

**TOWN OF WAYLAND - TOWN CLERK'S OFFICE
MEETING MINUTES OF TOWN BOARDS/COMMITTEES/COMMISSIONS**

Posted in accordance with the provisions of the Open Meeting Law

Economic Development Committee

Meeting Minutes of Friday January 12, 2024

Meeting was called to order at 8:38 am at Wayland Town Building.

Members in attendance:

In person: Rebecca Stanizzi (Chair), Jesse Lopez, Nick Zafiropoulos, Dan Crossman

Virtual: Brad Young

Absent: Emily Kaplan

Also in attendance: See public comment for list.

(1) Public Comment (in person except as noted)	Action Items
<p><i>Note public comments are viewpoints of the commenters, not of EDC. Any statements of fact are from commenters (except as noted); as such, readers should independently verify to ensure accuracy and reliability.</i></p> <p><u>Sheila Carel, 18 Joyce Road</u> Vision for Cochituate village Beauty of Wayland (Cochituate) – nearby history and schools Traces of history throughout Cochituate (Bent Shoe factory, trolley, native American etc). So much to work with; this is marketable.</p> <p><u>Gretchen Dresens, (_ Main St)</u> EDC should show commitment to existing businesses as well as new What else could go in there? Referenced Joe Strazzulla handout at Select Board (SB) forum, existing zoning uses could be tied into his property. Small retail not declining, other towns are successful. What is Wayland doing (or could be doing) that other towns are successful at getting their storefronts full? Concern if Arts Wayland fails, Town assumes the costs for any unpaid bills? If zoning passes, no guarantee property owner will perform.</p> <p><u>Sandra Dassoni, 23 French Ave</u> Concerned self-storage unit business is cyclical Concern re: wetlands, flooding and impacts to drainage, vegetation, conservation land</p>	

Joe Strazzulla, Owner Donelan's Plaza (Hopkinton resident) – remotely, by zoom

Not in favor of proposal

If EDC wants to advance Cochituate, lack of sewage defines lack of income/growth. Town has never committed to connecting to MWRA. Backwards way of going about development process, finding a low sewer need to meet low sewer capacity.

Also suggests current zoning criteria like setbacks too onerous to growth

Proposes self-storage move to light industrial area

Quentin Nowland, 4 Windy Hill Lane and owner of Sudbury Self-Storage

Concerns (with handouts provided, attached)

- 1) Zoning and potential litigation are primary concerns
- 2) Concern with future use of building when no longer self-storage – does it turn into Amazon warehouse with semi trucks
- 3) Public safety – if parking across the street, people will get hit by cars (article re: pedestrian death provided)
- 4) Town concerns: Arts Wayland is not affiliated with the Town. And will Town lose space if building sells.

Donny Guerinoni, 13 Adelaide Ave

Opposed to proposed use

Wants something can walk to with family, use daily – does not see using Arts Wayland daily

Ms Stanizzi noted some clarifications to some above questions/comments

- *In prior meeting update, parking has now been reviewed with Fire Dept about sharing fire lane, so event parking likely can be accommodated on site*
- *Re: Spot zoning, reviewing legal precedents is part of the process and will researched with Town Counsel*
- *All issues get vetted via zoning/Town Meeting now and then ZBA/Con Comm/Bldg Dept/etc review later – many points of review, it's not solely this article.*

Sheila Carel, second comment:

Concern of changing zoning and setting precedent

Quentin Nowland:

Parking: concern with parking on the fire lane and adjacency to Snake Brook

Sandra Dassoni: Concern of parking on access road

Process seems backward of article then planning.

End public comment.

[Note many support letters were provided at Select Board Public Forum – not requested/attached here.]

(2) Approve Meeting Minutes from November 17, 2023 and December 8, 2023

Nov 17 meeting minutes. Jesse motion to approve. Dan second. Approved 5-0

Dec 8 meeting minutes. Nick motion to approve. Jesse second. Approved 5-0

Topic	Update	Actions
(3) Review/recommendation/approval of potential Town Meeting articles		
a) Self-storage/Arts Wayland proposed @ 193 Commonwealth (Citizen petition article) i) Recap of public forum ii) EDC approval of zoning and article, if/as useful for petition	<p><u>Request for Select Board (SB) determination of protocol:</u></p> <p>At SB public forum, it was unclear as to whether SB vote to submit/sponsor an article equated to a <i>neutral</i> insertion to bring issue to Town Meeting floor (where SB actual vote of support would occur later after all information heard) OR was <i>support</i> of the article itself.</p> <p>If pure insertion, then info & debate would occur after, as part of Town Meeting process. Opponents would not be upset that SB insertion gives the optics of support. Proponents would not be frustrated by lack of full info (including support emails not recognized or read into record; informal support of concept by Planning Board members not reported to the SB; full project info pending) and ad hoc review.</p> <p>Alternatively, if insertion was known to be a referendum on the project itself (which some SB members noted to be redundant to Town Meeting process itself) then the procedure at least would be known, and handled as a fully vetted process.</p> <p>Motion to specifically request the SB to determine a set policy going forward for SB advisory committees (EDC, Energy Committee, etc):</p> <p>If a SB advisory committee, acting within their mandate given to them by the SB, presents an article to the SB for submittal to Town Meeting, then does SB sponsoring mean</p> <ul style="list-style-type: none">a) Neutral insertion for Town Meeting consideration (with Select Board approval vote later), orb) Approval or support of the content of article itself <p>Brad motioned to approve. Jesse seconded. Vote: 5-0.</p>	<p>Request will be submitted to Select Board.</p>

	<p><u>Select Board article submittal formality:</u> At SB Public Forum, a SB member stated EDC had not submitted zoning on proper article form (EDC had been waiting to know if SB was sponsoring; chicken and egg). To check this box, a full article was prepared.</p> <p>Discussion included whether a vote by EDC connotes support, or just putting forth an article for Town Meeting (TM) consideration. Ultimately EDC is not a deciding vote nor body, and the article is put forth to an elected body (either PB or SB) which answered a concern that EDC is not elected. EDC's vote is a recommendation, from our SB mandate to support commercial projects, for the topic to go to TM for the <i>voters</i> to decide.</p> <p>Since Brad had to leave early, an initial vote was taken as to simply forwarding of the article form to Select Board (zoning text to follow)</p> <p>Vote to forward formal article request form to Select Board Jesse motion, Nick seconded. Vote: 4-1-0</p> <p>Zoning itself was then reviewed and discussed:</p> <p>Subdistrict B-1 is for this site only. Spot zoning will be reviewed with Town Counsel during article vetting – but notably, spot zoning is hard to prove, and does not appear to be the case here since site is over 2 acres, zoning adds a commercial use to a commercial district, and zoning has more than one beneficiary (project + Town).</p> <p>Jesse noted re: opponents' claim that public benefit must be solely public health and safety – he reviewed statute and those were only two of a long list of potential benefits, in fact one of which is “community activities”, which fits exactly.</p> <p>Keeping to just a single lot was discussed as desirable, so the use cannot be built in other Business B areas. Also, notably the adjacent property owner, when asked at prior EDC meeting, did not want this use type on his Business B property.</p> <p>Criteria were reviewed one by one, for massing, design, lighting, noise, signage etc to fit into village feel.</p>	<p>Article request will be submitted to Select Board.</p>
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	<p>Zoning requires Special Permit approval, which is a more discretionary threshold of review. Sole primary change from last zoning draft was approving body is now ZBA instead of PB, given feedback by PB chair at the public forum that PB only does restaurant special permits, all others special permit uses are approved by ZBA.</p> <p>Community space is noted as being for the Town or its designee, which keeps ownership/control for the Town in perpetuity.</p> <p>Parking was discussed and language was added, after minimum 1 space per 15,000 sf “and adequate parking for allowed community center events.” Parking will be quantified as part of the design/planning process, based on codes for septic, assembly spaces, etc so this will provide ability for ZBA to review parking as part of Special Permit based on actual numbers.</p> <p>Jesse motion to approve revised zoning for SB/petitioners, Nick seconded. Vote: 3-0-1</p>	Zoning to be included in article to SB, and addition provided to Citizen Petitioners
<p>b) Route 20 Curb Cut engineering funds (either Select Board or EDC/SB article)</p> <p>i) Proposed vote of article for SB to pursue directly and/or jointly with EDC</p>	<p>SB requested formal EDC vote of support for proposed article, for PB final review at next Tues 2:30 mtg just before articles due 4:30.</p> <p>Funding request was reduced from \$825k to \$600k, given scope was properly clarified by Tom Holder with BETA to be just from Route 27 to Transfer Station Access Road (not needed all the way up and over hill to Sudbury border, where sidewalks likely won’t fit anyway).</p> <p>Some heartburn from SB that this was outside typical capital plan path. Reasons important to approve this year:</p> <ul style="list-style-type: none"> • To get on TIP (Transp Impr Plan) list with state to get in queue for funding asap, and not lose another year • MA DOT may pave Wayland Center soon in regular maintenance, need plan in place for sidewalks and curb cuts • Will dovetail with current Route 20 Master Plan efforts (separate task, but the two can inform each other) in 2024, instead of duplicating efforts in 2025 <p>Dan motioned to approve article to SB, Jesse seconded. Vote: 4-0 [NB: Before Brad had to leave early, he noted that while he’d miss this vote, he was “wildly supportive” of getting engineering work going.]</p>	

c) MBTA Communities Zoning 2024 (Planning Board article)	PB may not have article done in time for next Tues deadline. Could do either placeholder article, or if needed, could call Special Town Meeting (on 45 days notice) timed within the regular Town Meeting.	
i) Review potential zoning districts		
ii) EDC recommendation to Planning Board, Select Board	Still debate about districts, and not clear how these are being decided. Mainstone residents raising the alarm about siting major district there. [Further recommendation not discussed due to lack of time and info]	
(4) Cochituate		
a) Liberty Pizza plaza post-fire efforts – Rebuild update; Main & Plain gas station re-use?	Communicating with Sam at Liberty Pizza, Dino the property owner, and BJ the owner of the corner gas station. BJ priced out costs to rehab the gas station building for food service use, for say Liberty Pizza as fun retro use – very high. Building still has not been demolished – insurance holdup?	Jesse & Becky to continue outreach Find out when demo & rebuild will occur, plans? Possibility for combining site with gas station?
(5) Wayland Center / Route 20 Master Planning & Improvements		
a) Route 20 Master Plan – update on next steps by Planning Board	Forum #2 is February 13 at 7pm.	Outreach to business/property owners on Rt 20 (see below)
(6) Business Improvement District or Collective Business Efforts		
a) Newsletter or user group/chat board for business owners	Jesse goal to finalize intro letter and send out after next mtg	Jesse to pull together draft and circ. EDC'ers to send individual comments to Jesse (not reply all), for group review/approval next meeting
a) Town Center – Shared Streets; COA/CC, Chocolate Therapy	(Not discussed due to time constraints)	
b) Route 20 Vacancies – Bank of America property outreach	(Not discussed due to time constraints)	
(7) Confirm next meeting, typically second Friday each month: February 9, 2024		
Confirmed for February 9, 2024 (discussed possibly Feb 2 to allow more time for Rt 20 newsletter to go out?)		
(9) Adjourn		
Jesse motioned to adjourn. Nick seconded. Approved 4-0 to adjourn at 10:13am		

Minutes respectfully submitted by Nick Zafiropoulos and Rebecca Stanizzi.



TOWN OF WAYLAND
SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING
Attach extra pages if necessary

Article Title: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Subdistrict B-1

Estimated Cost: \$0

Article Description (final language to be provided by Town Counsel based on description provided):

Article: To see if the Town will vote to amend the Town Code, Chapter 198, Zoning, to include a new use of “Retail Self-Storage” and to amend the Zoning Map to create a new Sub-District B-1 to consist of Assessor Map and Parcels as detailed below, with such use to be allowed by Special Permit by the Zoning Board of Appeals in the Business B-1 District, by inserting the text shown as **bolded and underlined** as follows:

- A. By amending Section 198-104.2 DEFINITIONS by inserting, in alphabetical order, a new definition for “**RETAIL SELF-STORAGE**” as “**A facility containing separate, individual, and private storage spaces of varying sizes leased or rented for varying period of time for personal, household, or small business storage**”.
- B. By amending Section 198-802, ATTACHMENT 3 – Table of Permitted Principal Uses by Districts by inserting under the Business Uses column a new use number 14, “**14. Retail Self-Storage**” and renumbering the remaining Business Uses, to be allowed as follows:

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
14. Retail Self- Storage	No	No	No	Yes ⁴	No	No	NR

4. Allowed in Sub-District B-1 only.

- C. By amending Section 198-803 by inserting a new **803.1.14** as “**Retail Self-Storage**” and re-numbering all subsequent uses accordingly.
- D. By amending Section 198-801 ATTACHMENT 1 – Table of Dimensional Requirements by inserting under the Business B Use column “**Retail Self-Storage**” subject to the following dimensional requirements:



TOWN OF WAYLAND
SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING
Attach extra pages if necessary

Districts	Use	Minimum Lot Area (sq.ft.)	Maximum Lot Coverage	Minimum Frontage (Ft.)	Minimum Yard Setback				Maximum Height	
					Front		Rear	Side	The Lesser of:	
Business B	<u>Retail Self-Storage</u>	<u>None</u>	<u>35%</u>	<u>None</u>	From Lot Line (ft.)	From ROW Center Line (ft.)	From ROW Center Line (ft.)	From Lot Line (ft.)	Ft.	Stories
					<u>135'</u>		<u>25</u>	<u>25</u>	<u>35</u>	

- E. By amending the Zoning Map to create a new Sub-District B-1 within the Business B Zoning District to consist of property located at 193 Commonwealth Road identified as Assessors Map 51D, Parcel No. 019, also as shown on the map attached hereto.
- F. By amending Article 11 Business Districts, Section 198-1101, and inserting **“1101.2. Subdistrict B-1 is hereby established in the Business B zoning district. Sub-District B-1 is a sub-district within the Business B District comprised of parcel of land on Commonwealth Road in Wayland, Massachusetts, identified as Assessors Map 51D, Parcel No. 019, also as shown on the Zoning map. In Sub-District B-1, no building or structure, and no alteration, enlargement or extension of an existing building or structure, may be constructed and no building, structure, or lot or part thereof may be used for any purpose or manner other than use allowed in the Business B District or as Retail Self-Storage as allowed under Sub-District B-1. The provisions of Section 198-203 Special Permits shall apply to this section.”**
- G. By amending Section 198-203 Special Permits; requirements and conditions and inserting **“203.2. In addition to Section 203.1 of this Bylaw, the following shall be considered by the Special Permit Granting Authority prior to the issuance of a special permit for the use of Retail Self-Storage:**
- a. **Whether the proposed use will increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare;**
 - b. **Whether the proposed use is designed and operated in a manner that preserves the community’s distinctive village character, including the following:**
 1. **The use of a sloped roof facing active abutters on any third story of any building, so that any three-story building appears as a two-story structure with peaked roof on its prominent facades;**
 2. **Use of architecture that is articulated with doors, windows, eaves and rooflines, and materials including cladding and/or masonry, to complement the surrounding village scale and feel;**
 3. **Maximum individual façade length of 175’ where the length must be articulated at not less than every 75’**



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING

Attach extra pages if necessary

4. The use of muted or historic village colors, including avoiding the use of bright, glowing, or fluorescent colors;
5. Signage to be low profile plinth signage, front lit

Whether the proposed retail self-storage's dimensions are compatible with the character of surrounding properties or the zoning district, but notwithstanding any other provision of this Bylaw, said retail self-storage facility shall:

1. Provide parking at a minimum of 1 space per 15,000 sf
2. Limit site lighting to Wayland "dark sky" standards with no site lighting directed offsite, and site lighting dimmed after operating hours
3. Require loading area to be interior to the building; no loading docks and no exterior storage loading doors allowed
4. Preclude overnight operation of the facility
5. Preclude chain link or any perimeter security fencing, unless aesthetic fencing specifically requested by the Town
6. Provide, to counteract the passive nature of the Self Storage use, a minimum 3% of total square footage as community space, to be internally maintained by the municipality or its designee, and located to help activate the ground floor primary building façade/corner.
7. Achieve Net Zero energy efficiency for the property, including rooftop solar only (i.e. no parking lot nor ground-mount solar)

Background Information (to be used by Finance Committee to draft its recommendation. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

This article's intent is to amend the zoning bylaw to add Retail Self-Storage as an allowed use in a commercial sub-district, including specific design requirements, if such use type is built, 1) to ensure a quality building will be created for the surrounding village with low impacts, 2) to establish the building will be a green, net zero building and 3) to create space within the building for permanent town/community use (currently proposed for Arts Wayland as initial user/designee).

Retail self-storage is not currently defined in Wayland zoning, in any district. This proposed change would allow this use in a single commercial sub-district. It adds a new commercial use to an existing commercial zone. It does not take away any existing commercial rights.

The use is low-impact but high-density (given its square design, more compact versus a typical long commercial retail building) in terms of property value and tax revenues. This allows a portion of the property to be set aside for community use, which is required by this proposed zoning. It also requires a high level of design quality to reflect the best of this type of facility in the industry, so that the building fits within the village setting (often these types of projects straddle residential and commercial neighborhoods, like this one, as a transitional use between districts). And the zoning requires green Net Zero and solar energy for the building, which reflects Wayland's energy goals.



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This article must achieve 2/3 majority vote, therefore the onus is on the proposers to show voters that the zoning (and sample project) fits in the fabric of Cochituate Village. There will be much debate about design, scale and use, and about creating places for art in our community.

There has been a concern about spot zoning. This subdistrict is one site; however, it is over two acres in size; it adds a “like” use, i.e. a commercial use to a commercial zone, versus say adding a commercial use to a residential zone; and has a public benefit (the Arts Wayland space), so more than one party benefits; therefore it does not meet precedent thresholds of spot zoning. Town counsel has noted that it would be up the courts; we request a legal interpretation as to precedent, to ensure that precedent would not support a finding of spot zoning here. This can be evaluated during review of the article.

Proposer’s Comments (if needed, 150-word limit per Town Code):
(see above)

Contact Information for Publication in Warrant

Contact Person Name: [Select Board/EDC member] **Contact Person Phone:** 617.922.3409

Contact Person Town Email: rstanizzi@wayland.ma.us

Proposing Board Information

Board Name: Select Board / Economic Development Committee

Board Vote (Quantum) to Submit

Article: _____ **Date of Board Vote:** _____

Signature of Board Chairperson: _____ **Date:** _____



TOWN OF WAYLAND
SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING
Attach extra pages if necessary

Article Title: Funding for Rt 20 Curb Cut and Sidewalk Engineering **Estimated Cost:** \$600,000

Article Description (final language to be provided by Town Counsel based on description provided):

To determine whether the Town will vote to appropriate a sum of money for third-party engineering services to provide fully engineered plans for the Route 20 roadway, from Route 27 to the Sudbury town line, for curb cuts, sidewalks, street trees, landscape and lighting to improve the Route 20 corridor.

Background Information (to be used by Finance Committee to draft its recommendation. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

There is a strong need to improve the Route 20 Wayland Center roadway corridor for walkability, accessibility and aesthetics. Existing sidewalks and curbs are non-continuous and/or in disrepair. The district appears dilapidated, and improving the roadway and shoulders would significantly boost both visual and physical appearance and functionality for Wayland residents and businesses. Weston recently completed improvements of its town center roadway, and other towns around the Commonwealth have undertaken similar planned efforts, with excellent results.

Three modes of funding exist for future improvements of the corridor:

- 1) Getting in queue for state funds on the State's TIP (Transportation Improvement Project) list,
- 2) Regular state maintenance of the roadway (e.g. Route 20 in the Coach Grill area was repaved and sidewalks added in the last 2-3 years, by the state) or
- 3) Town funds (which may be needed for lighting upgrades or landscaping components, TBD)

In order to request state funds or to encourage work under the first two modes, which would be the preferred path -- and likely the required path since Route 20 is a state road -- the Town must complete "shovel ready" engineered plans at its own expense. This article will provide funding for the required engineering plans. Once complete, Wayland can kick off the state process for eventual improvement of the corridor over the coming years. Notably, this design process can dovetail with Route 20 Master Planning zoning efforts started in 2023 and continuing in 2024.

Proposer's Comments (if needed, 150-word limit per Town Code):
(see above)

Contact Information for Publication in Warrant

Contact Person Name: [Select Board/EDC member] **Contact Person Phone:** 617.922.3409
Contact Person Town Email: rstanizzi@wayland.ma.us

Proposing Board Information

Board Name: Select Board / [Economic Development Committee]
Board Vote (Quantum) to Submit
Article: _____ **Date of Board Vote:** _____
Signature of Board Chairperson: _____ **Date:** _____

EDC Meeting
January 12, 2024

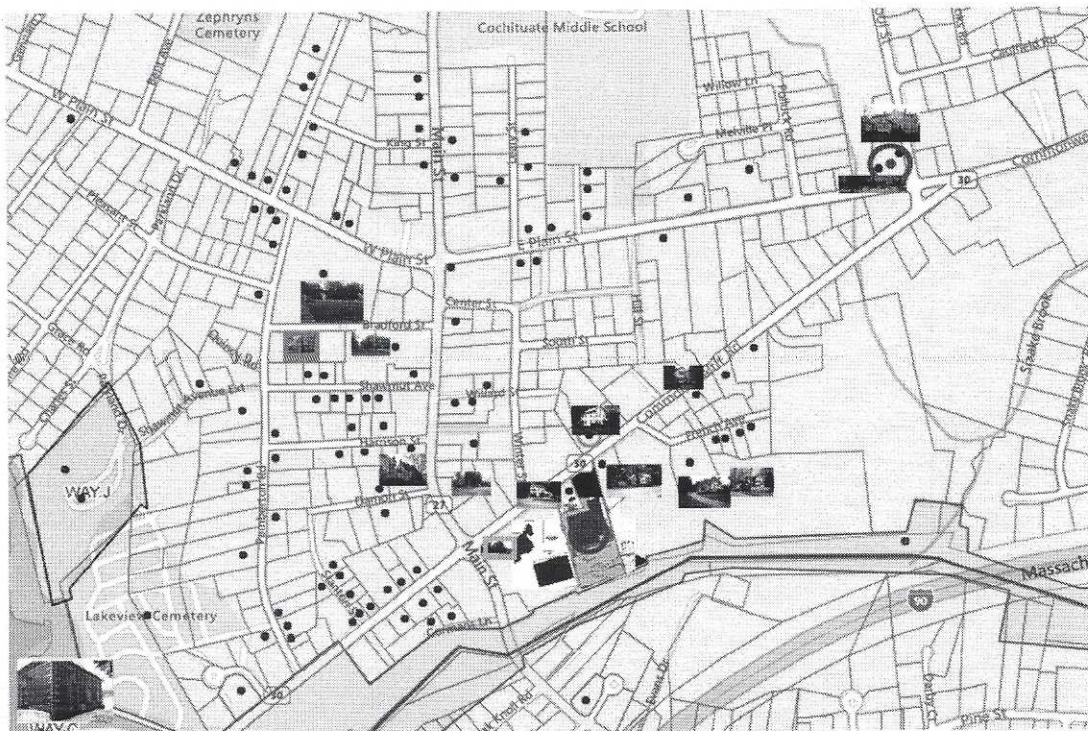
Handout provided by
Public Commenter

Sheila Carel
18 Joyce Road

Cochituate is Full of Visible Traces of History

A small sampling is provided below

- ***Traces of the Ice Age:** kettle ponds and eskers
- ***Indigenous times:** oldest roads were indigenous paths including the road that comes from Wayland center and leads to Natick
- ***Colonial Era:** Brintnall Loker house and the Damon Farm house
- * **Industrial Era and Cochituate village:** The Methodist Church, Alfred Loker house, George Keep house, Fannie Loker house, The Cochituate Aqueduct (Boston's first large scale water supply), James MacDonald House, William Neale House, Cochituate Ball Field, The Beehive (Tenement Housing for the factory workers)
- ***Post Industrial:** The Cochituate School, Hannah Williams Playground, Saint Zepherine's



- ☒ Properties listed with the Massachusetts State Historical Commission
- ☒ The Cochituate Aqueduct Linear District (National Register of Historic Places)
- ☐ Potential for listing (the Beehive) According to Wayland Historical Tours "the "Beehive," was a large, three-storied boarding house with cubicles into which a large number of immigrant workers were squeezed as closely as "bees.""

EDC Meeting
January 12, 2024

Handouts provided by
Public Commenter (9 pp)

Quentin Nowland
4 Windy Hill Lane
1/12/24

Acton pedestrian crash that killed Sudbury father remains under investigation

Norman Miller

MetroWest Daily News

ACTON — The cause of a pedestrian crash that left a Sudbury father of two dead last month remains under investigation, authorities said.

Kevin Shaw, 44, was killed on Oct. 14 after he was struck at 6:33 p.m. by a Subaru wagon driven by a 17-year-old on Great Road (Route 2A/119).

Authorities have not identified the driver, only to say that the individual has neither been charged nor cited.

The Massachusetts State Police accident reconstruction unit is investigating. Reports from the unit typically take several months.

Shaw, who was born in Venezuela, was CEO of VMS Software Inc. in Boston. He had been married to his wife, Bethany, since 2007, and was the father of two girls, Violet and Alexa.

Since the pedestrian crash, the Acton Select Board has voted to put crosswalk lighting in the area where the crash occurred. It still needs approval by the state.

Last week, a 13-year-old boy was struck by a hit-and-run driver, also on Great Road. The boy, who was in a crosswalk, was flown to a Boston hospital with serious injuries. Police said Monday they have seized a vehicle they believe was involved in that. incident.

Chill in the Housing Market Seeps Into Other Industries

By Martha C. White

Jan. 1, 2024

The slowdown in the residential real estate market, a crucial cog in the American economy, is threatening sectors like home improvement and storage.

Companies involved in moving and storing people's belongings are also coping with a slowdown that executives attribute to slumping home sales. In a call with analysts in August, Edward J. Shoen, president and chief executive of U-Haul, blamed a contraction in moving activity for [a decline in the company's first-quarter revenue](#).

Demand for storage units boomed during the pandemic as people spent more time at home or took advantage of lower mortgage rates by buying a home. Developers capitalized on this, with investor funds fueling the construction of new storage facilities around the country.

"What you had in the pandemic and post pandemic was just an abundance of supply," said Michael Elliott, an equity analyst at CFRA Research.

As pandemic-era consumption patterns have waned, some companies have struggled. In September, analysts at Morgan Stanley cut their target price of Extra Space Storage, and a Wells Fargo analyst published a research note warning about overall softness in the sector.

Storage businesses are having to choose between shoring up occupancy by cutting rates or increasing them to generate more revenue — at the risk of having customers defect to competitors.

Extra Space Marketing Update / SpareFoot



Eric Bishop-Berry • EBishop@extraspaces.com

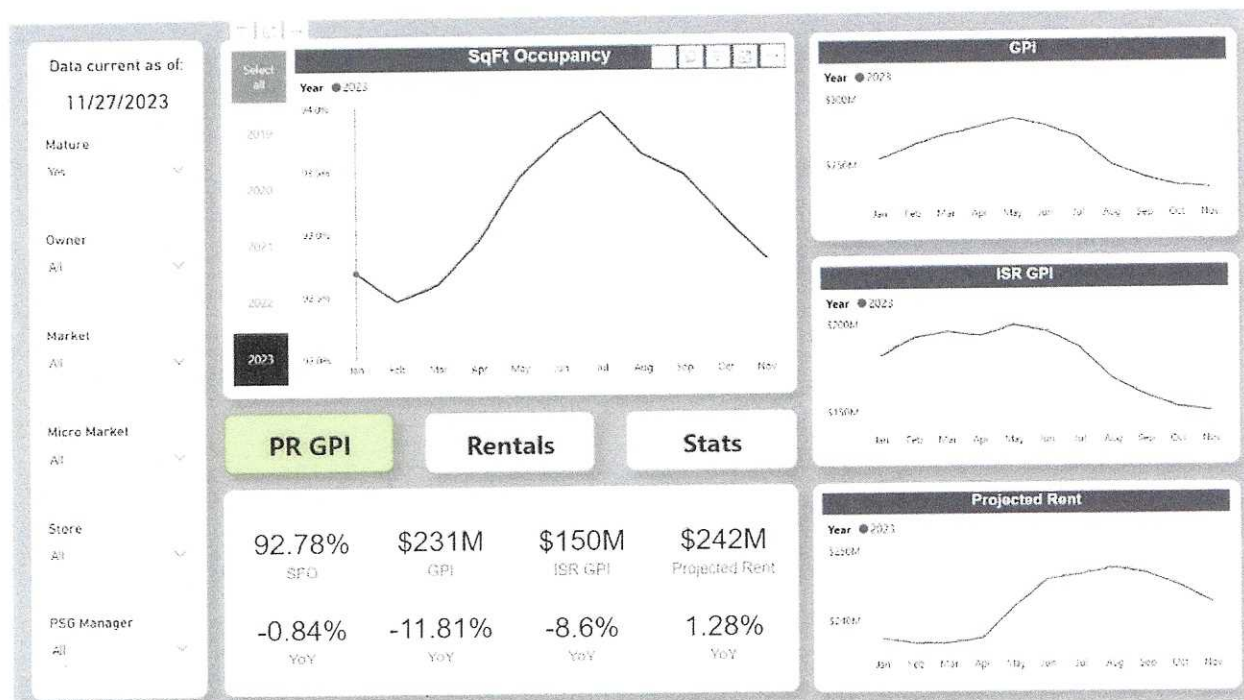
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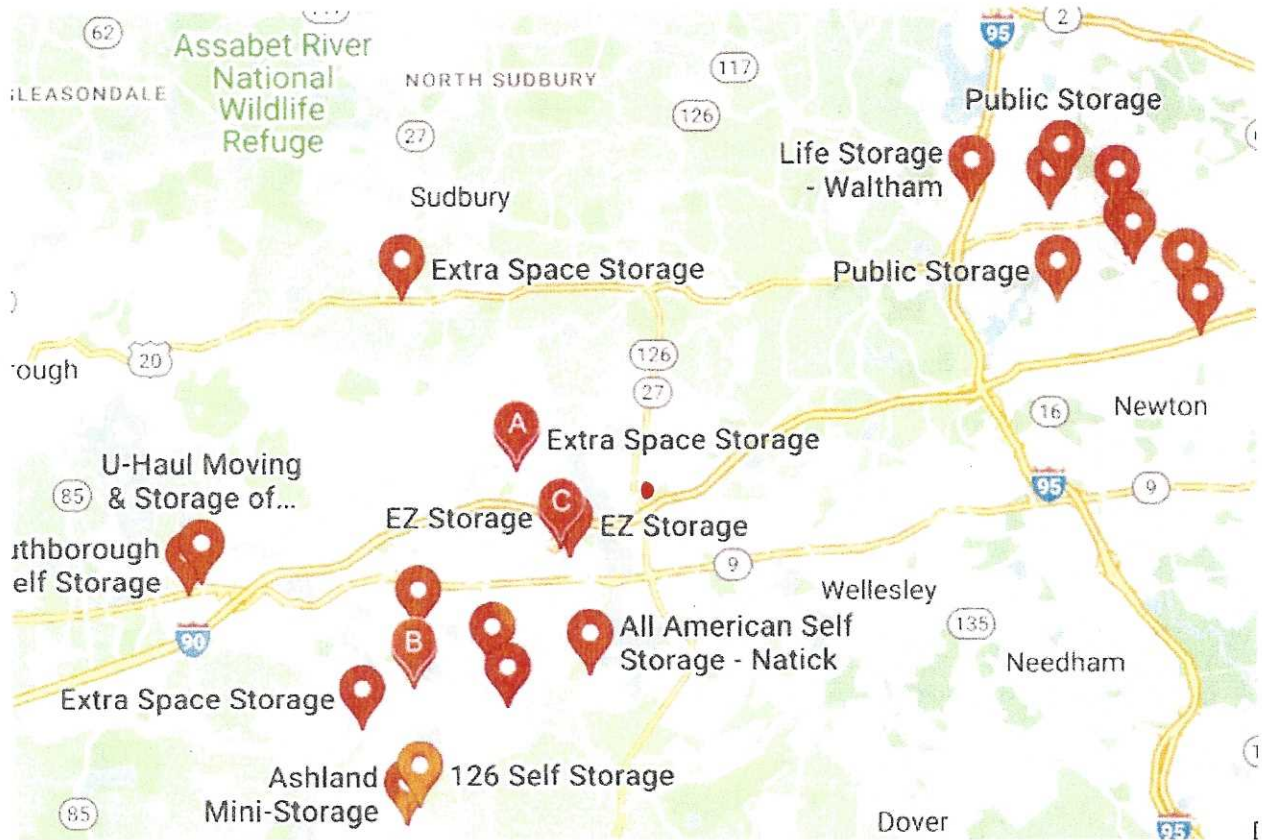


to Eric

Partners-

As we expected, the storage industry has come down from many of the operational highs experienced in the last couple of years. Whether in stronger or softer economic times Extra Space continues to look for ways to extract optimum performance out of our assets and yours. We test many new ideas, but we also continue to look at previous tests and revisit them in the current operating environments.





SSG Development Completes Construction of Self Storage Facility in Needham, Massachusetts



US Storage Centers to own and manage property

BOSTON, MASSACHUSETTS | DECEMBER, 2020 – SSG Development, a fully integrated real estate investment, development, and construction company focused on self-storage in high barrier markets, announced that it has completed construction of a 986 unit, 123,000-square-foot property located at 540 Hillside Avenue in Needham, Massachusetts. The facility will be acquired and managed by Westport Properties, Inc., a premier owner/operator of self storage facilities nationally which manages over 10 million rentable square feet under the US Storage Centers brand.

“SSG appreciated working with the Needham neighbors, Planning and Building departments in developing and building this transformative redevelopment during challenging times,” said Dave Fulton, SSG Development CEO. “The Westport team has been a great partner throughout the project and will be a complementary business in the community for many years.”

Conveniently located for the residents of Newton, Needham Heights, Babson Park, Wellesley Hills, and Needham Junction, this state-of-the-art facility features climate-controlled indoor units, wide hallways, keypad security, 24-hour video surveillance and moving supplies.

“We are very excited to add this Class-A facility in Needham, MA,” said Charles Byerly, President and CEO of US Storage Centers. “We continue to build out our portfolio in this macro market and this asset certainly adds to the quality of our portfolio and will help us carry out our business plan in the Northeast.”

Byerly continued by saying “We worked hand-in-hand with the leadership team at SSG and they have been a pleasure to work with. We were very impressed with how they conducted themselves during this worldwide pandemic, finishing this quality asset on time for us to be prepared for the upcoming move-in season. We look forward to working with them again in the future.”

About SSG Development

SSG (SSG Development & SSG Construction) is a fully integrated group of real estate investment, development and construction companies in Boston MA, with a focus on creating Class A self storage, in addition to mixed-use development, in high barrier, U. S. East coast core markets. SSG has developed and, built 2+ million square feet of ground up, state-of-the-art, multi-story, climate-controlled, self-storage.

About US Storage Centers

Founded in 1985, US Storage Centers is an owner-operator of self storage facilities across the country. The Company is a fully integrated operator that develops, acquires and manages its portfolio—additionally, the Company provides third-party management services. As of March 2020, it has over ten million rentable square feet under management and employs approximately 400 people nationwide. US Storage Centers is a founding partner of the 501(c)3 Kure-It, a non-profit organization that raises money for underfunded cancer research, and Charity Storage, a 501(c)3 that uses vacant storage units to raise money for local charities. To date, Kure-It has raised over \$10M and Charity Storage has raised over \$500K.

LAW OFFICES OF JERRY C. EFFREN

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Neal J. Bingham

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(508) 881-4950 – Telephone
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E-Mail Address: info@effren.net

January 3, 2024

Via Email

Wayland Select Board

41 Cochituate Road

Wayland, MA 01778

PBmembers@wayland.ma.us; rhummel@wayland.ma.us

sbmembers@wayland.ma.us; mmccall@wayland.ma.us

Re: Town Meeting: Proposed Amendment to Establish Sub-District B-1
193 Commonwealth Rd, Wayland (the “subject Property”)

Dear Select Board:

This office represents Quentin Nowland, who is a resident of the Town of Wayland. This letter is intended as his objection concerning the proposed establishment of a special Zoning District - the proposed Sub-District B-1 to the Business District (the “Proposed Amendment”), which has as its purpose the establishment of a single lot, illegally spot-zoned district for the development of a self-storage facility. For the reasons set forth below, the Select Board should neither support nor sponsor a warrant article putting the Proposed Amendment to a vote at Town Meeting because it will not withstand scrutiny if passed by either the Massachusetts Attorney General or a court of competent jurisdiction if it is later challenged.

The Select Board will be making a significant error if it decides to support or sponsor the Proposed Amendment. When a municipality is considering implementation of any zoning amendment, the municipality must keep in mind that its power to make divisions of land into districts is derived from its police powers, which may only be asserted “if the public health, the public safety and the public welfare will be thereby promoted and protected.” In the first instance, the Developer asserted that the project should be allowed on the subject Property because it provides a significant tax benefit to the Town. It is notable that the Developer provided no estimates of tax benefits for the self-storage use or compared those to the benefits that would be derived from other uses for the subject single parcel, already allowed in the Business District. However, economic benefits to a town or property owner are irrelevant as the law in Massachusetts is clear – tax benefits to the Town alone are not a basis for spot zoning as tax benefits do not constitute a public benefit. *See McLeod, et al. v. Swampscott, No. 12MISC462430, p. 18-19 (Mass. Land Ct. March 4, 2014), citing Durand v. IDC Bellingham LLC, 440 Mass. 45, 61 (2003).*

Based on the record presently available to the Select Board, there is no doubt that the

Developer fully understood that what he was requesting constituted illegal spot zoning, as his original plans simply contemplated a rezoning of this single lot to allow his private, commercial self-storage use. Only after opposition to this self-storage project arose did the Developer amend its project plans to include space for Arts Wayland Foundation, Inc. ("Arts Wayland"), all under the guise of characterizing this massive development project as a "permissible public purpose" under the public benefit exception to spot zoning prohibition. The Proposed Amendment has nothing to do with promoting or protecting public health, safety or welfare for the Town of Wayland and the incorporation of Arts Wayland changes nothing. Put simply, nothing about the operation of Arts Wayland constitutes a permissible public purpose. Arts Wayland is a private 503(c) corporation that has no connection to the town other than adopting its name and desiring to be located in Wayland. Its own website makes it very clear that it does not exist to provide any benefit to the Town of Wayland but instead considers itself to have no geographic restriction. The Developer added Wayland Arts to the project solely as an afterthought because it knew that its request constituted illegal spot zoning. And while Arts Wayland occupancy of a tiny portion of the proposed 90,000 square foot building does not constitute a legally exempt, public benefit, even if it did, absent their equity ownership of the Property which is neither feasible nor alleged, there is no guaranty that Arts Wayland will exist in perpetuity and a higher likelihood exists that in years to come the only use occurring on the subject Property will be the self-storage use.

Spot zoning is impermissible because it violates the uniformity principle, which occurs when there is a singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, all for the economic benefit of the owner of that lot. A clearer example of carving out property for different treatment could hardly be better illustrated than what is shown in the Developer's current plan. While it is true that our courts recognize some exceptions to the prohibition against spot zoning, none of those exceptions have application here. The Developer's attorney provided legal analysis, purportedly in support of its position that the public benefit of Arts Wayland (which is not a public benefit at all) is consistent with Massachusetts case law, including the case captioned *Saade v. Milton*, 91 Mass. App. Ct. 1115 (2017). All of those arguments fail for one reason or another but the differences in the facts of the *Saade* case illustrate the critical point clearly. In that case, the Town of Milton adopted townhouse development bylaw that encompassed six existing lots and several others that could potentially qualify, all of which were treated uniformly under the bylaw. What the Developer here did not highlight, however, was that the court specifically pointed out that had this been a bylaw impacting only one lot singled out for favorable zoning treatment, it would be considered illegal spot zoning.¹ Based on the facts surrounding the Proposed Bylaw, what the Developer is trying to do here is exactly what the court in *Saade* said could not be done.

If this lot were being singled out to construct a fire or police station it would be different. But the inclusion of Arts Wayland into the project simply does not constitute a "permissible public purpose" as the term is understood in zoning. If it did, the addition of a photo studio, yoga studio, a bookstore, another art studio, a youth recreation facility into any future project would convert the entire concept of spot zoning into a nullity. The Developer has cited no case law whatsoever favoring such a novel application of the public benefit exception to spot zoning and, until shown otherwise, it is believed that no such authority exists. A zoning ordinance or by-law will be held invalid if it is unreasonable or arbitrary, or substantially unrelated to public health, safety, convenience, morals or welfare. As there are no exceptions to spot zoning applicable to the Proposed Amendment, the Select Board must not support or sponsor the

¹ See *Saade v. Milton*, 91 Mass. App. Ct. 1115 (2017), citing *Whittemore v. Falmouth*, 313 Mass. 248, 249 (1943).

amendment.

Very truly yours,

LAW OFFICES OF JERRY C. EFFREN

Jerry C. Effren
Neal J. Bingham

EDC Meeting
January 12, 2024

Emails sent to EDC members
prior to meeting

[Note many support emails
were received at Select Board
Public Forum, not
requested/attached here.]

Stanizzi, Rebecca

From: Andrew Oppenheim <aoppen13@gmail.com>
Sent: Thursday, January 11, 2024 3:50 PM
To: Economic Development Committee Members; rhummel@wayland.ma
Subject: Do not vote for self storage zoning changes

[**NOTICE:** This message originated outside of the **Town of Wayland Email System -- DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Dear EDC,

I am writing to respectfully request that you vote to not allow zoning changes to allow self storage facilities at 193 Commonwealth Rd.

As a long-time resident, your vote goes a long way in helping the Select Board determine their position on articles.

That said, after multiple meetings, the Select Board has already determined that this article is not fit to be inserted on the town meeting warrant.

Please follow their lead and for the many reasons already provided at the Select Board meetings, please do not sponsor this article.

Thank you,
Andrew

Andrew & Crista Oppenheim
13 Bow Rd.
Wayland MA 01778
aoppen13@gmail.com

Stanizzi, Rebecca

From: daisy powers <daisypowers@hotmail.com>
Sent: Thursday, January 11, 2024 5:31 PM
To: Economic Development Committee Members
Subject: Against 193 Commonwealth Rd.

[**NOTICE:** This message originated outside of the **Town of Wayland Email System** -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear EDC,

My name is Daisy Powers and I live at 10 French Ave, the adjacent neighborhood road to the proposed article. I am adamantly opposed to the 193 Commonwealth Rd. zoning article for many different reasons, and as a resident who will quite literally overlook the proposed building, I hope you take my words into deep consideration.

I built my house 18 years ago, and did so situating my front porch to overlook the grasses of Snakebrook Conservation., where the proposed building will sit. When I sit outside, I often see deer, hawks, smaller wildlife, and healthy coyotes foraging for food. If the Article of 193 passes, these animals are sure to be displaced. The large scope of the building and construction site, and inevitable light and noise pollution from it will now be my view from my front porch. This was absolutely not what I envisioned nor want.

The town also put deep thought into the Master Plan. To sway from this plan is opening a Pandora's Box of what else will be allowed and approved. How much will we allow if this article is approved? As you heard, the town is overwhelmingly against this zoning article. I hope you agree with the community and decide AGAINST the article at 193 Commonwealth Rd.

Thank you for your time,

Daisy Powers
10 French Ave

Get [Outlook for iOS](#)

Stanizzi, Rebecca

From: Emma Jung <emmaloveleo@gmail.com>
Sent: Thursday, January 11, 2024 2:49 PM
To: Economic Development Committee Members
Cc: Hummel, Robert
Subject: Please do not sponsor the zoning article for 193 Commonwealth Rd.

[**NOTICE:** This message originated outside of the **Town of Wayland Email System -- DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Dear Economic Development Committee,

We are residents of 211 Commonwealth Rd. We appreciate your time and hard work for the town.

The Select Board, after months of hearing both sides, chose on Monday night (1/8) not to include the article in the Town Meeting warrant. If the board doesn't support it, what motivation would the EDC have to sponsor the article?

There is no need to change the zoning to accommodate the massive self-storage in Cochituate. Instead, that land could be developed, and we could have small, locally-owned businesses such as restaurants, ice cream shops, coffee houses, and hair salons, etc., thereby enlivening a part of our town.

In an economic perspective, even if these Business B businesses generate less tax revenue than this zoning change, we'll still save money because the town will not have to spend an enormous amount of money on lawsuits for the next several years due to spot zoning concerns.

Amy Kwesell, Wayland Town Counsel, stated that this zoning change has issues related to spot zoning, will likely end up in the courts, and raises concerns. Apart from my desire for Arts Wayland to find its space, Arts Wayland does not protect the developer from spot zoning either.

Looking at the EDC mission statement, is this project "consistent with the character of our community"? No. Cochituate, a neighborhood gathering place where we can walk/bike to shops and stores, is not suited for a self-storage building. A structure of 100,000 sq ft and 35 ft high does not align with the surroundings in Cochituate.

Most neighbors and many town residents strongly opposed or were very concerned about the zoning article at 193 Commonwealth Rd during the town meetings, citing various valid reasons.

We hope you agree with the community and choose not to sponsor or recommend it.

Thank you,
The Jung family

Sent from my iPad

Stanizzi, Rebecca

From: Paul and Gretchen Dresens <pdresens@yahoo.com>
Sent: Thursday, January 11, 2024 12:31 PM
To: Hummel, Robert; Economic Development Committee Members
Subject: Please review prior to EDC 1/12/24 meeting

[NOTICE: This message originated outside of the **Town of Wayland Email System** -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Members of the EDC

I ask that the Committee does not vote to sponsor the rezoning article and present, again, to the Select Board at their January 16, 2024 meeting for their reconsideration of sponsorship. The Planning Board and the Select Board have already made their position on this potential article known.

To alleviate the chance of misrepresentation of past conversations and meetings, prior to the committees meeting tomorrow (1/12/24), I urge each member of the committee to personally watch the January 3, 2024 Select Board Forum (on Waycam) and the January 8, 2024 Select Board meeting (also available on Waycam) to hear firsthand the robust conversations, questions and concerns that the Select Board, the public and the business owner abutter have with this proposed zoning change.

Some items of interest:

January 3 forum hosted by the Select Board

Spot Zoning issue -

- Developer presented information from their attorney for no spot zoning
- Member of public presented documentation from their attorney indicating spot zoning
- Chair of Planning Board made case of spot zoning
- Town Counsel indicated the difficulty in spot zoning determination and indicated that the courts would most likely have to decide.

January 8 Select Board meeting:

- Chair of Select Board referenced the complexity of spot zoning and that a court would most likely to decide.
- Individual board member concerns about rezoning
- Petitioner's article as a way to present zoning article at Town Meeting
- Further discussion on the likelihood of courts settling the issue of spot zoning

Another meeting of note:

December 12, 2023 Planning Board meeting that provides some insight of Planning Board member's thoughts on the draft zoning article - Public Comment at the beginning of the tape through about 15 minutes. A planning board member makes clear his objection to the characterization of his support of this proposed change around the 12 minute mark.

<https://wayland.vod.castus.tv/vod/?video=7e222bd6-964c-470d-b045-30b7093edb14>

Before you discuss or vote, I would encourage that you watch the above referenced meetings for yourself. This zoning change has the strong potential to change Cochituate Village in a way that will negatively impact current businesses and life for those that live in the village. There are ways to develop that parcel, with current zoning, that will provide the same tax benefit to Wayland (please reach out to see Joseph Strazulla's

presentation materials submitted to the Select Board at their 1/8/24 meeting) while not decimating the existing robust business that exist now. The EDC has the same commitment to new business development as it does to existing businesses.

The introduction of Arts Wayland into the decision making process is short sighted. The chair of this board has referred to the space as an “incubation space” and has further stated that as Arts Wayland grows, it may need to move to a new space, another use will come in to occupy that space. There is no way to determine what that user will be. Will Wayland be in the position to determine which non-town affiliated non-profit will be allowed to use the space? Wayland will be financially responsible for unpaid bills (similar to the unpaid water bill at the town pool) or liability. The developer cannot commit to assuming the cost of buildout of the space. To say this space doesn't have a cost to Wayland is inaccurate and misleading.

If zoning is passed at Town Meeting, there is no guarantee that what is being presented design-wise will be built. Promises aren't legally binding. The chair of the Planning Board spoke at the 1/8/24 meeting with great concerns of this zoning and how it will remove controls that the Planning Board and the town have with what will be built. Most of the residents on French Ave have voiced opposition to this proposal (the claim of support is inaccurate). Significant numbers of Cochituate Village and Wayland residents have also voiced strong opposition. Public comment in most meetings has been predominately in opposition. Much on online community forums has been in opposition.

A vote to NOT sponsor this article doesn't mean it won't go to Town Meeting. If the developer wants this article at Town Meeting, finding 10 Wayland residents to submit a petitioner's article could be accomplished easily. Wayland residents interpret a vote to sponsor as a vote of support.

I strongly encourage members of this committee to watch the recordings themselves before entering into any discussion on this zoning change. It could prove incredibly costly to Wayland.

Below I have included a comprehensive reporting of the January 3rd Forum by the Wayland Voters Network in their 1/9/24 newsletter, which contains some specific links to the WayCam recording for ease of review.

Gretchen Dresens

“SELECT BOARD ZONING FORUM ON 193 COMMONWEALTH ROAD

The Select Board held a forum on Jan. 3 about a proposal to rezone a Business B land parcel to allow a large three-story self-storage facility at 193 Commonwealth Road on behalf of developer George Bachrach who has an option to purchase the woodland property from a Weston owner.

Select Board Chair Bill Whitney described his plan for conducting the forum, with opening remarks by several invited speakers, followed by Board questions, then public comment to follow where everyone, including those participating remotely, would be given a chance to be heard. In this WayCAM recording fast forward to elapsed time 12:40:

<https://wayland.vod.castus.tv/vod/?video=711261b9-1249-4c1a-8011-afd3fdb8f7b5>

The Board had invited the Planning Board, the Economic Development Committee, and developer George Bachrach to participate in the forum. The Planning Board posted a meeting agenda and attended. EDC Chair Rebecca Stanizzi participated. Town Counsel Amy Kwesell (KP Law) also attended and weighed in to help clarify legal, zoning and procedural issues.

The Select Board posted related documents in advance, beginning on Page 20 of its agenda packet:

https://www.wayland.ma.us/sites/g/files/vyhlf9231f/agendas/20240103_packet.pdf

The following promotional materials, beginning on Page 14, were posted in a supplemental packet on the day of the forum. Proponents are identified on Page 19 (Bachrach, Gray, Stanizzi) followed by a draft zoning bylaw

amendment dated 12/29/23 "for discussion."

https://www.wayland.ma.us/sites/g/files/vyhlif9231/f/agendas/20240103_supplemental_packet.pdf

It's About Zoning

If a zoning change is approved at Annual Town Meeting 2024 by a 2/3 majority vote, no particular development outcome will be guaranteed. Any project developer would have to follow the normal permitting procedures with the Town. Any applicant seeking permits would still be free to bring forward whatever plans they choose.

Whitney, Kwesell, Chair of the Planning Board attorney Anette Lewis, and Wayland Town Planner Robert Hummel repeatedly reminded the forum to focus on the impact of the proposed zoning change on Wayland business zoning overall and less on consideration of the possible future uses of this single parcel. The existing bylaw distinguishes between business and commercial districts.

Hummel noted at the end of the public comment, that he had reviewed the proposal and had major concerns, which he had submitted in writing to the Planning and Select Boards. A significant concern was that other entities had already approached him about possible rezoning for parcels they were interested in. Passing this zoning change could create a domino effect of requests for zoning for specific commercial uses.

In comments at the closing of public comment, Hummel suggested that the Town consider working on a Cochrutuate Village Master Plan instead, an idea he has been raising since the zoning change was suggested in November 2022.

In a brief overview of the function of zoning, Lewis (WayCAM elapsed 00:18:20) explained how a municipality has the authority from the state to adopt zoning requirements for reasons of public health, safety and welfare and that zoning is a set of rules for land use, establishing what can and cannot be located in different districts. Planning Boards are required to develop master plans to reflect the desired development of the municipality, ie. the location and size of residential districts, commercial zones or overlay districts.

She explained (starting WayCAM elapsed 00:20:14 - 00:21:48) that the developer earlier had brought before the Planning Board a suggestion to rezone all of Business B districts for warehouse use to which the Planning Board said no, wanting to reserve the option for desired uses and avoid the possibility of other large scale business seeking to develop in the Business B districts.

Wayland has Limited Commercial Districts (LCD) that allow warehouses under special permit. The LCD areas are the mixed use overlay district at Town Center and at Route 20 West (Herb Chambers/Longfellow area). At that time the Planning Board told the developer that an LCD was the appropriate location for such a facility. The developer returned with a suggestion that this one individual parcel be re-zoned as an LCD. The Planning Board took no position.

scroll to uses 44 and 45: <https://ecode360.com/attachment/WA1635/WA1635-198c%20Table%20of%20Permitted%20Principal%20Uses.pdf>

Lewis noted this bylaw proposal is extraordinarily unusual, with the Planning Board first seeing it the Friday before and not having discussed it.

Zoning Bylaw Amendment Process

Lewis went on to explain how state statute governs the process and timelines for zoning bylaw amendments (WayCAM elapsed 00:21:48). She outlined required action by the Select Board and the Planning Board, including the latter reviewing the proposal and holding a public hearing resulting in a written report and voted Planning Board recommendation to Town Meeting.

Town Meeting approval of a motion under a yet-to-be-submitted warrant article would be sent to the Attorney General's Office by the Town Clerk, inside a 30 day window. The AGO then has 90 days to evaluate the bylaw change and to report back its findings and determination. (WayCAM elapsed time 00:21:58 - 00:24:36). The approval could then be appealed and that is not a short process. Town Counsel noted that litigation over spot zoning gets decided in the courts, not by the AGO.

Her comments were followed by developer Bachrach's presentation (elapsed time 00:24:00 - 00:37:20), then EDC Chair Rebecca Stanizzi statements (elapsed time 00:37:30 - 00:41:40) and discussion and concerns from Select Board and Planning Board members.

Spot Zoning is...

Whether what is proposed for only this particular Business B parcel is spot zoning came up several times. There was a lack of clarity over what constitutes spot zoning, not only from a layperson view but from the assorted attorneys' interpretations of legal definitions and case law.

In his opening remarks, developer Bachrach mentioned land use attorney Brian Levey's memo containing case law suggesting that what is proposed is not spot zoning. Wayland resident Quentin Nowland, owner of a Sudbury self-storage facility, countered by submitting his attorney's documentation of court cases that suggest otherwise.

A zoning change for one parcel of two acres or more may not have been considered spot zoning, but it would be for the courts to decide if the rezoning of one parcel is for a specific purpose, according to Town Counsel (WayCAM starts elapsed time 00:42:40).

More legal points such as defining authority over "community space" and what constitutes a "public benefit" beyond the standard requirement of not being a deficit or damaging to the environment were also raised.

The legal concept of public benefits refers to a range of needed community improvements that can be addressed through land use planning and zoning process. For a simplistic legal overview:

<https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Incentive>

Section G of the proposed amendment caused a lengthy legal discussion on potential conflicts created within the by-law. The proposed addition of section 203.2 to the broadly written 198-203

(<https://ecode360.com/12360820#12360820>) appears tailored to respond to specific site issues raised during public discussions of the this developer's suggested uses for 193 Commonwealth Road:

"By amending Section 198-203 Special Permits; requirements and conditions and inserting "203.2. In addition to Section 203.1 of this Bylaw, the following shall be considered by the Special Permit Granting Authority prior to the issuance of a special permit for the use of Retail Self-Storage:..."

Lewis questioned whether the public benefit language being considered under the Special Permitting Granting Authority (the ZBA) would take away Planning Board authority by creating more restrictive, limiting and specific controls over the general controls, to which Kwesell agreed it would be limiting.

More discussion then followed about whether the forum should be about zoning requirements or the details of the Developer's proposal (Starting WayCAM elapsed time 00:53:20)

Public Comment

Among those offering public comment were the Donelan's / Cochituate Village abutting property owner Joe Strazzulla, area neighbors, and ArtsWayland representatives. While other speakers agreed that supporting the arts in town is important, some questioned or objected to such a use as currently proposed for a private organization. More than 20 residents provided public comment for an hour (starting at WayCAM elapsed 01:30:09).

Several residents questioned the process being followed: who has what authority and the behavior of those marketing what they fear could be a Trojan Horse – using ArtsWayland as a "sweetener" to modify the zoning ".....to allow a developer to develop in a way that ordinarily would not be permitted in exchange for a public benefit that would otherwise not be required," and that in turn could produce undesirable outcomes on any future developments and other parcels.

Residents commented on many things: costs and liability for town ownership of part of the proposed building, parking, setback, storage of hazardous waste, an increase in impervious surface creating stormwater runoff issues, the Wetlands Protection Act and environmental impact issues, whether the Select Board had authority to choose to insert a warrant article after Town Manager Act, interpretation of Town Meeting's understanding about the Select Board's support for the article, traffic problems, installation of solar, the importance of the valued village character, increasing urbanization of Route 30 corridor, the kinds of desirable businesses and uses, and using the schools after hours for ArtsWayland.

Next Steps

After a brief board recess (restart elapsed time 02:47:46), Gutbezahl, an attorney, questioned how the Select Board could choose not to submit the draft zoning bylaw coming from the EDC, which is advisory to the Board. Member Carol Martin disagreed and explained why it is the Select Board's job to decide what goes into the warrant and that residents rely on the Board to make such decisions.

Town Counsel Kwezell noted that pursuant to Chapter 40A, zoning articles can be brought forward by the Planning Board, Zoning Board, Select Board, property owner or petitioners, but not the EDC. She added that it is the Select Board's warrant. The change to a Town Manager form of government notwithstanding, Wayland Town Code still spells out who controls the fate of submitted warrant articles. See section 36-3(c).

<https://ecode360.com/12284966>

Prior Boards of Selectmen occasionally have chosen not to include warrant articles submitted by others, especially if they were deemed unready, and have been actively trying to avoid incomplete or deficient submissions. Tuesday, Jan. 16 is the deadline this year to submit articles for the warrant.

Newest board member Anne Brensley said she needed to learn more before being asked to make decisions about the zoning proposal. When Brensley asked Lewis where self-storage would be allowed, Lewis indicated that Wayland's bylaw already allows it in Limited Commercial Districts, which exist on Route 20, and Brensley said she could support that.

— WVN Staff

Stanizzi, Rebecca

From: Jeff Bergeron <jrbergeron@yahoo.com>
Sent: Thursday, January 11, 2024 3:54 PM
To: Economic Development Committee Members
Subject: Fwd: Please DO NOT sponsor 193 Commonwealth Rd Article

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Hello-

Please see the message below that I would like to echo again. Thank you

Jeff Bergeron
9 Snake Brook Rd

Begin forwarded message:

From: Jeff Bergeron <jrbergeron@yahoo.com>
Date: January 7, 2024 at 9:00:46 AM EST
To: sbmembers@wayland.ma.us
Subject: Please **DO NOT** sponsor **193 Commonwealth Rd Article**

Dear Select Board,

Thank you for your public forum regarding the proposed zoning article at 193 Commonwealth Rd.

I understand that you will be voting on whether or not to sponsor this amendment on Monday. As you know, should you vote to sponsor this article, the Town of Wayland and its voters will believe you are supporting and approve of this zoning change.

After hearing discussions where the overwhelming majority was against this proposal, I think it would be extremely difficult to support and recommend this zoning change. In addition, the Planning Board has not offered their support or guidance which makes it even more difficult to recommend this article.

Please do the right thing for Wayland and our community, and **vote against** sponsoring this article.

Thank you,

Jeff Bergeron
9 Snake Brook Rd.

Stanizzi, Rebecca

From: Joseph Choi <josephchoi@gmail.com>
Sent: Thursday, January 11, 2024 4:07 PM
To: Economic Development Committee Members; Hummel, Robert
Subject: Proposed 193 Commonwealth Rd Development - Not Supportive

[**NOTICE:** This message originated outside of the **Town of Wayland Email System** -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Wayland EDC,

As a nearby resident of the Donelan's Supermarket, we really appreciate the small town and neighborhood character of Cochituate and do not support the proposed storage facility development at 193 Commonwealth Rd. We're a stone's throw away from numerous large scale commercial complexes just down the road towards Home Depot/Shopper's World and down Route 27 towards Natick. We essentially have the best of both worlds and that's a true selling point of the neighborhood.

While I appreciate the need to bring in more tax revenue from commercial businesses, the intent of the Business B Zoning District is to create a pedestrian friendly "village" atmosphere. Any development that detracts from that, especially a storage facility would completely change the character of the neighborhood. If anything, Wayland should promote the village atmosphere and bring in development to enhance this even more.

As we all know, once you make this zoning change, other larger businesses will push out the smaller ones until the look and feel of the neighborhood is completely destroyed. Please do not ruin one of the true benefits of living in Cochituate.

Respectfully,

Joseph Choi
34 Bradford Street
Wayland MA 01778

From: Nick Bolio <bodybybolio@gmail.com>

Date: January 11, 2024 at 4:21:03 PM EST

To: Economic Development Committee Members <edcmembers@wayland.ma.us>, "Hummel, Robert" <rhummel@wayland.ma.us>

Subject: 193 Commonwealth Rd - not in support of zoning change

[NOTICE: This message originated outside of the Town of Wayland Email System -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Economic Development Committee,

Please do not support the zoning change at 193 Commonwealth Rd. From my understanding, the land in question is zoned for business but not self storage.

As a business owner in the town, I frequently drive by the Donelan's Plaza and a massive self storage building does not belong in a mostly residential neighborhood. That part of Wayland is also very developed, with thriving business and landscaping that is well kept. I would like to see other time and resources be spent on the Boston Post Rd corridor, the section from Russel's to Route 27. My business is directly on route 20 and is impacted - with the amount of empty buildings, unkept landscaping and frankly "emptiness" in this section of town, I feel as this is more important. I do not even have a sidewalk in front of my building. I have done a lot of outdoor work to my building to make it more appealing as well.

Please take this into consideration. Hopefully you can find a better solution, leave it zoned for businesses like at the Donelan's plaza and begin to explore ideas for the Route 20 project.

Thank you.

Sincerely,

Nick Bolio

Owner

B3 Strength and Conditioning

774-230-9843

264 Boston Post Road Wayland, MA 01778

<https://bodybybolio.com>

Sign up for my weekly Newsletter [HERE!](#)



Stanizzi, Rebecca

From: Phil Grenier <philgrenier18@gmail.com>
Sent: Thursday, January 11, 2024 5:34 PM
To: Economic Development Committee Members
Subject: Fwd: Please do not sponsor the zoning article for 193 Commonwealth Rd.

[NOTICE: This message originated outside of the **Town of Wayland Email System** -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

----- Forwarded message -----

From: **Martin, Carol** <cmartin@wayland.ma.us>
Date: Mon, Jan 8, 2024 at 3:13 PM
Subject: Re: Please do not sponsor the zoning article for 193 Commonwealth Rd.
To: Phil Grenier <philgrenier18@gmail.com>

Mr. Genier -

As Chair, Bill Whitney will respond on behalf of the Board, but want to personally thank you for sharing your concerns with this issue.

Carol

Carol Martin
Select Board, Vice-Chair
Town of Wayland

From: Phil Grenier <philgrenier18@gmail.com>
Sent: Monday, January 8, 2024 2:25 PM
To: Select Board Members <sbmembers@wayland.ma.us>
Subject: Please do not sponsor the zoning article for [193 Commonwealth Rd.](#)

[NOTICE: This message originated outside of the **Town of Wayland Email System** -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Select Board,

Thank you for your time on Wednesday night. Based on the feedback from Amy Kwesell, Town Counsel, the Economic Development Committee (EDC) cannot bring zoning articles to the warrant. The decision whether to sponsor/recommend this article for the spring town meeting is yours and yours alone. As you heard, the public comments were overwhelmingly against this zoning article. We hope you agree with the community and decide to not sponsor nor recommend the zoning article at [193 Commonwealth Rd.](#)

Thank you,

Phil Grenier

[22 Forty Acres Drive](#)
[Wayland](#)

Stanizzi, Rebecca

From: Sandra Dassoni <sandra.dassoni@yahoo.com>
Sent: Thursday, January 11, 2024 1:42 PM
To: Economic Development Committee Members; Hummel, Robert; Hansen, Linda
Subject: 193 Commonwealth Rd

[NOTICE: This message originated outside of the Town of Wayland Email System -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello,

I am against the storage facility at this location and therefore against the zoning change that would allow a commercial facility on this site.

I have lived on French Ave in Cochituate Village for over 30 years. This community does not support nor require a facility of this type.

1) On Monday (1/8) night, the Select Board decided to not include the article in the Town Meeting warrant. They have spent months listening to both sides. If they do not sponsor this article, why would the EDC? I don't understand how (or why) Becky Stanizzi - Economic Development Committee (EDC) Chair and main proponent of this project - stayed for the entire meeting and spoke again around 10pm (we left at 8pm). She said that the EDC will take a vote on this article on Friday and bring it back to the Select Board on Tuesday (1/16). Why and how can this be done without public input or knowledge? Why is the EDC continuing to push an agenda that the neighborhood so vocally opposes? It seems they are trying to "slide" the issue into the town warrant without considering the facts and opinions of the public...

2) The Planning Board Chair and Town Planner are against this zoning change. The Planning Board has not voted on this project. How can the EDC vote in favor of a zoning change without their input?

3) Leaving the property as Business B will generate close to or the same tax revenues. Why is there a need to change the zoning? This will ruin Cochituate Village. That land could be developed and we could instead have small, locally-owned businesses (restaurant, ice cream, coffee, saloon, etc).

4) If these Business B businesses generate less tax revenue than this zoning change, we'll still save money because the town will not have to spend \$100,000s in lawsuits for the next several years because of spot zoning concerns. Amy Kwesell, Wayland Town Counsel, said this zoning change has issues related to spot zoning, will end up in the courts and it has "red flags". Arts Wayland does not protect the developer from spot zoning either.

6) Looking at the EDC mission statement, is this project "consistent with the character of our community"? NO

Besides the zoning change requirement specific to a self storage facility, which is by its nature cyclical with the housing market, Wayland would end up with a useless albatross of a building if the owner ever ceases operations. Also, proposing that Arts Wayland would have a "home" according to the developer, seems like just a "carrot and a stick" metaphor. A 10% space allotment to the town should not be the overriding consideration for a project this size.

I also have major concerns with the Snake Brook wetlands environment. This area has grown considerably over that past year with all the rain recently.

The vernal pool behind our houses on French Ave is extraordinarily deep and large right now (especially for January). I can assume that downstream wetlands and filtering vegetation have expanded as well. The Wayland Emergency Management stated in a meeting that their primary concern last month was the Snake Brook dam! Upstream of French Ave has also retained water not seen in the last 30 years. Such that a feeder stream overflowed on Route 30 (Commonwealth Road) between French Ave and the Villa Restaurant a couple of weeks ago.. Any building on this site must take into regards the new environment regarding the Snake Brook conservation area.

Please do not support/approve any zoning changes for a storage facility or adding these items to the town warrant without ALL the Wayland Town boards prior approval including the conservation department.

Thank You,

Sandra Dassoni / Kathleen Smith
23 French Ave Wayland

Stanizzi, Rebecca

From: Jason Soslow <jsoslow@hotmail.com>
Sent: Thursday, January 11, 2024 6:57 PM
To: Economic Development Committee Members
Subject: 193 Commonwealth Road

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To the Wayland Economic Development Committee:

I am writing as a Wayland resident to express my concern with the ongoing attempt to rezone 193 Commonwealth Road. On Monday (1/8) night, the Select Board decided to not include the article in the Town Meeting warrant. I strongly believe that the matter should end there. The EDC mission statement specifies that development in Wayland should be "consistent with the character of our community". The guiding vision for development in Cochituate center is that of a "New England village" not a sprawling strip mall overbuilt with multi-story warehouses and light industrial facilities. The location of 193 Commonwealth should be maintained in its current zoning and should be developed for retail and other "village" like commercial uses. Whatever tax windfall might accrue from a massive self-storage complex would surely be undone by diminished residential housing property values in the neighborhood and throughout the town as the character of Wayland is chipped away by shoe-horning in ill-suited commercial projects such as this one. If the developer wishes to move forward with such a project he should locate it in the currently available appropriately zoned areas.

Thanks very much for your consideration of the above points.

-Jason Soslow
54 Barney Hill Road

Stanizzi, Rebecca

From: Michael <michaelbrown088@gmail.com>
Sent: Thursday, January 11, 2024 7:40 PM
To: Economic Development Committee Members; Hummel, Robert
Subject: 193 Commonwealth Rd - Please do not support

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> Economic Development Committee,
>
> Please do not support the zoning change for self storage at 193 Commonwealth Rd.
>
> The Select Board decided not to include this article in the warrant for the town meeting. There are concerns from members of the Planning Board as well. I understand that you make recommendations to these committees and hopefully, given their stance, you will agree with their position.
>
> Let's try and find alternative locations for this project as I believe this project could occur under current zoning on Boston Post Rd near the Sudbury line.
>
>
> Thank you,
> Mike
>
> Michael & Katie Brown
> 23 Concord Rd.
> Wayland

Stanizzi, Rebecca

From: Quentin Nowland <qnowland@gmail.com>
Sent: Thursday, January 11, 2024 9:05 PM
To: Economic Development Committee Members; Hummel, Robert
Subject: 193 Commonwealth -- please do not support the project
Attachments: 193 Commonwealth Rd - Jerry Effren Attorney - Wayland Select Board Letter - 1-3-24.pdf; NY Times - Chill in the Housing Market Seeps Into Other Industries - 1-1-24.pdf

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Dear EDC,

I am reaching out to you as it relates to the proposed zoning amendment at 193 Commonwealth Rd.

For the reasons listed below, I sincerely ask that you not vote in favor of the petitioners article:

Zoning & Litigation

During the Select Board public forum hearing on January 3rd, at the 45th minute, the Wayland Town Counsel said, "one property getting rezoned will be a decision for the courts...the Attorney General will flag this and the courts will decide." She continued, "this is being rezoned for a specific purpose which would be considered a red flag."

I am not a lawyer but it does not take one to understand what this means. We can avoid a long, expensive legal battle by not sponsoring this article and not bringing it before town meeting.

Secondly, the town received a memorandum from the developer's attorney. In response, I had our zoning attorney review their letter and provide feedback. Please find his response attached. As you can see, an illegal spot zoning ruling is extremely possible as case law supports the illegal spot zoning argument and Arts Wayland does not meet the criteria for "public benefit."

Lastly, you have town staff and the chair of multiple boards (Planning and Select) who are against the project. Based on the meetings that I have attended, this amendment does not have the support of any other board or Wayland residents.

Industry Concerns

As discussed in our last meeting, we own the self storage facility in Sudbury. Both locally and nationally, the self storage industry is on the decline. High interest rates mean less people are remodeling and moving which in turn means there is less of a need for self storage. To this point, please see the attached article from the NY Times last week entitled, "Chill in the Housing Market Seeps into Other Industries."

There are already five self storage facilities in five miles. Should this facility fail, what will happen to a building zoned for a warehouse / self storage use? Will it become an Amazon distribution warehouse with hundreds of Amazon trucks going in and out of it each day?

Arts Wayland

I support Arts Wayland but this is not the right project or place for them. Arts Wayland takes away from the benefits of self storage. I am very concerned about the Arts Wayland parking, traffic, septic, noise, etc that will be generated from this project which would include highly populated classes, music concerts, events and exhibits. The zoning amendment calls for one parking space for every 15,000 sq ft. That is a total of seven (7) parking spots. I know Becky mentioned people could park across the street at Hannah Williams, the bank, the post office, etc. To me that is a huge safety and liability issue with requiring people to cross the street at night and even worse, at night during a snowstorm.

Also, what happens when the developer sells the building? When asked the same question by the Select Board Chair the developer said, "I can't tell you what will happen." If the EDC is "indifferent" as stated in your presentation, Arts Wayland is the main driver of this project. If we cannot guarantee Arts Wayland a space (SSG sells their developments once they receive a certificate of occupancy), then what is the point of all this?

For all of the above reasons, please do not support this zoning change and petitioners article.

Thank you,
Q

Quentin & Jayme Nowland
4 Windy Hill Ln.
Wayland

Stanizzi, Rebecca

From: Sarah Williams <williams.sarah4078@gmail.com>
Sent: Thursday, January 11, 2024 9:15 PM
To: Economic Development Committee Members
Subject: Storage Unit? No chance.

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The incompetence of this town is truly something of legends. Serious question....why not put the storage unit in North Wayland? I mean who the fuck cares about Cochrane anyways.

It really is comical in so many ways.

Town Center is a disaster....the old Whole Foods site has been empty for 9 years...9!!! The decrepit plaza that burnt down in September is still in ruins because again "who the fuck cares it is only in Cochrane." This town is seriously the most incompetent place in the state which is certainly saying something.

A storage unit?! Seriously? There is a storage units less than two miles from the proposed site with "tons of availability." There is not a need and I find it disingenuousness that the developer is using Wayland Arts to try and hoodwink the town into thinking this is a good thing. Give me a break.

Would you vote yes if this was in your backyard? If the answer is No..and it most certainly is...then you need to vote no tomorrow.

This is a town that gets absolutely nothing positive done... Unbelievable.

Sarah

Stanizzi, Rebecca

From: Todd <todd_mcnamara@hotmail.com>
Sent: Thursday, January 11, 2024 9:50 PM
To: Economic Development Committee Members; Hummel, Robert
Subject: Opposing the storage facility

[NOTICE: This message originated outside of the **Town of Wayland Email System** -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

To whom it may concern,

My name is Todd McNamara and I live at 214 Commonwealth Rd. I moved here in 2016 when my second child was being born. My wife asked me to go to an open house and I reluctantly went because it was a little further out from Boston than I was used to but I said ok. The house was falling apart but I loved the neighborhood. It was one of the more industrial/commercial areas of Wayland but it still had a great neighborhood feel. Although it's a busy street every morning I wake up and look out diagonally at the Snake Brook wetlands area and it reminds me why we moved here. Rt 30 gets going around 6am with constant traffic but there's always "the jungle" right past it.

I understand the need to bring in revenue to keep the wheels turning but wish it could be done somewhere else. With all the other areas of land not as industrialized already as Cotichuate (excuse the spelling) Village I imagine another spot could be figured out if this town really does think that a storage facility is a good solution to bring in the money. And by no means am I here offering solutions or saying what does bring in the money but if this area is one to be developed I would love to see stores/restaurants with a consistent neighborhood feel that we have here in Cotichuate Village that could also bring in tax revenue.

With all that said, my intention here is not about what will bring in more money or any other economic plan but it is to express my hope that the town of Wayland and those making these decisions will take into account the residents of this area still holding on to and loving what bit of residential green areas we have left down here. I appreciate everything that everybody does when committing their time to bettering their towns and wish all of you best in 2024. But please, build the building somewhere!

Thank you

Todd

Sent from my Verizon, Samsung Galaxy smartphone