									3
Limited Commercial	Automobile service <del>and repair garage</del>	30,000	25%	125	40 <sup>10</sup>		25 <sup>9,10</sup>	25 <sup>9,10</sup>	35
	Automobile sales, <del>sales-service and repairs</del>	2 acres	25%	200	40		25 <sup>9,10</sup>	25 <sup>9,10</sup>	35
	<del>Gasoline service stations</del>	40,000	25%	200	40 <sup>10</sup>		25 <sup>9,10</sup>	25 <sup>9,10</sup>	35
Aquifer Protection	Uses permitted in Single Residence Districts	<sup>16</sup>	20%		30 <sup>2</sup>	55	30	15 <sup>3</sup>	35
	Permitted nonresidential uses	None	20%	None	100		100	100	35
									2 1/2
Cochituate Interim Planning Overlay									
Conservation Cluster Development									
Floodplain, Flood and Watershed Protection									

## NOTES:

- <sup>1</sup> Minimum lot area shall be calculated in accordance with the requirements of § 198-705.5 of this Zoning Bylaw.
- <sup>2</sup> If § 198-702 shall require a greater setback or permit a lesser setback, the provisions of said § 198-702 shall prevail over this table.
- <sup>3</sup> Side yards shall meet the requirements of §§ 198-702.4 and 703.2, and the required minimum side yard may be reduced in accordance with the provisions of § 198-703.2.
- <sup>4</sup> Maximum height limitations shall be subject to the exceptions set forth in § 198-701.1.1 and 701.1.2.
- <sup>5</sup> ~~Accessory buildings shall be permitted in the minimum backyard in accordance with the provisions of § 198-703.1.~~ **Reserved for possible future use.**
- <sup>6</sup> ~~Existing premises with less frontage may be used in accordance with the requirements of § 198-1002.1.4. (Editor's Note: Former § 198-1002.1.4, which provided for existing premises with less frontage, was repealed 5-5-1999 STM by Art. 9.)~~ **Reserved for possible future use.**
- <sup>7</sup> The dimensional requirements of the nearest residential district shall apply.
- <sup>8</sup> Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1104.1.2.
- <sup>9</sup> Each structure shall be not less than 100 feet from any residential building.
- <sup>10</sup> Gasoline pumps shall be at least 20 feet from the street lot line and 25 feet from side and rear property lines. **[Amended 5-5-1999 STM by Art. 11]**
- <sup>11</sup> Also 60 feet from any residence district; exception may be made pursuant to § 198-1104.1.3.1.
- <sup>12</sup> ~~Sixty feet required from residence district boundary.~~ **Reserved for possible future use.**
- <sup>13</sup> Exception may be made pursuant to § 198-1104.1.3.2.
- <sup>14</sup> Any greater setback required by § 198-702.4 or §§ 198-901.1.5.4, 901.1.5.5 or 901.1.6 shall prevail.
- <sup>15</sup> Minimum front yard width shall be calculated in accordance with the requirements of § 198-705.1.8 of this Zoning Bylaw.
- <sup>16</sup> Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1403.1.

## Town of Wayland

## Table of Permitted Principal Uses by Districts

**[Amended 5-27-1981 ATM by Art. 17; 4-30-1986 ATM by Art. 30; 11-13-1991 STM by Art. 5;  
11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-14-1998 ATM by Art. 55;  
5-5-1999 STM by Art. 10; 4-30-2001 ATM by Art. 26; 5-5-2005 ATM by Art. 29]**

Key to symbols: Yes = Allowed as of right  
P-ZBA = Allowed by permit from Zoning Board of Appeals  
R = Required  
No = Not allowed  
TM = Allowed by two-thirds majority Town Meeting vote  
NR = Not required  
SP = Allowed by special permit  
TAU = See Table of Accessory Uses by Districts  
NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Business Uses</b>							
1. Automobile sales, automobile service garage, automobile service station service, repair	No	No	P-ZBA	No	P-ZBA	No	R
2. Bank	No	No	Yes	Yes	Yes	Yes	R
3. Boat or canoe rental nonmotorized or no more than 10 hp	SP	SP	Yes	Yes	Yes	Yes	R
4. Customary Home occupation, Customary	TAU	TAU	Yes	Yes	Yes	Yes	R
5. Funeral home	SP	SP	Yes	Yes	Yes	Yes	R
6. Medical/dental care center	TAU	TAU	Yes	Yes	Yes	Yes	R
7. Motor vehicle service/gasoline <b>Reserved for possible future use.</b>	No	No	P-ZBA	No	P-ZBA	No	R

8. Office	TAU	TAU	Yes	Yes	Yes	Yes	R
9. Parking facility: <del>garages</del> for 4 or more vehicles	SP	SP	Yes	Yes	Yes	Yes	R
Personal and other service 10. Personal and other service	No	No	Yes	Yes	Yes	No	R
11. Restaurant	No	SP	P-ZBA	P-ZBA	P-ZBA	No	R
12. Retail store	No	No	Yes	Yes	Yes	No	R
13. Roadside stand	No	SP	Yes	Yes	Yes	Yes	R
14. Stables with horses for hire	SP	SP	No	No	Yes	No	R
15. Trade shop	TAU	TAU	Yes	No	Yes	No	R
<b>General Uses</b>							
16. Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	NR
17. Cemetery	Yes	Yes	Yes	Yes	Yes	Yes	R
18. Conservation	Yes	Yes	Yes	Yes	Yes	Yes	NR
19. Earth removal	SP	SP	SP	SP	SP	SP	NR
20. Kennel	TAU	TAU	No	No	No	No	NR
21. Membership club, nonprofit, <del>outdoor sports,</del> <del>recreational, social</del>	SP	SP	Yes	Yes	Yes	Yes	R
22. Membership club, for profit, <del>outdoor sports,</del> <del>recreational, social</del>	No	SP	Yes	Yes	Yes	Yes	R
23. Recreation/park	Yes	Yes	Yes	Yes	Yes	Yes	R

**Town of Wayland**  
**Table of Permitted Principal Uses by Districts (Cont'd)**

Key to symbols: Yes = Allowed as of right  
P-ZBA = Allowed by permit from Zoning Board of Appeals  
R = Required  
No = Not allowed  
TM = Allowed by two-thirds majority Town Meeting vote  
NR = Not required  
SP = Allowed by special permit  
TAU = See Table of Accessory Uses by Districts  
NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Government, Institutional and Public Service</b>							
24. Assisted/independent living	SP	SP	SP	SP	No	No	R
25. Bus terminal	No	No	Yes	Yes	Yes	No	R
26. Educational	Yes	Yes	Yes	Yes	Yes	Yes	R
27. Hospital	SP	SP	No	No	Yes	Yes	R
28. Low-income elderly housing	TM	TM	No	No	No	No	R
29. Multi-family unit: low- income	TM	TM	No	No	No	No	R
30. Museum/library	Yes	Yes	Yes	Yes	Yes	Yes	R
31. Nursery school/day care	Yes	Yes	Yes	Yes	Yes	Yes	
32. Nursing home	SP	SP	No	No	Yes	Yes	R
33. Public or charitable Institution	SP	SP	No	No	Yes	Yes	R
34. Railroad station/ <del>railroad</del> <del>and right-of-way</del>	Yes	Yes	Yes	Yes	Yes	Yes	R
35. Religious <del>building or</del> <del>structure</del>	Yes	Yes	Yes	Yes	Yes	Yes	R



36. Studio <del>for art, music, dance</del>	SP	SP	Yes	Yes	Yes	No	R
37. Town uses <del>(Municipal uses)</del>	Yes	Yes	Yes	Yes	Yes	Yes	R
38. Utility facility	Yes	Yes	Yes	Yes	Yes	Yes	R
<b>Industrial Uses</b>							
39. Construction/ <del>lumber</del> yard	No	No	No	No	Yes	No	R
40. Heavy vehicle repair garage	No	No	No	No	Yes	Yes	R
41. Light manufacturing	No	No	No	No	Yes	Yes	R
42. Research and development <del>laboratories/offices</del> not exceeding 15,000 square feet	No	No	No	No	Yes	Yes	R
43. Research and development <del>laboratories/offices</del> exceeding 15,000 square feet	No	No	No	No	No	SP	R
44. Warehouse/ <del>Distribution</del> not exceeding 15,000 square feet	No	No	No	No	No	Yes	R
45. Warehouse/ <del>Distribution</del> exceeding 15,000 square feet	No	No	No	No	No	SP	R

**Town of Wayland**  
**Table of Permitted Principal Uses by Districts (Cont'd)**

Key to symbols: Yes = Allowed as of right  
P-ZBA = Allowed by permit from Zoning Board of Appeals  
R = Required  
No = Not allowed  
TM = Allowed by two-thirds majority Town Meeting vote  
NR = Not required  
SP = Allowed by special permit  
TAU = See Table of Accessory Uses by Districts  
NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Prohibited Uses</b>							
46. Aircraft landing and taking off	No	No	No	No	No	No	NA
47. Drive <del>in, drive-through, or drive-up</del> restaurants	No	No	No	No	No	No	NA
48. Hazardous material storage	No	No	No	No	No	No	NA
49. Junkyard	No	No	No	No	No	No	NA
50. Ungaraged and unregistered motor vehicles, more than one	No	No	No	No	No	No	NA
51. All uses not listed herein	No	No	No	No	No	No	NA
<del>52. Boarding houses</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>NA</del>
<b>Residential Uses</b>							
52. Accessory dwelling Unit	TAU	TAU	No	No	No	No	NR
<del>53. Boarding-house Reserved for future use</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>NA</del>
54. Conservation cluster	SP	SP	No	No	No	No	NR
55. Dwelling, <del>S</del> single-family	Yes	Yes	No	No	No	No	NR
56. Letting of rooms	TAU	TAU	No	No	No	No	NR



57. <del>Dwelling</del> , Multi-family dwelling	SP <sup>1</sup>	SP <sup>1</sup>	No	No	No	No	NA
<b>Refuse Disposal District</b>	Requirements of § 198-1201 apply						
<b>Overlay Districts</b>							
Aquifer Protection District	Requirements of Article 16 apply						
Cochituate Interim Planning Overlay District	Requirements of Article 22 apply						
Conservation Cluster Development District	Requirements of Article 18 apply						
Floodplain, Federal Flood Protection and Watershed Protection Districts	Requirements of Article 17 apply						
Planned Development District	Requirements of Article 19 apply						
Senior and Family Housing Overlay District	Requirements of Article 21 apply						
Southeast Wayland-Cochituate Planning District	Requirements of Article 20 apply						
Wireless Communications Services District	Requirements of Article 15 apply						

## NOTES:

<sup>1</sup> Multi-family dwellings may only be allowed by special permit in accordance with Article 18 Conservation Cluster Development District.

**Town of Wayland**  
**Table of Permitted Accessory Uses by Districts**  
**[Added 5-14-1998 ATM by Art. 55; amended 5-5-1999 STM by Art. 10;**  
**4-30-2001 ATM by Art. 25; 4-30-2001 ATM by Art. 26]**

Key to symbols: Yes = Allowed as of right  
No = Not allowed  
SP = Allowed by special permit  
R = Required  
NR = Not required  
NA = Not applicable

Accessory Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
58. Accessory dwelling unit (§ 198-901.1.3)	SP	SP	No	NA	NA	NA	NR
59. Accessory dwelling unit - WHA (§ 198-901.1.4)	SP	SP	No	NA	NA	NA	NR
60. Barn, toolshed	Yes	Yes	Yes	Yes	Yes	Yes	NR
61. Cafeterias, banks, day-care or recreational facilities for employees	No	No	No	No	No	Yes	R
62. Home occupation (§ 198-901.1.2)	SP	SP	Yes	Yes	Yes	Yes	R
63. Family day care	Yes	Yes	Yes	Yes	Yes	Yes	R
64. Garage, carport: 3 vehicles or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
65. Greenhouse,	Yes	Yes	Yes	Yes	Yes	Yes	NR

noncommercial							
66. Home occupation, Customary (§ 198-901.1.1)	Yes	Yes	Yes	Yes	Yes	Yes	NR
67. Kennel: 3 dogs or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
68. Kennel: 4 dogs or more	SP	SP	Yes	Yes	Yes	Yes	R
69. Letting/renting of rooms	SP	SP	No	No	No	No	NR
70. (Reserved)	--	--	--	--	--	--	--
71. Residence in accessory dwelling	Yes	Yes	No	No	No	No	NR
72. Roadside stand	SP	SP	Yes	Yes	Yes	Yes	R
73. Swimming pool	Yes	Yes	No	No	No	No	NR
74. Tennis court	Yes	Yes	No	No	No	No	NR

**PLANNING BOARD REPORT:** As authorized by the Town Meeting vote under Article 24 on May 6, 2004, the Planning Board has undertaken the project to rewrite the Town's Zoning Bylaws, which are found in Chapter 198 of the Town Code. The Planning Board is undertaking the project in two stages; first to address organizational, consistency, and similar non-substantive matters and second to address substantive provisions. The first installment of the amendments consists of amendments to Chapter 198, Articles 1-5 and 7-14, which are being presented for consideration by the Town Meeting on November 16, 2010. All of the currently proposed revisions are non-substantive. Policy and similar substantive provisions are reserved for a later date.

The proposed amendments are intended to make the Bylaw more consistent and "user-friendly" by eliminating redundancy and improving organization. The amendments are designed to clarify terms and apply those terms consistently throughout the Bylaw. For example, the Definitions section (§198-104) is expanded to include definitions of terms used elsewhere in the Bylaw and terms not used are deleted. Narrative describing the various uses is removed from the Table of Dimensional Regulations (§198-801), the Classification of Principal Uses (§198-803), the Table of Permitted Accessory Uses by Districts (§198-804), and the Classification of Accessory Uses (§198-805) and inserted in the Definitions section. The amendments also incorporate Attachments 1, 3, and 5 (respectively, the Table of Dimensional Regulations, the Table of Permitted Principal Uses by Districts, and the Table of Permitted Accessory Uses by Districts) into the Bylaw. Other amendments update various sections and correct errors. Article 17 has been deleted because this is now regulated by the Conservation Commission under their rules and regulations.

The next phase of the Bylaw review project will address substantive and policy amendments.

**FINANCE COMMITTEE COMMENTS:** In 2004, the Town of Wayland voted to appropriate \$30,000 to the Planning Board to "engage the services of a consultant, or consultants for the purpose of the rewriting of the Zoning Bylaws of the Town" (2004 Annual and Special Town Meeting Warrant: Article 24). The intent of these amendments to the Bylaw are that there shall be no substantive changes to the Zoning Bylaws and that the changes shall either clarify the Bylaws or assure their consistency with the laws of the Commonwealth.

The Planning Board engaged the services of the law firm Kopelman and Paige, P.C., and members of that firm have undertaken the rewriting of the Zoning Bylaws as contemplated by the Town and the

Planning Board in 2004. The reason for this rewrite is that the various boards, commissions, staff and residents of the Town who have worked with the Zoning Bylaws through the years found that there were inconsistencies and difficulties in interpreting the Bylaws, in addition to finding that the Bylaws needed to be modified in cases where the laws of the Commonwealth of Massachusetts had changed since the Bylaws were last amended.

Kopelman and Paige's attorneys have worked with the Planning Board for almost two years in reviewing the Bylaws and have provided the changes that are set forth in the Warrant. The product of their work is anticipated to provide a better land use guide that reflects the policies and procedures of the Town and the Commonwealth and is more easily accessible to applicants and regulators.

The Planning Board voted unanimously in favor of this article: Vote: 3-0.

**ARGUMENTS IN FAVOR:** Consistent and well-written Zoning Bylaws will provide a solid foundation for regulatory decisions and a clearer set of rules for applicants. It will also provide consistency with the laws of the Commonwealth of Massachusetts.

**ARGUMENTS OPPOSED:** No members of the public were present at the Planning Board's public hearing for this article and the Planning Board is not aware of any arguments opposed to it.

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

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

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

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

---

## **ARTICLE 12: AMEND ZONING BYLAW TO ESTABLISH MUNICIPAL SERVICES OVERLAY DISTRICT**

*Proposed by: Planning Board, Board of Selectmen*

To determine whether the Town will vote to:

- a.) amend the Town of Wayland Zoning Map referenced in Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, § 198-301.2, by adding thereto and including in the new Municipal Services Overlay District shown on the plan entitled "Plan of land in Wayland, Massachusetts showing a Municipal Services Overlay District, dated September 9, 2010, prepared by the Town Surveyor's office a copy of which is plan is on file in the office of the Town Clerk and is attached to this warrant as Appendix E; and
- b.) to amend Chapter 198 by adding thereto the following new Article 24 198-2401, Municipal Services Overlay District:

Article 24 Municipal Services Overlay District 198-2401. Permitted uses. The purpose of the Municipal Services Overlay District is to allow municipal facilities and buildings for public uses

and purposes. All uses shall comply with the requirements of Article 6 Site Plan Approval.

**PLANNING BOARD REPORT:** The purpose of the Municipal Services Overlay District is to allow municipal facilities and buildings for public uses and purposes. All uses shall comply with the requirements of Article 6 Site Plan Approval. The overlay district is needed because the area encompasses residential and refuse disposal zones and that the said article imposes an additional requirement of Site Plan Review under Article 6 of the Wayland Zoning Bylaws. The main purpose of the article is to allow the Wayland School Buses to park within this location. The Buses are presently being parked at the Wayland Middle School and DPW parking area.

An article was presented at the 2010 Annual Town Meeting to allow expansion of the Refuse Disposal District and issues were raised regarding the location. A motion was made at Town Meeting to pass over this article and was accepted. The Municipal Services Overlay District addresses a number of concerns that were raised from an abutter and other Town Boards. The Planning Director is in the process of meeting with the Well Head Protection Committee, Conservation Commission and the Surface Water Quality Committee before the Planning Board Public hearing to address any concerns.

The zoning amendment will also provide a better environmental site for the Wayland School Buses to park. The new location will remove the buses from an Aquifer protection district. This article will also provide the Town with a potential location for other Town uses, such as a Department of Public Works facility, if the Town decides to pursue the development and appropriation of such a facility in the future.

The Planning Board voted in favor, 3-0.

**FINANCE COMMITTEE COMMENTS:** The purpose of the Municipal Services Overlay District is to allow a municipal facility and building for public uses and purposes. All uses shall comply with the requirements of Article 6 Site Plan Approval. The main focus of the article is to allow the Wayland School buses to park within this location. The buses are presently being parked at the Wayland Middle School and DPW parking area along Route 27. There will be no expiration date to this zoning change if the Town accepts it. A municipal overlay district provides for the current underlying zoning to remain with the property while other specific uses provided for by the overlay district being added to or deleted from the current allowed uses at the property.

A similar article was presented at the 2010 Annual Town Meeting to allow expansion of the Refuse Disposal District and issues were raised regarding the amount of land involved and the impact on adjacent land parcels. A motion was made and carried at that Annual Town Meeting to pass over this article.

This revised article, proposing a Municipal Service Overlay district addresses a number of concerns that were raised from an abutter and other Town Boards. The concerns from the 2010 Annual Town Meeting that were addressed include:

1. The area included within the Municipal Services Overlay district is significantly smaller than the proposed area in the previous article. This area includes just three parcels of land, encompassing 8.5 acres, while the previous article included eight parcels and covered over 83 acres of land.
2. The area included in this article does not include any land parcels that directly abut the Sudbury River, which was not the case for the article presented at Annual Town Meeting in 2010.
3. There are no residential parcels on which a residence exists that abut the land parcels that will be

incorporated into the Municipal Services Overlay District. In the article presented at Annual Town Meeting in 2010, there was an abutting residential parcel with an owner occupied house. Concerns were raised about the impact of the proposed article at that time. The Planning Board has worked with the abutter in drafting this article.

The Town Planner coordinated with the Wellhead Protection Committee, the Conservation Commission and the Surface Water Quality Committee in the process of drafting this article. The Planning Board voted unanimously in favor of this article at their public hearing on October 12, 2010. Vote: 3-0.

A reference map of the land parcels pertaining to this article can be found in Appendix E of the Warrant.

**ARGUMENTS IN FAVOR:** The Municipal Service District will allow the Town of Wayland and the School Committee to reach a reasonable solution with regard to the parking of school buses in the Town of Wayland. This has been an issue for the Town for the past several years due to the impact that parking the buses has had on nearby residents and on land where the protection of aquifers has been an issue.

The zoning amendment will provide a better environmental site for the Wayland School buses to park. The new location will remove the buses from an Aquifer protection district.

This article will also provide the Town with potential locations for other Town uses, such as a Department of Public Works facility, if the Town decides to pursue the development of such a facility in the future. Any development that occurs on the land parcels impacted by this Municipal Services District will be subject to site plan reviews and any other permitting required by the Town of Wayland.

**ARGUMENTS OPPOSED:** There was no opposition to this article during the Planning Board's public hearing at which it was discussed on October 12, 2010. A nearby resident was opposed to the previous article, presented at the 2010 Annual Town Meeting; however that resident has expressed support for this article as presented herein. Therefore, there are no apparent reasons to oppose this article.

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

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

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

*See map at Appendix E. For more information about this article, contact Sarkis Sarkisian, Town Planner, at [ssarkisian@wayland.ma.us](mailto:ssarkisian@wayland.ma.us), telephone (508) 358-3778.*

---

**ARTICLE 13: ADOPT STRETCH ENERGY CODE AS A BYLAW**

*Proposed by: Board of Selectmen, Energy Initiatives Advisory Committee,  
Housing Authority, School Committee, Conservation Commission*

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding thereto Chapter 197 entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, as set forth below:

**Chapter 197****STRETCH ENERGY CODE****§197-1 Definitions.**

**International Energy Conservation Code (IECC) 2009** - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

**§197-2 Purpose.** The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**§197-3 Applicability.** The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

**§197-4 Stretch Code.** The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this Chapter.

**§197-5 Enforcement.** The Stretch Code shall be enforced by the Building Commissioner.

**FINANCE COMMITTEE COMMENTS:** This article amends Wayland’s building code by adopting the Stretch Energy Building Code, an appendix to the Massachusetts Building Code. The Stretch Code promotes energy-efficiency in the building code for all new residential and many new commercial buildings, as well as for those residential additions and renovations that would normally trigger building code requirements by requiring construction specifications that should increase energy efficiency by approximately 20%. The Massachusetts Board of Building Regulations and Standards developed it in response to communities’ calls for improved building energy efficiency in Massachusetts. Adopting the Stretch Code is a requirement to qualify as a “Green Community”, as defined by the Massachusetts Department of Energy and Resources (DOER). Designated Green Communities are eligible to apply for funds for energy efficiency and renewable energy initiatives

such as efficiency upgrades to municipal buildings and solar energy initiatives. Funds for these grants come from Regional Green Gas Initiative (RGGI) auctions mandated by the Commonwealth and funded by utility companies. The mandate calls for an annual investment of \$10 million by the Commonwealth (approximately 80% of those funds being granted to Massachusetts communities).

The stretch code appendix attempts to provide a streamlined and cost effective route to achieving better energy efficiency in new residential and commercial buildings than is required by the base energy code. This is largely achieved by moving to a performance-based code, where developers are required to design buildings so as to reduce energy use by a given percentage below base code, rather than being required to install specific efficiency measures. Developers have flexibility to choose cost effective and appropriately designed solutions. New residential construction must use the performance-based approach, but residential renovations and most commercial buildings may instead opt to follow a 'prescriptive' route that specifies a set of minimum energy efficiency requirements for different building materials and systems.

Building performance can be demonstrated through a combination of modeling and on-site testing, while prescriptive standards require specific efficiency upgrades that must be verified by visual inspection. New residential and large new commercial buildings will have the highest energy performance standards under the Stretch Code. Residential renovations and additions and medium size commercial buildings will have lower energy performance standards, or may use prescriptive measures. As with the current code, only the areas affected by a residential renovation must comply with the Stretch Code. Small new commercial buildings, commercial renovations and listed historic buildings are exempt.

DOER figures estimate that compliance with the Stretch Code would add about \$3000 to the cost of building a new 2700 square foot home, and would reduce energy bills by about \$500 per year; for a new 4400 square foot home, the additional cost would be about \$6600, with a \$1500 per year energy savings. Utility rebates can reduce the upfront costs by about \$1300. For residential renovations and additions, the upfront costs will depend on the scope of the project, but will not require the cost of performance testing. The Stretch Code is expected to increase commercial building costs by 1% to 3%.

As of September 8, 2010, forty-six municipalities have adopted the Stretch Code, including: Worcester, Cambridge, Newton, Sudbury, Concord, Lincoln, Natick, Lexington, and Acton. Thirty-five municipalities have been designated Green Communities and were awarded \$8.1 million dollars in energy grants between them in the first round of grant applications in May 2010. The second round designation deadline is November 19, 2010, with the grant deadline on January 21, 2011. The minimum grant per community provided in 2010 was \$125,000.

The Energy Initiatives Advisory Group voted 5-0 in favor of this article.

For more information, please go to these links:

1. Stretch Code Q & A, 10 pages

[http://www.mass.gov/Eoea/docs/doer/green\\_communities/grant\\_program/q\\_and\\_a\\_stretch\\_code.pdf](http://www.mass.gov/Eoea/docs/doer/green_communities/grant_program/q_and_a_stretch_code.pdf)

2. Stretch Code overview, 2 pages

[http://www.mass.gov/Eeops/docs/dps/inf/summary\\_of\\_the\\_ma\\_building\\_code\\_appendix\\_120.doc](http://www.mass.gov/Eeops/docs/dps/inf/summary_of_the_ma_building_code_appendix_120.doc)

### 3. Residential Cash Flow Analysis

[http://www.mass.gov/Eoeea/docs/doer/green\\_communities/grant\\_program/stretch-memo-w-analysis-042710.pdf](http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/stretch-memo-w-analysis-042710.pdf)

### 4. Green Communities Grant Program

[http://www.mass.gov/?pageID=eoeeterminal&L=3&L0=Home&L1=Energy%2c+Utilities+%26+Clean+Technologies&L2=Green+Communities&sid=Eoeea&b=terminalcontent&f=doer\\_green\\_communities\\_gc-grant-program&csid=Eoeea](http://www.mass.gov/?pageID=eoeeterminal&L=3&L0=Home&L1=Energy%2c+Utilities+%26+Clean+Technologies&L2=Green+Communities&sid=Eoeea&b=terminalcontent&f=doer_green_communities_gc-grant-program&csid=Eoeea)

**ARGUMENTS IN FAVOR:** Adopting the Stretch Code will satisfy one of the five requirements to become a Green Community, which in turn will allow Wayland to apply for grant money toward energy projects (as of November 16, Wayland expects to be compliant with the other four requirements – the requirements are set forth in the link to “Green Communities Grant Program.” While there are currently funds set aside for these grants, there is no guarantee as to how long they will be available, and it would be prudent to apply sooner rather than later. Also, as more towns achieve the Green Community status, the pool of available funds will be spread further.

Although there will be increased upfront costs associated with building to the Stretch Code, they will be recovered in a short time due to energy savings (for projects paid for in cash, the payback period is estimated at 5 – 6 years, before rebates from utilities; for financed projects, the projection is that the payback could be immediate). As energy costs rise, the payback periods will accelerate.

While the performance based standards and the involvement of an independent energy rater (a person who oversees compliance with the Stretch Code) will be required for new construction and will be new elements to the building code, it is anticipated that they will provide some measure of assurance to home and building owners that their buildings will perform as designed, not just as hoped. For new residential projects, problems with energy performance will be revealed during the construction phase, when they can be more easily addressed.

Even though the Stretch Code is new, many architects and builders have been designing and building energy efficient homes for years. Wayland’s new high school is already designed to energy standards equal to or better than those the Stretch Code would have required. In addition, 34% of all new homes built in 2009 were built to the Energy Star for Homes standards, on which much of the Stretch Code is based. Forty-six municipalities have already adopted the Stretch Code. Adopting the Stretch Code would allow Wayland to be recognized along with them as a leader in energy efficient and sustainable building practices.

Many of the code changes included in the Stretch Code have been endorsed by the federal Department of Energy, and will likely be included in the next code upgrade in 2012. If adopted, the Stretch Code would not go fully into effect until July of 2011, only one year prior to the coming code changes. Adopting this code just one year earlier than the anticipated changes will allow Wayland to benefit from potential grants to implement energy savings projects.

**ARGUMENTS OPPOSED:** The Stretch Code will require additional up front costs to building projects (residential and commercial) and will require providing evidence of compliance to the building inspector. This may add some additional burden upon the Town’s personnel, who will be required to assure compliance with the Stretch Code. Residents may object to being required to pay for energy improvements rather than choosing whether or not to include them in their building projects. Finally, the receipt of grant money by the Town of Wayland from the Commonwealth is not guaranteed.



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

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

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

*See related information at Appendix F. For more information about this article, contact Anne Harris, Chair, Energy Initiatives Advisory Committee, at arharris29@yahoo.com or (508) 358-5506.*

---

**ARTICLE 14: ACCEPTANCE AND ACQUISITION OF ALICE DRIVE AND HIDDEN SPRINGS LANE AS TOWN WAYS**

*Proposed by: Planning Board, Board of Public Works*

*Estimated Cost: \$10.00*

To determine whether the Town will vote to:

- a.) accept as a Town ways Alice Drive and Hidden Springs Lane as laid out by the Board of Public Works;
- b.) 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 land in Wayland, Massachusetts, comprising the ways known as (i) Alice Drive as shown on the plan entitled “Definitive Plan Alice Drive Subdivision, Wayland, MA 01778,” dated April, 2003, prepared by H<sub>2</sub>O Engineering Consulting Associates, Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 203 (3 of 6) of 2004; and (ii.) Hidden Springs Lane as shown on the plan entitled “Plan of Land of Hidden Springs Farm in Wayland, Massachusetts,” dated July 16, 2004, revised through December 15, 2004, prepared by Sullivan, Connors and Associates and recorded with said Registry of Deeds as Plan No. 1038 (Sheet 2 of 6) of 2006, for roadway purposes;
- c.) appropriate \$10.00 to be expended by the Board of Selectmen for the acquisition of said land; and
- d.) 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.

**PLANNING BOARD REPORT:** The Planning Board recommends that the Town accept Alice Drive and Hidden Springs Lane as Town ways. This article was on the 2010 Annual Town Meeting Warrant and was deferred due to Board of Public Works notice requirements. The roads were built to the proper specifications required by the Town to be Town ways and were accepted by the Planning Board last year by identical votes of 5-0.

**FINANCE COMMITTEE COMMENTS:** The Planning Board recommends that the Town accept Alice Drive and Hidden Springs Lane as Town ways. The roads were built to the proper specifications required by the Town to be Town ways and were accepted by the Planning Board by votes of (5-0 and 5-0). The Board of Public Works voted unanimously to recommend that the Town accept Alice Drive and Hidden Springs Lane as Town ways. This Article was passed over at the 2010 Annual Town Meeting because not all the appropriate Boards had reviewed the article by the date of the Meeting.

**ARGUMENTS IN FAVOR:** These roads were planned to be accepted as Town ways and built to the specifications required to be accepted as Town ways. They have followed the appropriate process for acceptance. Acceptance of these roads as Town ways supports the growth of the tax base and associated revenues.

**ARGUMENTS OPPOSED:** Some may say the Town cannot afford to maintain these roads.

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

**QUANTUM OF VOTE:** a.) Majority – see Massachusetts General Laws Chapter 82, Section 23. b.), c.) and d.) Two-thirds – see Massachusetts General Laws Chapter 40, Section 14 and Chapter 44, Section 7.

*See map at Appendix G. For more information about this article, contact Sarkis Sarkisian, Town Planner, at ssarkisian@wayland.ma.us, telephone (508) 358-3778.*

---

**ARTICLE 15: ACQUIRE EASEMENTS FOR PELHAM ISLAND ROAD BRIDGE REPLACEMENT**

*Proposed by: Town Clerk, Board of Selectmen,  
Board of Public Works*

*Estimated Cost: \$10.00*

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, permanent and temporary easements as shown on the plan entitled “Plan and Profile of Bridge Replacement Pelham Island Road Over Sudbury River Bridge No. W-11-002 (8XF) in the Town of Wayland County of Middlesex Preliminary Right of Way”, dated July 27, 2010, prepared by Maguire Group Inc., a copy of which plan is on file with the Office of the Town Clerk, for bridge construction and roadway purposes;
- b.) appropriate \$10.00 to be expended by the Board of Selectmen for the acquisition of said easements; 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:** The Pelham Island Bridge is a single span concrete arch structure that carries Pelham Island Road over the Sudbury River. The Pelham Island Bridge was constructed in 1930 and is owned by the Town of Wayland.

In 2000, the Pelham Island Bridge was deemed unsafe by Mass Highway Engineers. Mass Highway then constructed a temporary one lane “Bailey Bridge” over the existing concrete arch structure. A Bailey Bridge is a portable pre-fabricated truss bridge designed for military use.

Mass Highway plans to replace both bridges in the existing alignment so that there is minimal impact to existing wetlands. The new bridge will have two 10’ travel lanes and a 5’ sidewalk. Mass Highway expects to send out bid requests to construct a new bridge by February 2011 with the project

award scheduled for May 2011. Construction is estimated to take one year. It is the understanding of the Finance Committee that an Army Corp of Engineers permit is not required for this project.

The total estimated cost to replace the Pelham Island Bridge is \$3,132,060 with 80% of the project paid for by the Federal government and 20% paid for by the State of Massachusetts. There are no identified cost(s) to the Town of Wayland to replace the Pelham Island Bridge.

Through this article, the Town is seeking authorization to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary easements for bridge construction and roadway purposes. The easements are at each of the four corners of the proposed bridge (=/- 923Sq. Ft.) on land currently owned by the Federal government and a Wayland property owner. A complete map, including all parcels, land owners, addresses and square footage, is included at Appendix H.

**ARGUMENTS IN FAVOR:** Because the current bridge over the Sudbury River on Pelham Island Road is not a permanent structure, there is some urgency to replace the existing bridge abutments given the flooding events of last spring. Approval of this article will allow Mass Highway to begin construction of a new Pelham Island Bridge at no cost to the Town.

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

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

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

*See map at Appendix H. For more information about this article, contact Sarkis Sarkisian, Town Planner, at ssarkisian@wayland.ma.us, telephone (508) 358-3778.*

---

## **ARTICLE 16: AMEND ZONING BYLAW – AQUIFER PROTECTION DISTRICT**

*Proposed by: Planning Board and Conservation Commission*

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions to Article 16 thereof relative to the Aquifer Protection District as set forth below:

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

1604.2 Any use that will render impervious more than ~~20%~~15 % of the lot or 2,500 square feet, whichever is greater shall require site plan approval under this section. A system for ground water recharge for runoff from the impervious surface that does not degrade groundwater quality shall be provided. Under no circumstances shall the impervious surface of a residential lot exceed 30% of the upland area of the lot.

**PLANNING BOARD REPORT:** The purpose of this article is to amend the Aquifer Protection Bylaw. The Wellhead Protection Committee (WPC) was again advised by the DEP Division of Water Supply that Wayland's Aquifer Protection District bylaw (Chapter 198, Article 16) does not comply with MA DEP Wellhead Protection Regulations 310 CMR 22.21(2). The proposed amendments would allow the Town of Wayland to be added to the State's list of towns that comply with the Department of Environmental Protection regulations. This article is recommended by the Wellhead Protection

Committee, an advisory panel to the Board of Public Works.

The only change being considered is to change more than 20% to 15% of a lot.

The Planning Board voted in favor, 3-0.

**FINANCE COMMITTEE COMMENTS:** This article proposes to amend the Bylaw to bring the above-referenced section into compliance with MA Department of Environmental Protection (DEP) Wellhead Protection Regulations 310 CMR 22.21(2). Recently, the Wellhead Protection Committee was advised by the DEP Division of Water Supply that our Aquifer Protection District Bylaw does not comply with the State regulations.

A related amendment was voted at the 2010 Annual Town Meeting under Article 28. The motion passed on the floor of Town Meeting.

The Planning Board supported this article with a vote of 3-0 on October 12, 2010. On September 29, 2010, the Wellhead Protection Committee voted 4-0 to support this article. Additionally, the Surface Water Quality Committee voted 3-0 on September 22, 2010 to support this article.

**ARGUMENTS IN FAVOR:** The proposed revisions bring the above-referenced section of the Town's Bylaw into compliance with DEP's regulations. This can be a factor in eligibility for state grants. Also, if the Town's Bylaw is not in compliance, DEP may not renew water withdrawal permits.

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

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

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

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

*See map at Appendix I. For more information about this article, contact Sherre Greenbaum, Chair, Wellhead Protection Committee, at GardenImps@aol.com or telephone (508) 358-3409, or Sarkis Sarkisian, Town Planner, at ssarkisian@wayland.ma.us, telephone (508) 358-3778.*

---

## APPENDIX A

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

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

#### I. The Warrant

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting on the Town's signboards, at the Town Building, the Library at Wayland Center, the Cochituate Fire Station or the Cochituate Post Office and the Happy Hollow School. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed, if this is an annual meeting, the report and recommendations of the Finance Committee upon each article and additional information concerning the finances and administration of the Town to help us formulate our votes.

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

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

#### II. The Voters

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

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

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

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

#### III. The Moderator

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

#### IV. The Meeting

##### A. The Call to Order

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

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

B. To Address the Town Meeting

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

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

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

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

3. The Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

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

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: “Mr. Moderator, I am (Name) of (Street Address).” Then proceed as follows:

- a. “I move that . . .”;
- b. “May I ask you . . .”; or  
“May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
- c. “I rise to a point of order”; or

2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but

- a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator and complete the same within ten minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the following minute.
- b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator and complete the same within the time used by the proponent, or within three minutes, whichever is longer, and yield the floor. The same one minute warning light will warn you to conclude your remarks.
- c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three minutes, or less, and yield the floor. The same one minute warning light will be turned on when you have used up the first two minutes.
- d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
- e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.

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

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

- a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.
- b. If you plan to offer a main motion that contains more than twenty-five words and differs significantly from the article printed in the Warrant, you must first print

and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.

- c. No motion or amendment of a motion that exceeds ten words in length will be accepted, unless it shall have been offered to the Moderator in writing.
  - d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
  - e. The Moderator will accept no motion proposing a layout, taking, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
  - f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
  - g. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.
5. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

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

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



debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

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

7. Upon the expiration of sixty minutes after the main motion under any article shall have been seconded, the Moderator will terminate debate thereon, unless the Town Meeting shall have voted to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the sixty minutes. The aforesaid sixty minute limit does not apply to debate under the omnibus budget article.

8. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, “move the previous question”. If your motion receives a second, the Moderator will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

9. If an article of the Warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time if the person offering the motion discloses significant new information to the Meeting concerning said article, which had not been disclosed or made available to the Meeting when the motion under that article was debated; provided, however, that debate and action on said motion shall be deferred until all other articles shall have been disposed of and shall occur in the numerical order of each such article. In any event, a motion to reconsider is debatable, may not be amended and requires a TWO-THIRDS vote, unless it shall have been made before the article has been disposed of; in which event it requires a vote equal to the quantum of the vote that was required to pass the motion under the article to be reconsidered. If such motion carries, the Moderator will ask whether there is a new motion under the article to be reconsidered.

#### D. The Vote

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

1. The Moderator will 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 asking 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 shall immediately question a voice or an uncounted standing vote, the Moderator 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 respective section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have

reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

3. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion, the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote.

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

5. In the event that there is a large number of voters in the hall *and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion*, the Moderator may designate one or more such machines to receive "yes" votes and a number of machines to receive "no" votes and arrange to have them placed near the "pro" and "con" microphones respectively. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of the voters to the location of the pro and con machines. The voters will then rise and proceed row-by-row to the machine of their choice. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then deposit in the ballot machine. In order to assure the security of all ballots:

- a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final."

6. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator will ask the Tellers to come forward and take their places at the ballot boxes that will be placed at the front of the Hall by the Town Clerk. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot box. The voters will then rise and proceed row-by-row to their box, tear their ballots into two parts, deposit one half in the box, the other half in the discard box and return to their seat. In order to assure the security of all secret ballots:

- a. No one will be allowed to vote without a ballot which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot until he or she shall have discarded the other half of the ballot into the discard box in the custody of the Teller.
- c. No one will be permitted to leave the hall until after the meeting has adjourned, unless he or she shall have turned all of the ballots that have not actually been used during a vote to the Checkers at the door.

When all of the ballots shall have been cast, the Tellers will open the ballot boxes and count the ballots at the tables situated at the front of the Hall in front of the podium.

The Moderator will then ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When the Tellers have completed their count, they shall report their count to the Moderator, the Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.

The Moderator will then ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the secret ballot has been taken.

7. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion, the Moderator may, in the alternative, ask the Tellers to come forward and take their places at the ballot counting machines (ballot machines), which shall have been placed in voting booths by the Town Clerk at the front of the hall behind the Moderator. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot machine. The voters will then rise and proceed row-by-row to their respective machine. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then mark in the privacy of the voting booth and deposit in the ballot machine. In order to assure the security of all secret ballots:

- a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.
- b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final."

8. In the event that electronic keypad voting equipment shall have been made available for use by voters at the 2011 Annual Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for a vote, the Moderator shall ask for the ayes and nos at the same time.

E. Adjournment

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

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

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

V. Questions

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

VI. MISCELLANEOUS RULES

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

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

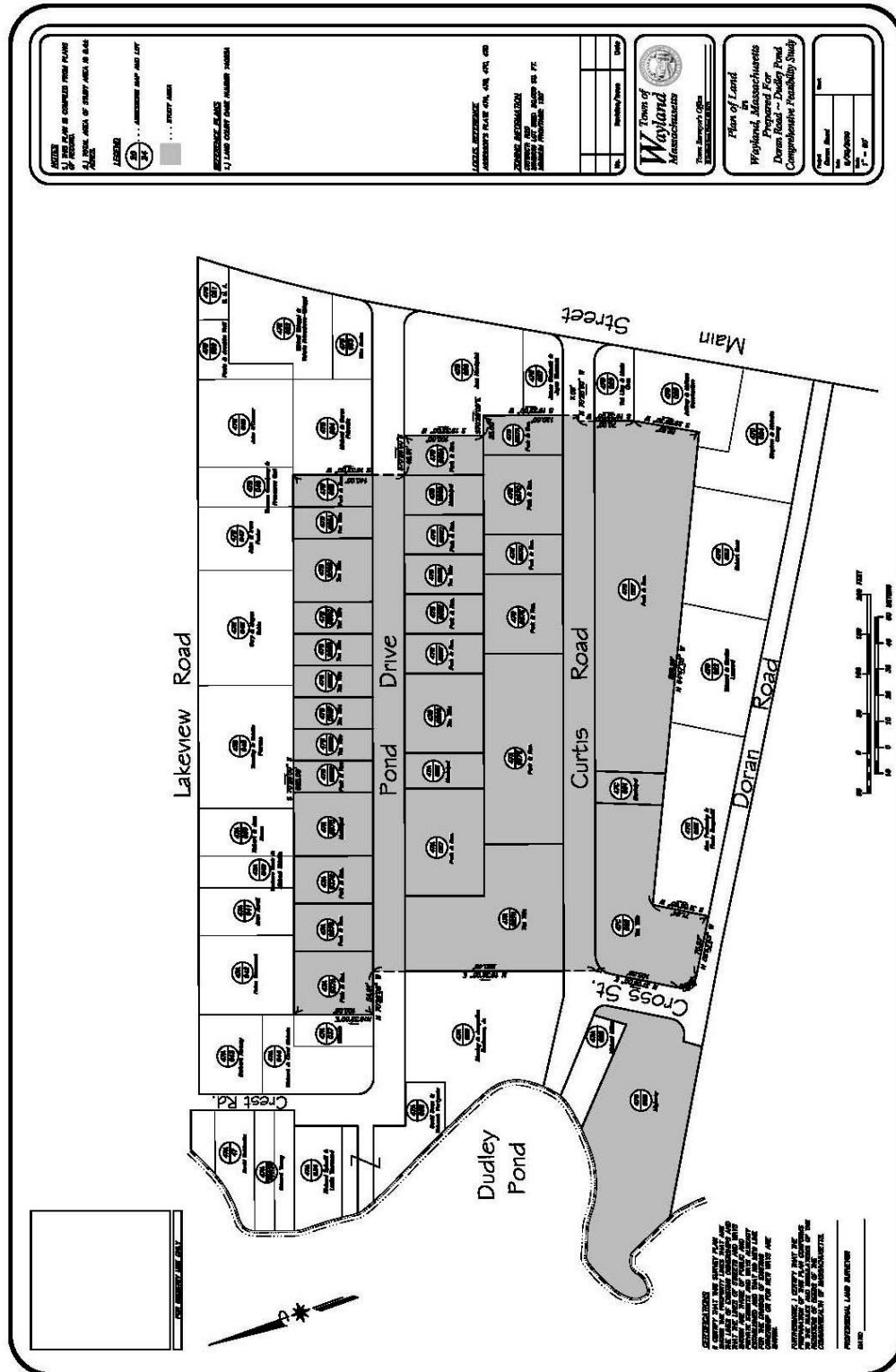
Residents of the Town of Wayland may, nevertheless, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the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

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

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

C. Peter R. Gossels, Moderator  
September 15, 2010

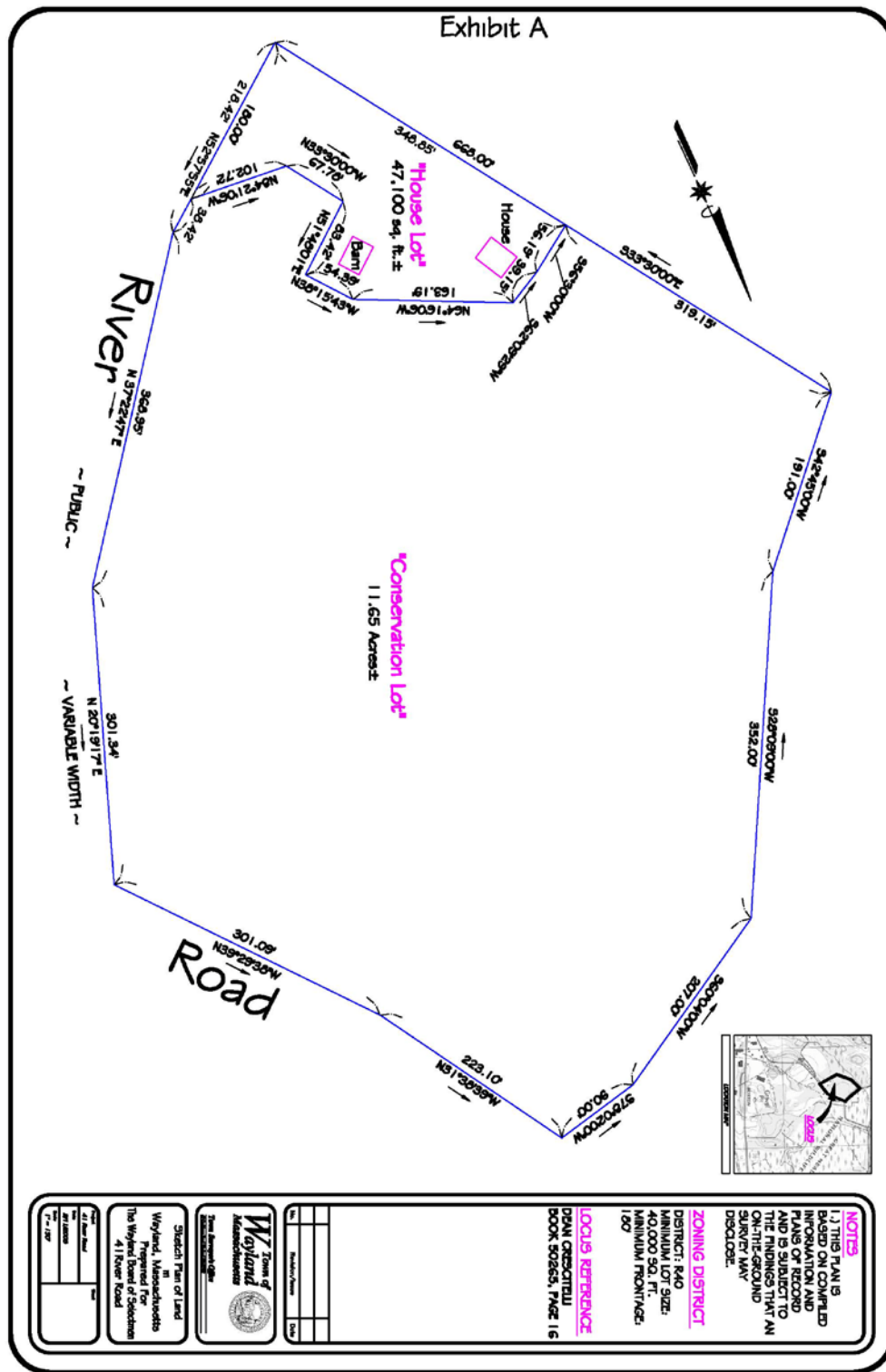
**APPENDIX B**  
**Dudley Area Map**



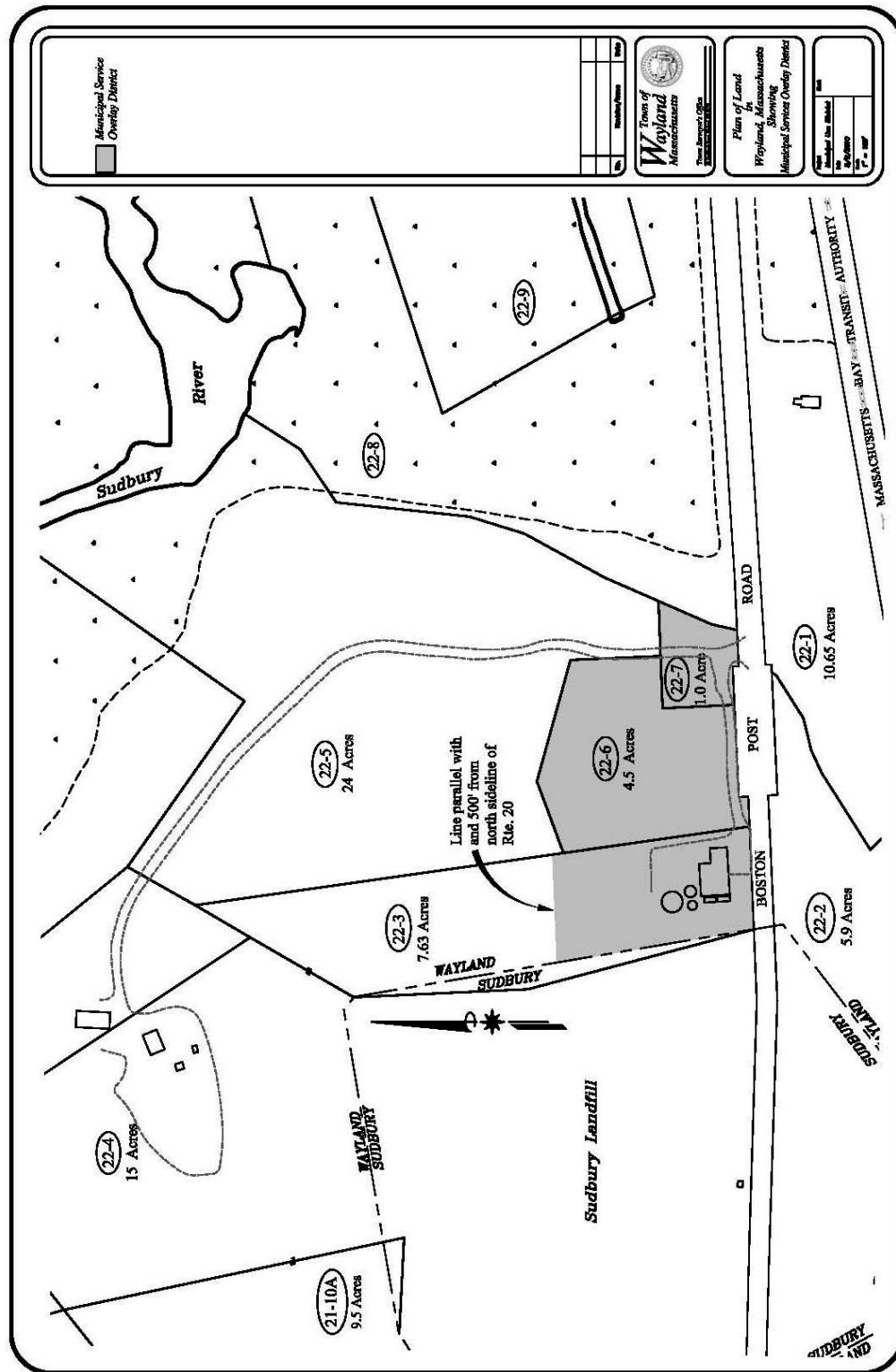
<p align="center"><b>APPENDIX C: TOWN MEETING APPROVED APPROPRIATIONS FROM THE COMMUNITY PRESERVATION FUND</b></p>
--

<b>Project</b>	<b>Amount</b>	<b>Year Approved</b>
Repair of Town's historic gravestones	\$65,000	2003
Study to create railroad interpretive site	\$15,000	2003
Environmental testing at former Nike site	\$35,000	2003
Repair/Restore historic markers	\$5,000	2004
Acquire 2.75 acres at Nike site for affordable housing and to provide funds for demolition and site preparation	\$500,000	2004
Site preparation and demolition on remaining 11 acres of open space at Nike site	\$100,000	2004
Administrative costs of CPC – expended \$3800 for appraisal of Moon property on Reservoir Road	\$10,000	2004
Set aside funds for acquiring open space in the future	\$600,000	2004
Acquire Gilbert land on Brackett Rd for conservation purposes	\$100,000	2005
Architectural, engineering and site planning at Nike site	\$40,000	2006
Community gardens at landfill and the intersection of Rte 30 and Plain Road	\$8,750	2006
Artificial turf at the high school athletic field	\$300,000	2006
Weed management techniques, aerial scanning and nutrient analysis at great ponds	\$75,000	2006
Acquisition of seven acres of land on Reservoir Road subject to a perpetual conservation restriction to be held by Sudbury Valley Trustees, Inc.	\$211,000	2007
Set aside funds for acquiring open space in the future	\$900,000	2008
Fund an additional portion of costs related to construction of community housing units on the Nike site	\$560,000	2008
Provide funds for the remaining work necessary to make the passive and active recreation land at former Nike site available for public use	\$250,000	2008
The rehabilitation and preservation of the Town-owned former railroad freight house located at 1 Concord Road next to the Town Library	\$50,000	2008
Administrative costs of the CPC to be expended for appraisals, association dues, and similar expenditures	\$25,000	2009
Provide funds for an assessment of the preservation and conservation needs of the Town's historical collections	\$10,000	2009
Design services for Rail-to-Trail	\$25,000	2010
<b>TOTAL</b>	<b>\$3,859,750</b>	

APPENDIX D: MAP OF 41 RIVER ROAD



APPENDIX E: MUNICIPAL SERVICES OVERLAY DISTRICT





**APPENDIX F: SUMMARY OF STRETCH CODE****Green Communities Act Requirements  
(Wayland's status as of October 15, 2010)**

1. Provide as-of-right siting for renewable or alternative energy generation, research and development, or manufacturing facilities.

Status: Town Counsel and Zoning Enforcement Officer have written required letters of explanation; Department of Energy Resources (DOER) staff has preliminarily approved the letters. No change in our current zoning regulations is necessary to meet this requirement.

2. Adopt an expedited application and permitting process for renewable or alternative energy generation, R & D, or manufacturing facilities (defined as not more than one year from the date of application to final approval).

Status: Above referenced letters demonstrate current zoning regulations meet the DOER standard.

3. Establish an energy use baseline for town buildings, vehicles and streetlights and a plan to reduce energy use by 20% over 5 years.

Status: Baseline data is 90% complete. Energy Initiatives Advisory Committee and Public Facilities Director working on 20% reduction plan and coordinating with utilities to see if any additional free audits can be completed before November 18, 2010. Reduction plan must be approved by Selectmen and School Committee; action anticipated before Special Town Meeting.

4. Purchase only fuel-efficient vehicles for municipal use (heavy-duty equipment excluded).

Status: Energy Initiatives Advisory Committee is itemizing a vehicle inventory for non-exempt vehicles. Selectmen and School Committee must approve a policy to purchase only fuel-efficient vehicles that meet DOER fuel-efficiency standards as vehicles are replaced; action anticipated before Special Town Meeting.

5. Adopt Stretch Building Code (a new appendix to Massachusetts State Building Code).

Status: If the warrant article is approved at Special Town Meeting on November 16 or 18, the Energy Initiatives Advisory Committee will submit the Green Communities Designation Form to DOER; deadline is **November 19, 2010**.

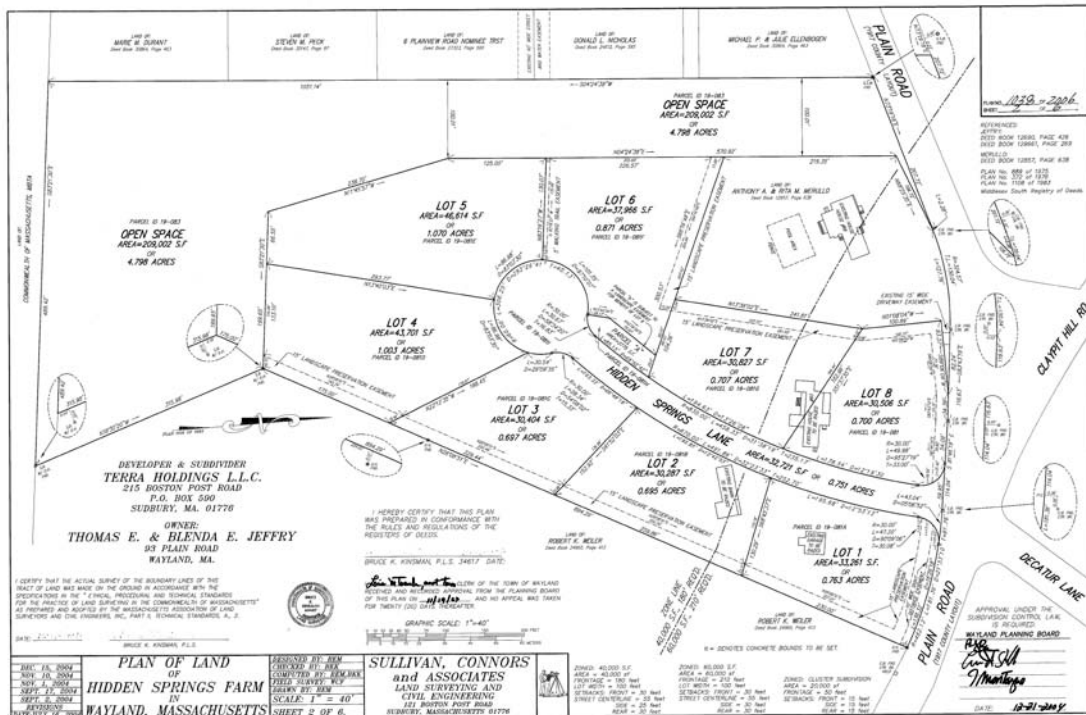
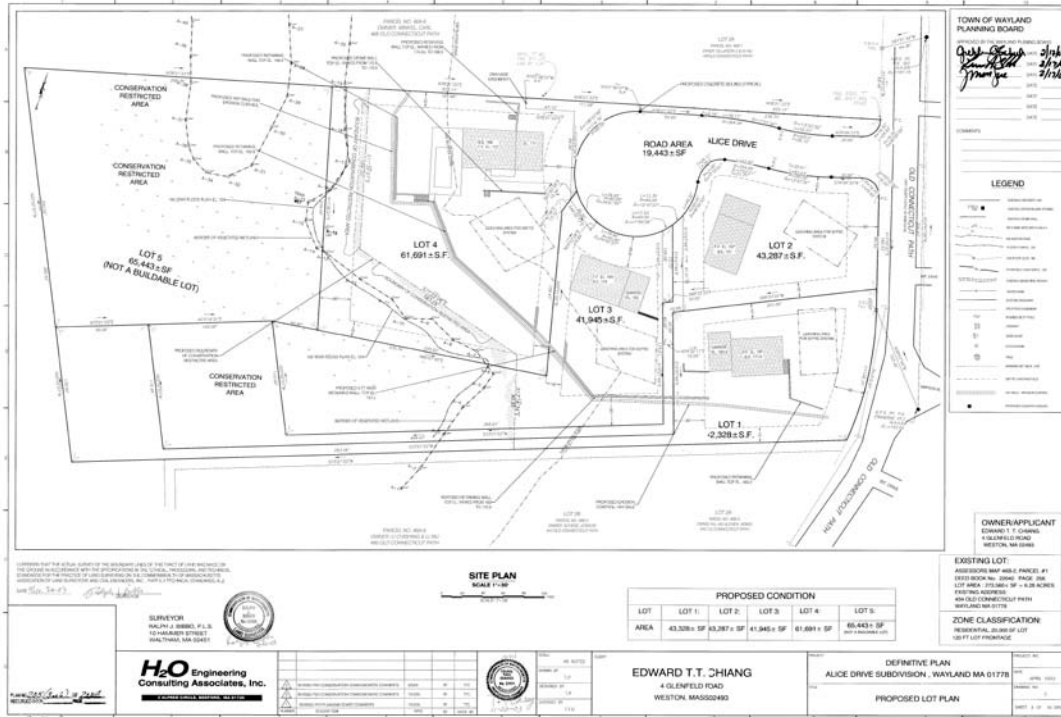
If DOER approves Wayland's application to be a Green Community, then we intend to submit an application to apply for grant funds. Likely projects include efficiency upgrades listed on baseline energy reduction plan. The deadline for Green Communities grant application is **January 21, 2011**.

Summary of "Stretch" Appendix to Mass. Energy Code, Adopted by BBRS May 2009

Building category	Definition	Requirements based on energy performance (can do prescriptive instead where shown)	Alternative "prescriptive" requirement – specific efficiency measures	Source, comments	Benefit-cost modeling results
New residential	Single-family, multi-family of 3 stories or less	HERS index 65 above 3,000 ft <sup>2</sup> , 70 below 3,000 ft <sup>2</sup> , certified by HERS rater; follow Energy Star thermal bypass checklist	None	HERS rating = energy use as % of use under IECC code. Current Mass. code ~ HERS 99; soon-to-be-adopted IECC 2009 ~ HERS 92	Sample 3 bedroom home, estimate \$837/year savings (\$8,103 extra construction cost = \$527/year higher mortgage, but save \$1,364/year energy costs)
Residential additions	Expansions of existing living space	HERS 65 over 3,000 ft <sup>2</sup> , HERS 70 below 3,000 ft <sup>2</sup> , certified by HERS rater (or can choose prescriptive option at right)	Prescriptive option of Energy Star Homes program - same as residential rehab below		3-bed home, estimate \$40/year savings (\$10,168 extra construction cost = \$661/year, but energy costs \$701/year lower)
Major residential rehab/alterations	Major alterations as in existing code – excludes storm windows, reroofing, doors, etc.	HERS 80 over 2,000 ft <sup>2</sup> , HERS 85 under 2,000 ft <sup>2</sup> , certified by HERS rater (or prescriptive option)	Prescriptive option of Energy Star Homes program; insulation equal to IECC 2009	Quality air-sealing and insulation, EnergyStar windows	
Large commercial and large residential multi-family	Commercial above 100,000 ft <sup>2</sup> ; residential 4 stories or more and 100,000 ft <sup>2</sup>	Energy use 20% below ASHRAE 90.1 2007, determined by modeling	None	DOE, NGRID modeling show energy savings greater than 20%	
Medium commercial and residential multi-family	Commercial 5,000 to 100,000 ft <sup>2</sup> ; residential 4 stories or more and below 100,000 ft <sup>2</sup>	Energy use 20% below ASHRAE 90.1 2007, determined by modeling	IECC 2009 with NBI Core performance: improved air sealing, insulation, lighting, etc.	Prescriptive based on New Buildings Institute program; used by utilities now for incentive programs	NGRID, NSTAR case studies. Example – 60,000 ft <sup>2</sup> office bldg., \$91,000 extra cost, \$29,500 annual energy savings; and \$63,100 NGRID rebate
Medium & large specialty commercial	Supermarkets, labs, warehouses above 40,000 ft <sup>2</sup>	Energy use 20% below ASHRAE 90.1 2007, determined by modeling	None		
Small commercial & small specialty	Below 5,000 ft <sup>2</sup> or specialty commercial below 40,000 ft <sup>2</sup>	Exempt	Exempt	Other specialty buildings can apply for waiver	
Commercial alterations		Exempt	Exempt		

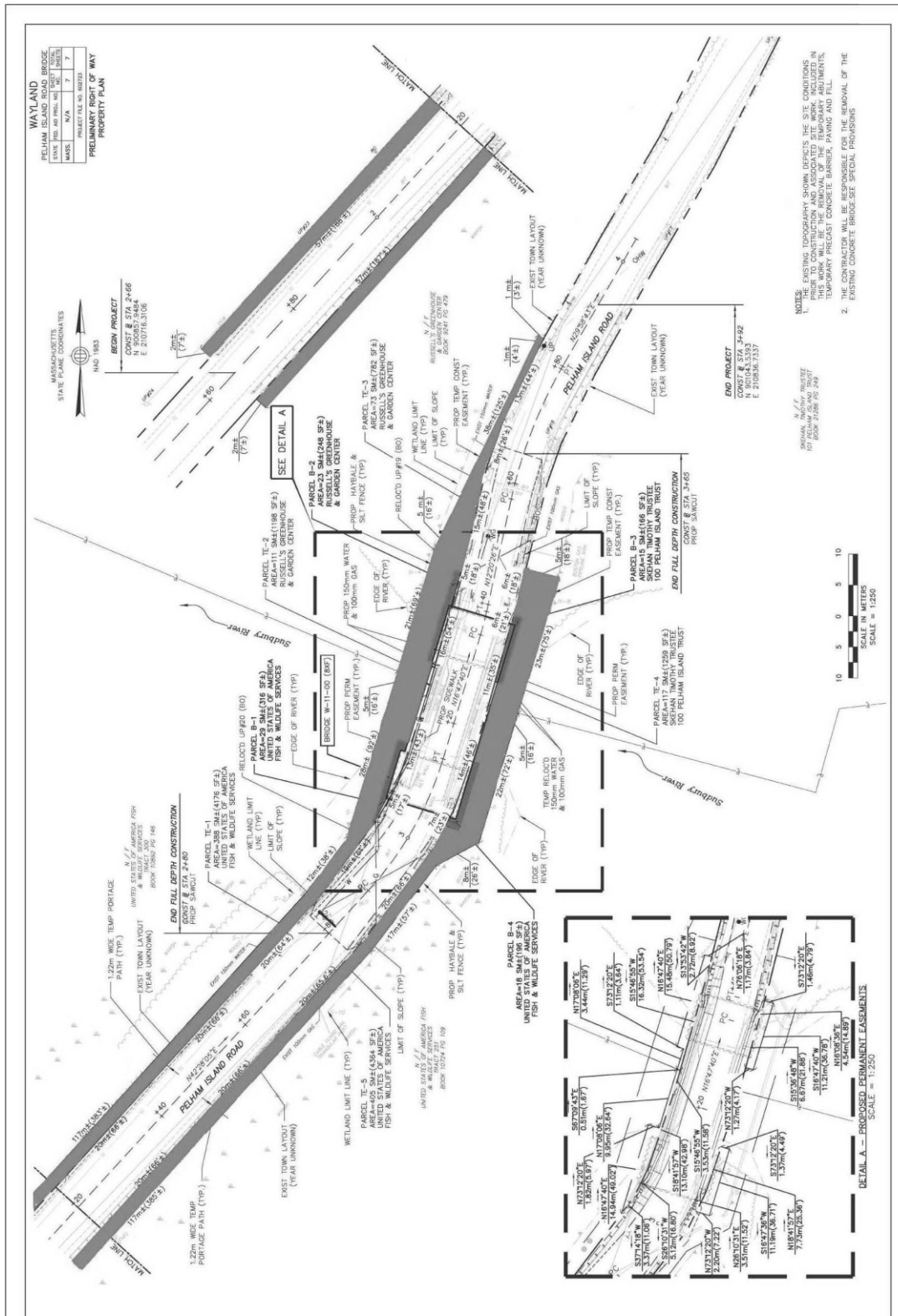
\* IECC is the International Energy Conservation Code. The Green Communities Act passed in June, 2008 requires that Massachusetts adopt the latest version of this Code within one year of its publication. IECC 2009 was published in January, 2009.

**APPENDIX G: LOCATION AND SITE MAP ALICE DRIVE  
AND HIDDEN SPRINGS LANE**

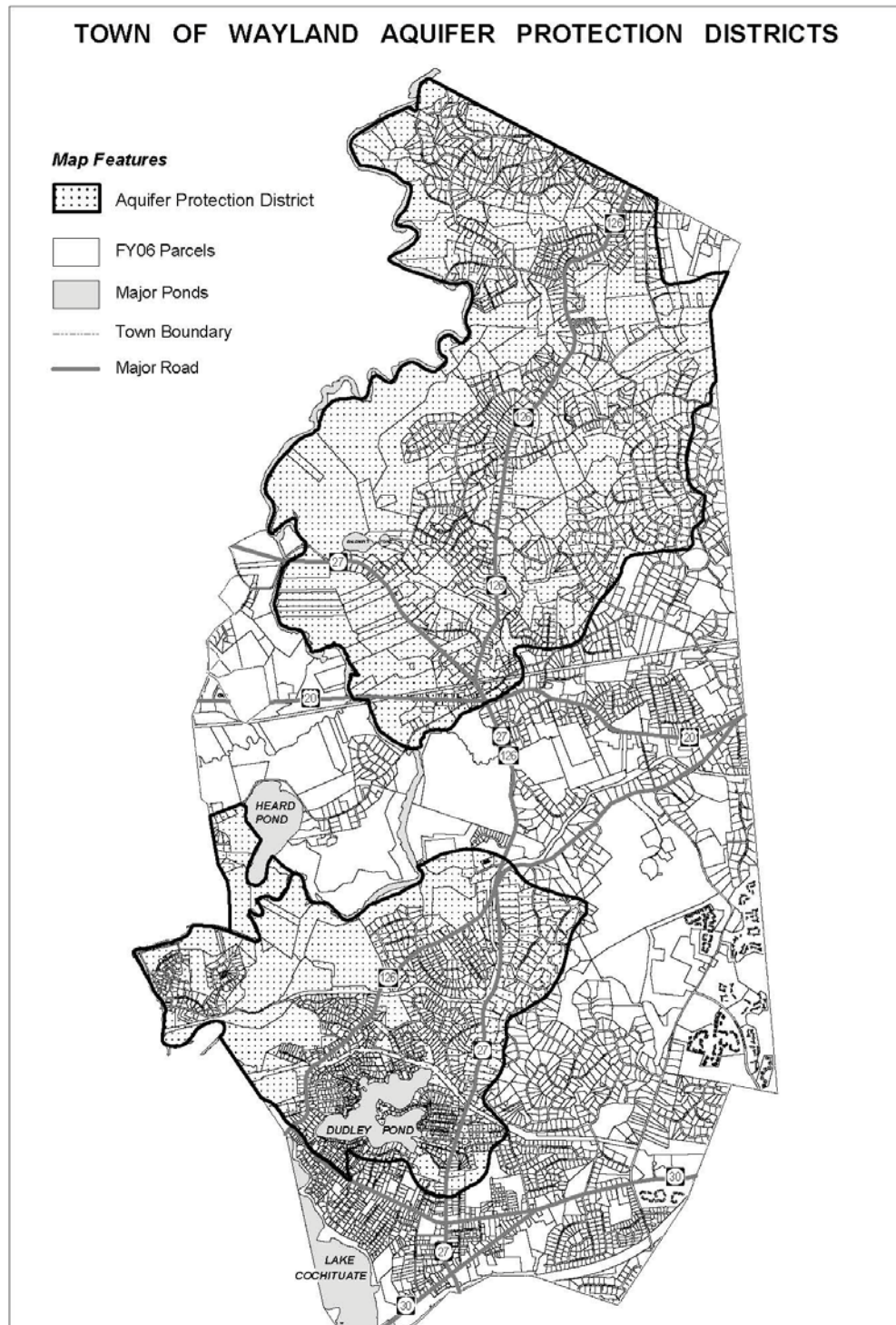


### APPENDIX H: MAP OF PELHAM ISLAND EASEMENTS AND PARCEL LIST

PARCEL NO.	PLAN SHEET NO.	TITLE HOLDER	RECORDED		AREA SM SM± ( SF±)		PARCEL TOTAL	REMARKS
					EASEMENT			
			BOOK	PAGE	TYPE	AREA		
TE-1	7	UNITED STATES OF AMERICA FISH & WILDLIFE SERVICES	10892	146	TEMP.	388 SM± (4176 SF±)	98 ACRES	TEMP CONST & PORTAGE PATH
TE-2	7	RUSSELL'S GREENHOUSE & GARDEN CENTER	9241	479	TEMP.	111 SM± (1198 SF±)	23 ACRES	TEMP CONST
TE-3	7	RUSSELL'S GREENHOUSE & GARDEN CENTER	9241	479	TEMP.	73 SM± (782 SF±)	23 ACRES	TREE TRIMMING
TE-4	7	SKEHAN TIMOTHY TRUSTEE 101 PELHAM ISLAND TRUST	21286	249	TEMP.	117SM± (1259 SF±)	5.25 ACRES	TEMP CONST
TE-5	7	UNITED STATES OF AMERICA FISH & WILDLIFE SERVICES	10724	109	TEMP.	405 SM± (4364 SF±)	15.8 ACRES	TEMP CONST & PORTAGE PATH
B-1	7	UNITED STATES OF AMERICA FISH & WILDLIFE SERVICES	10892	146	PERM.	29 SM± (316 SF±)	98 ACRES	BRIDGE ABUTMENT & UTILITIES
B-2	7	RUSSELL'S GREENHOUSE & GARDEN CENTER	9241	479	PERM.	23 SM± (248 SF±)	23 ACRES	BRIDGE ABUTMENT & UTILITIES
B-3	7	SKEHAN TIMOTHY TRUSTEE 101 PELHAM ISLAND TRUST	21286	249	PERM.	18 SM± (166 SF±)	5.25 ACRES	BRIDGE ABUTMENT
B-4	7	UNITED STATES OF AMERICA FISH & WILDLIFE SERVICES	10724	109	PERM.	15 SM± (196SF±)	15.8 ACRES	BRIDGE ABUTMENT



**APPENDIX I: LOCATION MAP  
AQUIFER PROTECTION DISTRICT**



★★★★★★★

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

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before November 2, 2010.

Given under our hands and seals this 28<sup>th</sup> day of October, 2010.

Steven J. Correia, Chair  
Thomas J. Fay, Vice Chair  
John Bladon  
Joseph F. Nolan  
Susan W. Pope

**Selectmen of the Town of Wayland**

Paul Grasso  
Thomas Greenaway  
David J. Gutschenritter  
Cherry C. Karlson, Chair  
Sam H. Peper  
Richard M. Stack, Vice Chair  
Bill Steinberg

**Finance Committee**