

PACKET

Aug 30

2021



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

BOARD OF SELECTMEN
Monday, August 30, 2021
7:00 p.m.
Wayland Town Building
Large Hearing Room
41 Cochituate Road, Wayland, MA

Proposed Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate.

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. The meeting may also be accessed remotely via zoom at the link below:

<https://zoom.us/j/95721725414?pwd=RVVKcG9qMXRVcXNLc1pMWVRXY1JLQT09>

Password: 346818

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or by accessing the meeting remotely, as noted above. We request public comment be limited to two minutes per person.

Additionally, the meeting will be broadcast live, in real time, via WayCAM which can be viewed online at <https://www.waycam.tv/live> or on one of their cable channels (Comcast 8, 9, or 99 & Verizon 37, 38 or 39). This meeting will also be recorded which will be made available to the public at the link above as soon after the meeting as is practicable.

Everyone in attendance must adhere the Town of Wayland's new mask requirement dated August 11 that requires the wearing of masks within municipal buildings for all members of the public and for staff when interacting with the public. <https://www.wayland.ma.us/home/news/august-11-2021-announcement-covid-19-update-and-new-mask-requirement-wayland-town>

- 7:00 pm 1. Call to Order, Review Agenda for Public
- 7:03 pm 2. Announcements and Public Comment
- 7:10 pm 3. Governance Guidelines: continuation of discussion and potential vote
- 7:15 pm 4. Propane License Application: Hearing for application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge of 29 High Rock Road, and potential vote
- 7:30 pm 5. Town of Wayland Fields Presentation, and Community Forum to discuss current and future field needs, and how best to address those needs in an efficient, cost-effective, and timely manner. The format will primarily involve listening to residents' ideas, feedback and suggestions on the topic.

BOARD OF SELECTMEN
Monday, August 30, 2021
7:00 p.m.
Wayland Town Building
41 Cochrane Road, Wayland, MA

- 8:45 pm 6. Committee Appointments: Interview, discuss and potential vote to appoint:
- | Committee | Potential Appointee | Term End Date |
|-----------------------------------------|------------------------------------|---------------|
| Board of Registrars
<i>1 vacancy</i> | Kristopher Aleksov | April 1, 2022 |
| Dog Control Board
<i>1 vacancy</i> | Susan Koffman
Elizabeth Nathans | June 30, 2024 |
- 9:15 pm 7. Fall 2021 Special Town Meeting:
- a. Discuss and potential vote to open Special Town Meeting Warrant for no less than 7 days.
 - b. Discuss and potential vote to set Special Town Meeting date/time/location
- 9:35 pm 8. Private Road Snow Plow Policy: discuss considering adding or developing an additional policy for Private Commercial roads/parking lots
- 9:45 pm 9. Town Administrator update
- a. Other Post-Employment Benefits (OPEB)
- 10:00pm 10. Utility Box Art Project: discuss and potential vote
- 10:10pm 11. Minutes – July 12, 2021, July 26, 2021, August 9, 19, and 21, 2021; review and vote to approve
- 10:15pm 12. Consent: review and vote to approve
- 10:20pm 13. Correspondence
- 10:25pm 14. Selectmen’s Reports and Concerns
- 10:30pm 15. Topics not Reasonably Anticipated 48 hours in advance, if any
- 10:35pm 16. Adjourn

Town of Wayland

1.0 Principles of Organization for Elected Boards and Appointed Bodies

1.1 Annual Organization Meeting

Boards and other appointed public bodies must organize annually after the Annual Town Meeting and no later than July 15th. Public bodies will elect a Chair and any other necessary officers such as a Vice-Chair or Co-Chair, Clerk and Assistant Clerk. Elected boards must follow statutory requirements for reorganization. Boards and other appointed public bodies should strive to rotate leadership positions and rotation should not get in the way of making sure the board can function well.

1.2 Assignment

Each public body will be assigned to a department of the Town which will provide a secure location to maintain minutes and records.

1.3 Role of Members

A member of any public body will:

1. Respect the role of the Chair in setting agendas and facilitating meetings.
2. Respect decisions of the public body and recognize that members take action as part of a public body and may not conduct Town business independently of the public body except as authorized by a vote of the public body.
3. Recognize that action at an official legal meeting is binding and that an individual member cannot bind the public body outside of such meeting.
4. Not make statements or promises about how he / she will vote on matters that come before the public body until he / she has had an opportunity to hear the pros and cons of the issue during the body's public meeting.
5. Uphold the intent of Executive Sessions and respect the privileged communication that exists in Executive Session, holding it in confidence.
6. Assume a high level of integrity, striving toward fact - based and objective public statements and deliberations. Make decisions only after all facts on a question have been presented and discussed.
7. As a general rule, work with Town staff at the direction of the public body only so that Town staff are not subject to conflicting direction from individual public body members.
8. If appointed by a majority of the public body, serve as a liaison to other public bodies.
9. Request information from the Town Administrator and other Town staff during posted office hours.
10. Will treat the public, applicants before the public body, Town employees and other members with respect and courtesy. The members and Chair of a public body should take time to listen to individuals speaking to the body. The Chair should make sure members of the public who are present also accord those speaking with respect and an opportunity to be heard uninterrupted.

11. Respond to inquiries as soon as practical. A good estimate is 1-2 business days.

1.4 Role of Chair and Vice Chair

The Chair will set meeting agendas, convene all meetings, and execute documents as authorized by the public body. The Chair will act only under authority provided by a quorum of the public body.

The Chair will act on behalf of the board on routine matters between meetings (such as setting appointments and scheduling). As a general rule, the Chair should solicit the opinions of all members prior to stating his or her personal opinion on any agenda item before the public body.

The Chair will be responsible for ensuring the proper preparation and disposition of all minutes under the Open Meeting Law. The Vice Chair will fulfill the duties of the Chair in his or her absence.

The Chair will respond to inquiries directed to the Board or Public body so as to ensure timely response and response that is consistent with all the members opinions.

1.5 Role of Clerk

Although Town staff may record minutes for some public bodies, the public body is encouraged to elect a Clerk or individual member who takes responsibility for ensuring minutes are recorded, created and submitted for approval and filed along with supporting documents as a permanent record in the office of the assigned Town department. If voted minutes are substantially different from draft minutes, draft minutes must be retained as well. Boards and committees should consult with the Town Administrator if they have questions about minutes.

1.6 Social Media

Members should refrain from expressing their opinion on matters that could constitute a violation of Open Meeting Law.

These policies are superseded when in conflict with any federal or state law or Town By-Law. Please contact the Town Administrator whenever there is any uncertainty about appropriate procedure.

Commented [CS1]: LM's Proposed language – to be discussed

The Chair will serve as the public body's primary contact with the Town Administrator and other Town staff, with the exception of Town staff assigned as a liaison to the public body. All members of the public body may contact the liaison for requests for information on matters within the jurisdiction of the public body

2.0 Board and Public Bodies Governance Policy

2.1 Authority and Purpose of These Guidelines

The purpose of these Guidelines is to promote among the Town's public bodies decision-making that is open, thoughtful, fact-based, respectful and fair, in compliance with Town bylaws and with all state and federal laws.

Responsibilities under Charge and Local and State Law

Each ~~appointed~~ public body will conduct its business under a Town by-law, state statute or under a charge adopted by the Board of Selectmen for appointed public bodies.

2.2 Annual Reports

Under Chapter 53 of the Town Code, all boards, commissions, committees, officers and agents of the Town shall submit a report to the Selectmen, not later than September 30 after the end of each fiscal year for publication each December in the Annual Town Report. The Selectmen shall notify all officers and agents of the Town and the Chairs of all boards, commissions and committees of the final date for submitting such reports for publication. This notice shall be given by letter mailed or emailed in May of each year. If an appointed board, commission or committee of the Town, other than those created under the General Laws of the Commonwealth, does not submit its written report on or before such final date for publication in the Annual Town Report, it shall be dissolved, except in such instances where the creating vote specifically provides that it is to report at longer given intervals, or unless the Town at the next annual Town meeting, by vote naming the board, commission or committee, continues it in existence.

2.3 Rules of Procedure and Voting

Public bodies must establish a quorum before any meeting is called to order, and must maintain a quorum during the meeting. Each public body may establish rules of procedure and voting consistent with local, state and federal law. The rules of procedure should include when public comment may be allowed by the Chair.

2.4 Advisory Committees

The Board of Selectmen may appoint advisory committees for a specific purpose under a temporary charge.

2.5 Training

Public bodies must take any training required by law. The Board of Selectmen may require additional training so members can effectively fulfill their duties. Training may be provided at Town Building, over the internet, or may require out of Town travel or require multiple sessions. Whenever training is required by the Town so that a volunteer can serve on a public body, the Town will pay for the costs of tuition and travel. All such costs must be approved in advance by a Department Head before the costs are incurred.

2.6 Changes of Member Status

Members will be sworn in by the Town Clerk or Assistant Town Clerk after appointment or election and submit a letter of resignation to the Office of the Town Clerk when no longer willing or able to serve.

New members of public bodies cannot vote until sworn in by the Town Clerk or Assistant Town Clerk.

If a member wishes to resign before the end of a term he or she must submit to the Office of the Town Clerk a signed letter of resignation. The resignation is effective upon receipt by the Office of the Town Clerk unless a different date is specified. Upon expiration of a term, appointed members will continue to hold office until a successor is appointed. Filling of mid-term vacancies for elected officials will be done according to state law.

2.7 Open Meeting Law

Requirement to comply with the Open Meeting Law: Public bodies must comply with all parts of the Open Meeting Law. Public bodies subject to the Open Meeting Law include any sub-committee of two or more members assigned by a public body to conduct business. Please refer to the MA Attorney General's Open Meeting Law Guide which is available on the Town website and through the Wayland Town Clerk and includes the following information important for members to know:

1. Definition of a public body
2. Definition of a meeting / 5 exceptions to the definition
3. Definition of a meeting quorum
4. Requirements for posting meetings
5. Ten legal purposes for executive sessions
6. Requirements to allow remote participation
7. Required public participation.
8. Required records for open and executive sessions
9. Open Meeting Law complaint process

Determinations by the Attorney General that the public body was found in violation of the Open Meeting Law over the past five years.

The Town Administrator is available to provide or obtain assistance on Open Meeting Law questions. You may also contact the Division of Open Government at (617) 963- 2540 or e-mail openmeeting@state.ma.us.

Please see the attached Public Bodies' Checklist for requirements for posting meetings.

Please see the attached allowable reasons for conducting an Executive Session. You are encouraged to call the Town Administrator before posting an Executive Session to review the requirements who will refer questions to Town Counsel if required.

2.7.1 Meeting Notices

All public bodies must comply with the Open Meeting Law, including but not limited to filing meeting agendas with the Town Clerk at least 48 hours in advance of the meeting. Saturdays, Sundays and legal holidays are excluded in the calculation of the 48 hours. The agenda may be filed with the Town Clerk in person or e-mailed to the Town Clerk at Townclerk@wayland.ma.us. Agendas must be received by the Town Clerk at least 30 minutes before the end of business in order to be posted the same day. Agendas received after the close of business will not be posted until the next day. Please contact the Town Clerk's office if you have a late filing. The agenda must include a list of topics that is sufficiently specific to reasonably inform the public of the items to be discussed at the meeting. The agenda must also include any Executive Sessions planned, citing one of the 10 legal purposes for calling an executive session. Depending upon specific circumstances and the legal purpose of the Executive Session, the Executive Session notice must include specificity with regard, for example, the name of a matter of litigation, the name of a collective bargaining unit, or identification of parcels of land. Whenever in doubt, the Chairs of public bodies are encouraged to consult with the Town Administrator, who will refer questions to Town Counsel if necessary, for appropriate language for meeting notices for Executive Sessions.

2.7.2 Revised Agendas

If an agenda item is received by the Chair within 48 hours of a posted meeting, and the agenda item could not be reasonably anticipated by the Chair more than 48 hours before the meeting, the Chair may revise the posted agenda to include the new agenda item. It is preferred that agendas are revised only when the agenda item arises because of an emergency, which is defined as a sudden and generally unexpected occurrence or set of circumstances, demanding immediate action. All other matters should be heard at a later meeting of the public body. If you are filing a revised agenda it must be marked "REVISED" with the date and time of the original agenda noted and any changes or additions should be highlighted. Chairs of public bodies are encouraged to consult with the Town Administrator or the Town Clerk to ensure that revised agendas comply with Open Meeting Law.

2.7.3 Requirement for Meeting Minutes

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner (defined as three meetings or 30 days, whichever is longer). The Public Records Law

requires that existing minutes be made available to the public within 10 days upon request, whether these minutes have been approved or are in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within 10 days of request. Minutes of all staffed public bodies will be posted to the website by departmental staff. Minutes of all other public bodies will be emailed to townclerk@wayland.ma.us to be posted on the Town website and kept on file in the Town Clerk's office.

2.7.4 Contents of Minutes

Minutes must include the name of the public body, the date, time, and place of the meeting, the names of members present and absent, the names of staff present, and the substance of all discussion including all subjects acted upon or heard. Minutes must include a full and complete record of all motions proposed for vote and will include the exact vote, the names of the mover and the seconder for each motion, and the names of those voting against each motion. Although a verbatim record of meetings is not required, the Open Meeting Law requires that the minutes include a summary of the discussion of each subject containing enough detail and accuracy that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. A list of all documents used by the public body must be included in the minutes.

Please see Public Body Checklist on Minutes for more detailed requirements for meeting minutes.

2.7.5 Draft Minutes

Once created, draft regular meeting minutes are a public record available to the public, even if the minutes have not been presented at a meeting.

2.7.6 Executive Session Minutes

Minutes must be created for all Executive Sessions. Executive Session Minutes must not be released to the public until the reason for calling an Executive Session has ended, after which Executive Session Minutes must be reviewed and voted for approval and release by the public body. The Chair is responsible for regularly reviewing minutes for potential release.

2.7.7 Recording of Meetings

Any member of the public has the right to make an audio or video recording of an open session of a public meeting, but must notify the Chair before recording. The Chair must inform attendees of any such recording at the beginning of the meeting including that the meeting will be broadcast on the Way-Cam government access channel. The Chair may impose reasonable requirements regarding audio or video equipment so recording does not interfere with the meeting.

2.7.8 Public Participation

Under the Open Meeting Law, the public is permitted to attend open meetings of public bodies. The public is excluded from an executive session that is called for a valid legal purpose cited in the agenda. The amount of time a member of the public will be allowed to speak to a public body will be determined at the discretion of the Chair. While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the Chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the Chair, all members of the public will be silent. If after clear warning, a person is disruptive, the Chair may order the person to leave the meeting, and if the person does not leave, the Chair may authorize a police officer to remove the person.

2.7.9 Remote Participation at Meetings

The Town of Wayland permits remote participation. Members of Town boards and committees may participate and vote by teleconference, audio-conference or other means that allows all persons present, including the audience and the member participating remotely, to hear the proceedings. Under state regulation, remote participation is allowed if physical attendance by a member of a public body is unreasonably difficult. All votes taken at such meetings where a member participates remotely must be taken by roll call vote and a quorum of members must otherwise be present, not including the remote participant. No remote participant may chair a meeting.

2.7.10 Open Meeting Law Complaint Process

Individuals who allege a violation of the Open Meeting Law must first file a complaint with the public body alleged to have violated the OML within 30 days of the date of the violation or the date the complainant could have reasonably known of the violation. The full complaint process, including the required response of the public body to the complainant within 14 days of receipt of the complaint is included in the Attorney General's Open Meeting Law Guide. Please provide a copy of all Open Meeting Law complaints to the Town Administrator's Office. Within 14 business days of the date on which the complaint was filed, the public body must review the complaint and send to the Attorney General's Office (AGO) a copy of the complaint along with a description of any action taken to resolve the issue that was raised by the complaint. Within seven business days of the date that the complaint was filed, the public body may request additional information from the person making the complaint if necessary to resolve the complaint. The person making the complaint shall provide the additional information to the public body within 10 business days, and the public body shall have 10 additional business days (total 24 business days from the date complaint was originally filed) to act on the complaint and notify the AGO. The public body may request additional time to consider taking remedial action and must make that request in writing to the AGO, to the Attention of the Director of the Division of Open Government. The AGO may, at its discretion, grant additional time to the public body if it determines there is a showing of good cause to grant the extension.

2.8 Use of E-Mail to Conduct Business

2.8.1 E-Mail and Public Records Law:

E-mail communication created or received by a member of a public body while acting in his or her capacity as a member of the public body, is considered a public record and is subject to a public records request under the Public Records Law even if the e-mail is received by or created on a private computer or sent to only one individual. The Town will assign e-mail addresses to all members of appointed and elected boards and committees which must be used for all town business to avoid violations of the Public Records Law.

2.8.2 E-Mail and Open Meeting Law

Whenever one member of a public body uses email or digital communication broadly defined to include all documentary materials or data created or received, regardless of physical form or characteristics, to discuss the public body's business (except for administrative matters such as scheduling and the transmission of documents) with a quorum of the members, it constitutes "deliberation" and is in direct violation of the Open Meeting Law. E-mail communication between less than a quorum of a public body is also in violation of the Open Meeting Law if the e-mail between less than a quorum of members is later forwarded to or discussed with additional members outside of a public meeting, thus unintentionally creating a quorum.

2.8.3 Board of Selectmen Guideline on E-Mail

To avoid violations of the Open Meeting Law and the Public Records Law, it is recommended that e-mail between members of the Town's public bodies be restricted to scheduling meetings and distribution of agendas, documents and reports. This is not a prohibition against email communication. However, e-mails between members of public bodies should never contain any statement that is an opinion of any member.

2.9 Code of Ethics

All members of public bodies are sworn in by the Town Clerk to uphold all state and local laws applicable to the public body's jurisdiction. Members must comply with the state ethics law (MGL Chapter 268A) regarding the conduct of public officials. Members must complete required ethics training and on-line tests. A member is required under the law to not vote on any matter in which the member or an immediate family member has a financial interest. Members are recommended to recuse themselves if there is an "appearance" of a conflict of interest. Members of public bodies should consult with the Town Administrator if they have any question about conflict of interest. The Town Administrator, who may direct them to Town Counsel or other appropriate State authority,

2.9.1 Absences

The absence without appropriate explanation of any member of an appointed body from a majority of meetings held over a one year period or from three consecutive meetings may serve to vacate the office. The decision to recommend that the office be vacated will be made by a majority vote of other members of the public body and then transmitted to the Board of Selectmen.

2.9.2 Members are Bound by Applicable Personnel Policies and Law

Members of public bodies, when acting in their official capacity, are subject to any applicable state law and Town policies including those prohibiting sexual harassment, discrimination and workplace violence. Any allegation of misconduct made by the public, Town staff or a fellow member will be reported immediately to the Town Administrator.

2.9.3 Litigation against Town by a Member of an Appointed Public Body

An appointed member of any appointed public body may be temporarily suspended by the Board of Selectmen during a lawsuit filed by the member against the Town in a court of competent jurisdiction in the state of MA.

2.9.4 Removal under this Section

The Board of Selectmen, under such procedures it may adopt, may remove a member from an appointed public body for violations of this section.

2.10 Town Meeting and Public Bodies

Upon a majority vote, public bodies may sponsor and submit to the Board of Selectmen articles for the Board's consideration for inclusion in Annual and Special Town Meeting warrants. Articles submitted by committees that are advisory to the Selectmen shall be submitted and sponsored by the Board of Selectmen.

2.11 Policy on Legal Services

All requests for legal opinions will be made through the Town Administrator under the Board's policy on legal affairs of the Town.

SUPPLEMENTAL DOCUMENTS REFERENCED ABOVE:

- 1) Checklists for Public Bodies
- 2) MGL 30 A, Section 21 (a): 10 Allowable purposes for entering executive session. Other policies relevant to the work of public bodies are posted on the Board of Selectmen's website.

These guidelines are superseded when in conflict with any federal or state law or Town By-Law. Please contact the Town Administrator whenever there is any uncertainty about appropriate procedure.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN AGENDA FACT SHEET

MEETING DATE: 8.30.2021

AGENDA ITEM	Propane License Application: Hearing for application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge of 29 High Rock Road
PRESENTER(S)	Jeffrey Mushnick on behalf of applicants Michael & Tracy Roberge

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>Under MGL Ch 148, Section 13, land on which buildings or structures (such as storage tanks) that contain certain quantities of flammables, combustibles and explosives are to be licensed by a local licensing authority (Wayland BoS). Applicant is requesting the storage of LP-gas (propane) in the amount of 3000 gallons. Under MGL and 527 CMR, any storage of LP-gas in excess of 2000 gallons must be licensed and permitted. A Public Hearing on the application is required and has been advertised in the local paper and local abutters have been given notice at least 7 days in advance as required by law. Upon the closing of the hearing, the licensing authority may decide on whether to grant the license and may prescribe conditions or restrictions to said license. If granted a license, applicant must then also receive a permit from Wayland Fire Department and register with the Town Clerk's office on an annual basis.</p>
2. VOTE REQUIRED OR SUGGESTED ACTION BY BOARD
<p>Suggested motion: I move that the Board of Selectmen approve the application for License from Jeffrey Mushnick on behalf of applicants Michael & Tracy Roberge to store a maximum quantity of 3000 gallons of LP-gas, utilizing 3 – 1000 gallon underground tanks, at the residential address of 29 High Rock Road for personal residential use only.</p>
3. BACK UP INFORMATION ATTACHED
<ol style="list-style-type: none">1. Legal Notice for 29 High Rock Rd, Wayland2. 29 High Rock Rd Application for License3. 29 High Rock Rd Plan for Propane Storage Tanks4. Wayland Fire Department Letter re 29 High Rock Road5. Wayland Building Commissioner's Input re 29 High Rock Road6. Letter Rationale from Applicant to Wayland Building Commissioner7. Correspondence between Applicant and Building Commissioner re 29 High Rock Road8. MGL 148, Section 139. Excerpt from CMR 527 1.00: Mass Comprehensive Fire Safety Code10. Guidelines for Municipal Officials re MGL 148 section 13



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LEGAL NOTICE

**29 High Rock Road
Wayland, MA 01778**

Re: Application for License as relates to the storage of flammables, combustibles, or explosives on land in buildings or structures at 29 High Rock Road, Wayland MA

LEGAL NOTICE

Notice is hereby given that the Board of Selectmen will hold a Public Hearing on Monday, August 30, 2021, at 7:15 p.m. at the Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778, on the application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge at 29 High Rock Road, Wayland, MA, 01778, for a License as relates to the installation and storage of propane for residential use only at 29 High Rock Road, Wayland MA as in accordance with the provisions of Massachusetts General Laws Chapter 148, Section 13. Please check the Wayland website at www.wayland.ma.us for updated information.

Board of Selectmen
Town of Wayland

dc: Town Crier
Post Wayland Town Building
Wayland Public Library



FP-002A
(Rev. 1.2018)

The Commonwealth of Massachusetts
City/Town of WAYLAND

Application For License

Massachusetts General Law, Chapter 148 §13

New License Amended License

GIS Coordinates

LAT.

LONG.

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 29 HIGH ROCK RD MAP 44 LOT 78
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: MICHAEL ROBERGE

Address of Land Owner: 29 HIGH ROCK RD

Use and Occupancy of Buildings and Structures: RESIDENTIAL HOME

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums

Total quantity of all flammable liquids to be stored: _____

Total quantity of all combustible liquids to be stored: _____

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: 3000
List sizes and capacities of all underground containers used for storage: 3-1000 GALLON UNDERGROUND PROPANE TANKS

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class **1.3G**: _____ Type/class of magazine used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.4G**: _____ Type/class of magazine used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.4**: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class **1.1**: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.2**: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.3**: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.4**: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.5**: _____ Number of magazines used for storage: _____
- ❖ Maximum amount (in pounds) of Class **1.6**: _____ Number of magazines used for storage: _____

I, JEFFREY MUSHNICK hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature Jeff Mushnick Date 7/9/21 Name JEFFREY MUSHNICK

Fire Department Use Only

I, _____, Head of the _____ Fire Department endorse this application with my

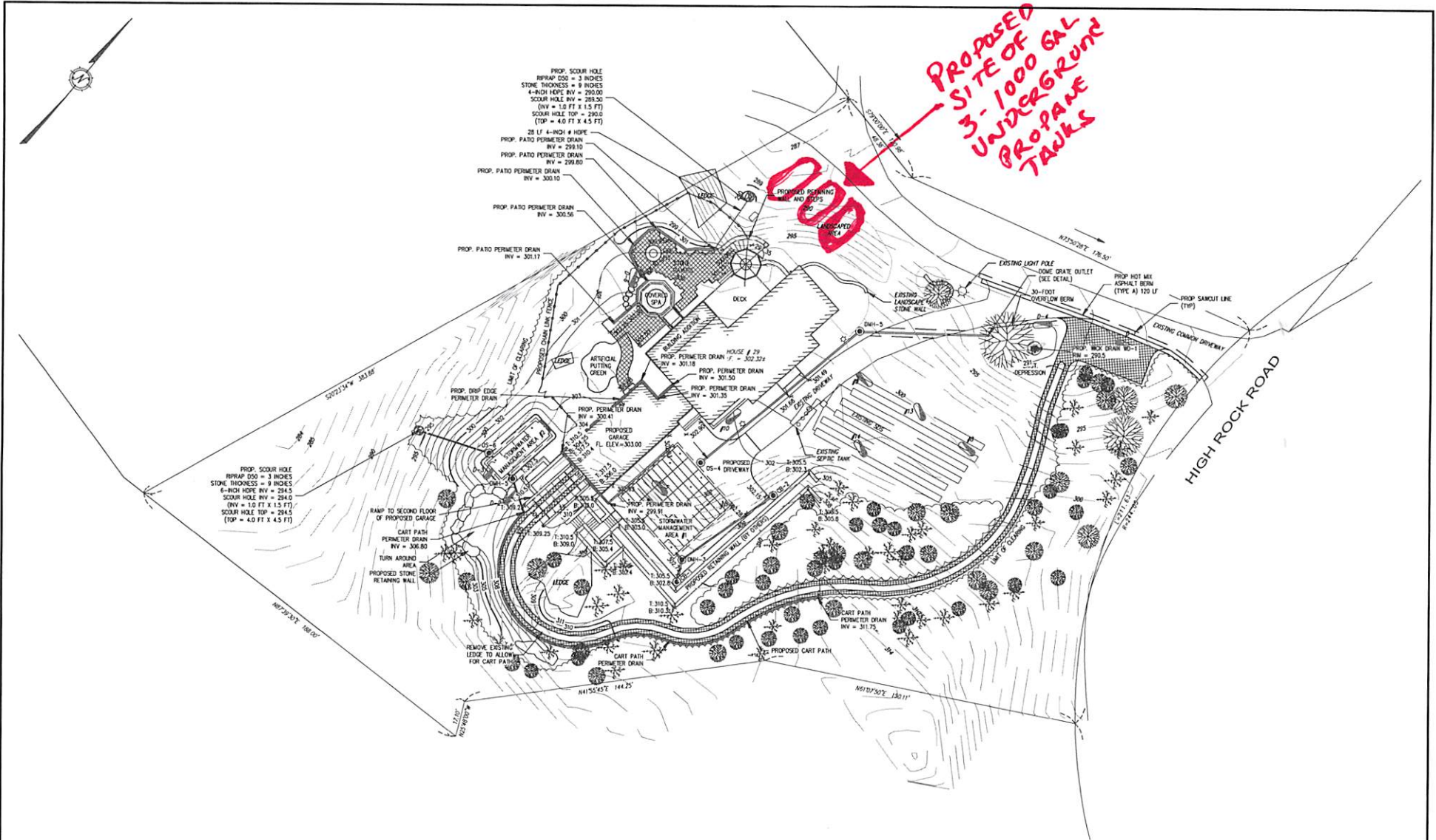
Approval Disapproval

Signature of Head of the Fire Department

Date

Recommendations: _____

FILENAME: P:\Proposed\29 High Rock\29 High Rock\29 High Rock.dwg PLOT DATE: 12/11/2020 10:25:29 AM USER: FRANK MACFARLANE



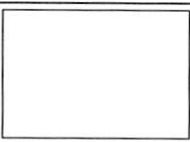
PREPARED BY:
DILLIS & ROY
 CIVIL DESIGN GROUP
 CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS
 1 MAIN STREET, SUITE 1 LUNenburg, MA 01462
 PHONE: (978) 779-6091 www.dillisandroy.com

OWNER:
 MICHAEL & TRACY ROBERGE
 29 HIGH ROCK ROAD
 WAYLAND, MASSACHUSETTS

APPLICANT:
 MICHAEL & TRACY ROBERGE
 29 HIGH ROCK ROAD
 WAYLAND, MASSACHUSETTS

SCALE:

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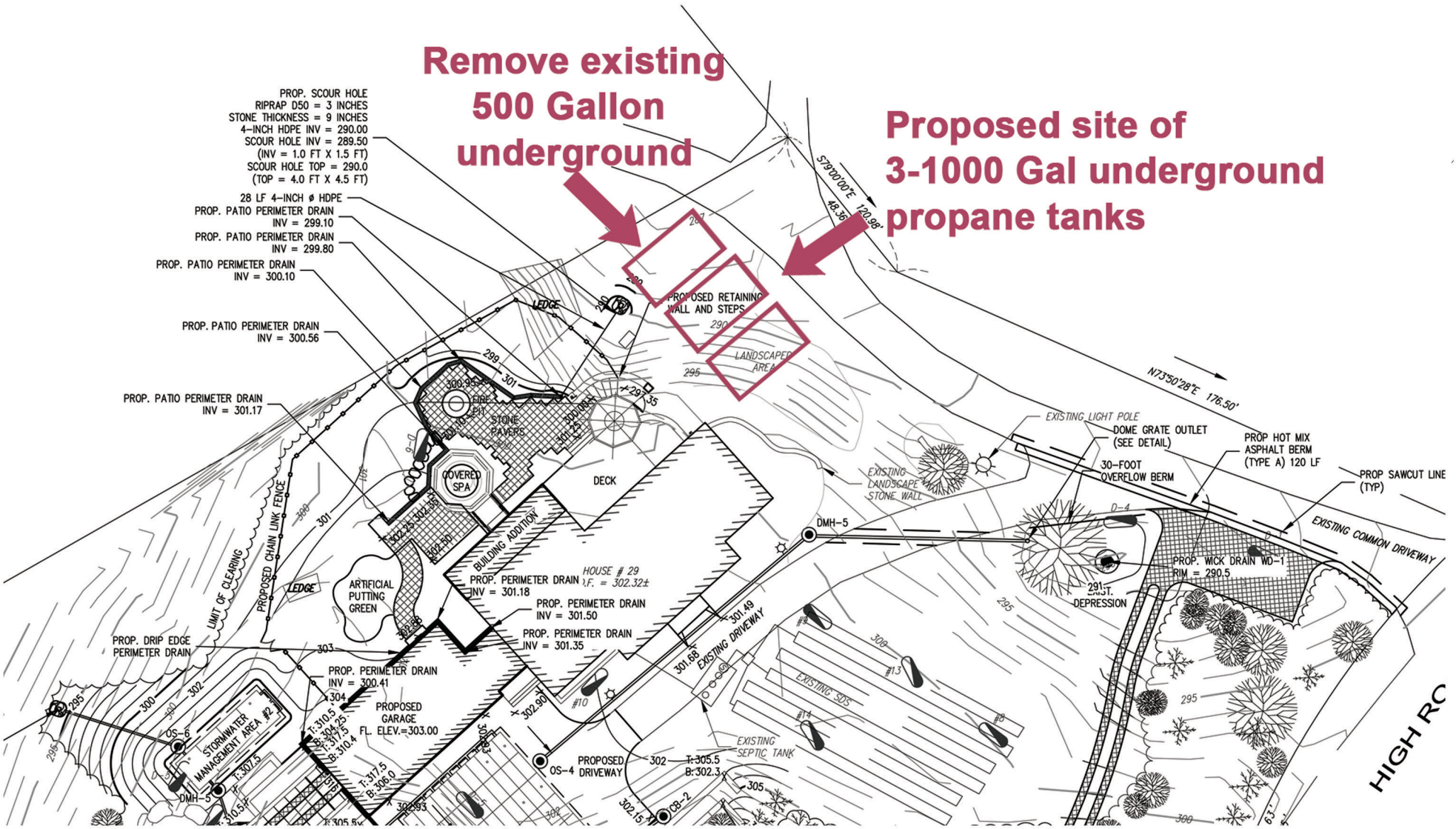
DATE: 8/26/20
 DESIGN BY: JPL
 DRAWN BY: JPL
 CHECKED BY: JPL
 FMW

PROPOSED CONDITIONS PLAN 29 HIGH ROCK ROAD WAYLAND, MASSACHUSETTS			
NO.	DATE	DESCRIPTION	BY
01.	9/16/20	EDITS PER TOWN AND PEER REVIEW COMMENTS	JPL
02.	11/4/20	EDITS PER TOWN AND PEER REVIEW COMMENTS	FMW
03.	12/11/20	EDITS PER TOWN AND PEER REVIEW COMMENTS	FMW

JOB NO. 5103
 DRAWING NO. S103-PROPOSED
 SHEET NO. C2.0

**Remove existing
500 Gallon
underground**

**Proposed site of
3-1000 Gal underground
propane tanks**



FILENAME: P:\Proposed\103SITE PLANS\C2.0 5103-PROPOSED.dwg
 PLOT DATE: 12/16/2020 10:23:29 AM USER: FRANK MCPARTLAN

PREPARED BY:

 CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS
 1 MAIN STREET, SUITE 1 LUNENBURG, MA 01462
 PHONE: (978) 779-6091
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 WAYLAND, MASSACHUSETTS

APPLICANT:
 MICHAEL & TRACY ROBERGE
 29 HIGH ROCK ROAD
 WAYLAND, MASSACHUSETTS

SCALE:

 1" = 20' FT.
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FRANCIS M. MCPARTLAN
 CIVIL ENGINEER
 No. 49723

PROPOSED CONDITIONS PLAN			
29 HIGH ROCK ROAD			
WAYLAND, MASSACHUSETTS			
NO.	DATE	DESCRIPTION	BY
01.	9/16/20	EDITS PER TOWN AND PEER REVIEW COMMENTS	JPL
02.	11/4/20	EDITS PER TOWN AND PEER REVIEW COMMENTS	FMM
03.	12/11/20	EDITS PER TOWN AND PEER REVIEW COMMENTS	FMM

JOB NO. 5103
DRAWING NO. 5103-PROPOSED
SHEET NO.
C2.0

MEDWAY OIL & PROPANE COMPANY, INC.

Coal • Oil • Propane • Service

37 BROAD STREET
P.O. BOX 343

MEDWAY, MASSACHUSETTS
02053

TELEPHONE (508) 533-6561
(800) 649-5949

July 12, 2021

Town of Wayland
Building Department
Attn. Geoffrey Larsen
41 Cochituate Road
Wayland, MA 01778

RE: 29 High Rock Road

Dear Inspector Larsen,

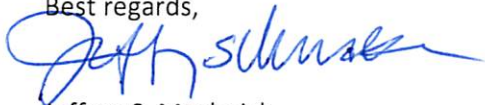
This letter is to clarify usage and need for the upgrade to the propane system at the 29 High Road Road. The home currently has a 500-gallon underground propane tank for cooking and a small generator.

The new addition to the home, conversion from fuel oil to propane heat and hot water and the additional outbuildings that are being built at this site, require well over 2mil BTU'S of usage of maximum load. The need for the three tanks is to be able to provide the necessary propane gas when the demand is needed as well as having additional fuel resources when the new much larger generator may be running. Natural gas is not an option due to distance and paving restrictions. Propane is the fuel source that will handle the needs for the customer.

There will be no other use of the propane other than described above, personal residential use.

If I can be of any further assistance, please feel free to contact me.

Best regards,



Jeffrey S. Mushnick
President



NEIL W. McPHERSON
Chief of Department

Wayland Fire Department

38 Cochituate Road • Wayland, MA 01778
Business Phone: 508.358.7951
Chief's Phone: 508.358.6914
nmcpherson@wayland.ma.us

To: Louise Miller, Town Administrator
From: Neil McPherson, Fire Chief
Date: August 8, 2021
Re: 29 High Rock Road - LP Tank License

We are aware of a request for a license to install underground storage of LP at a single-family residence at 29 High Rock Road in excess of an aggregate of 2,000 gallons. This would require the owner to obtain an approval for license from the Board of Selectman.

We have completed an initial onsite inspection with the contractor who will be overseeing the installation (Medway Oil & Propane). We believe that the proposed placement will meet the applicable fire codes.

We do not have any specific fire-related concerns with the proposed installation, if done in compliance with the current applicable codes.

We frequently conduct inspections for above ground and underground LP storage tanks at residential properties as part of our inspectional process. What makes this situation unique is the request for (3) 1,000 gallon tanks.

There is no exemption from the licensing requirement for single-family properties. However, the owner must comply with all of the applicable requirements for the installation in accordance with 527 CMR 1.00 Chapter 69 and NFPA 58.

If the applicant obtains permission from the Board of Selectmen, the following requirements need to be met:

- Obtain a permit for the installation of these tanks from the fire department with payment of the applicable fee.
- The fire department will make another site visit and review the submitted plans for compliance with the applicable fire codes, which includes the proposed location and proper installation of the actual tanks.
- A final on-site inspection will be conducted when the tanks have been installed, before back filling with soil.

Crandall, Seath

From: Larsen, Geoffrey
Sent: Wednesday, July 7, 2021 8:59 AM
To: Crandall, Seath
Cc: Pratt, JulieB
Subject: LP-gas storage, general zoning

Good morning Seath,

I understand that pursuant to 527 CMR that a license to store LP is required as well as a permit for quantities over 2000 gallons.

It is anticipated that a proposal to store LP of this quantity at an existing commercial site would likely trigger a zoning/site plan review.

Single family homes are effectively exempt from site plan approval (§198-601.2.1).

It may serve a licensing review process to include a zoning narrative from a homeowner supporting their claim that a proposal of LP storage in excess of 2000 gallons constitutes a residential use and not hazardous materials storage which is a prohibited use (§198-803.5.4).

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

From: Crandall, Seath <scrandall@wayland.ma.us>
Sent: Tuesday, July 6, 2021 4:32 PM
To: Larsen, Geoffrey <glarsen@wayland.ma.us>
Subject: FW: 29 High Rock Road

Hi Geoff,

These two documents attached and the link below appear to be the relevant documents related to the application for a license for the storage of flammable or combustible liquids, gas and solids.

<https://www.mass.gov/files/documents/2018/01/05/527cmr1.pdf>

I laid out the procedure detailed below for the applicant to follow.

let me know if you have any questions.

Seath Crandall (He/Him/His)
Management Analyst
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Phone: 508-358-3621

From: Crandall, Seath
Sent: Tuesday, July 6, 2021 1:54 PM
To: 'Jeffrey Mushnick' <jeffrey@medwayoil.com>
Cc: GFinigan1@Gmail.com; McPherson, Neil <nmcpherson@wayland.ma.us>
Subject: RE: 29 High Rock Road

Hi Jeffrey,

I am relatively new to this process but I believe the next steps to be laid out below:

- You/responsible party will submit a completed application (attached) and any pertinent documents to myself for the Town and Board of Selectmen to review prior to the hearing
- The board of Selectmen will plan to hold a hearing at their Meeting of July 26, 2021. Application materials should be submitted no later than Monday, July 19, 2021.
 If you believe you need more time, I can push back the hearing to a Monday in August. Please let me know by this Thursday, July 8 if you wish to proceed with the 26th or push the date.
- The Town will issue out a legal notice in the Wayland Town Crier no less than 7 days of said hearing and have them bill to you/responsible party
- You/responsible party will reach out to our Town Assessing Office to obtain a list of abutters of the property and send certified mail the legal notice of hearing no less than 7 days prior to the hearing. Provide a signed affidavit attesting to the mailing of notice (with certified mail documentation if desired)
- Once hearing is closed and BoS make decision, and if approved, Wayland Town Clerk will issue certificate to property owner.
- Meet again with WFD to obtain permit.

Let me know if you

Best,

Seath Crandall (He/Him/His)
Management Analyst
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
Phone: 508-358-3621

From: Jeffrey Mushnick <jeffrey@medwayoil.com>
Sent: Thursday, July 1, 2021 4:04 PM
To: Crandall, Seath <scrandall@wayland.ma.us>
Cc: Jeffrey Mushnick <jeffrey@medwayoil.com>; GFinigan1@Gmail.com
Subject: 29 High Rock Road

[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.]

Seth,

Thanks for taking my call today.

I am asking to appear before the Board of Selectman at an upcoming meeting for a license to store propane in an amount over 2000 gallons underground. The reference for this license is found in MGL 148, Sec 13.

The license would be granted to the landowner and I will represent them at this meeting. I met with the Fire Chief and FF Spurling

today on site and they have approved the location. This is the next step in the process.

I understand there are notification requirements to the abutters for this license as well and the expense for the same.

Thanks for your assistance with this.

Best,

JM

Jeffrey S. Mushnick

President

508-533-6561 • 800-649-5949

Jeffrey@Medwayoil.com

www.medwayoilpropane.com

37 Broad St., Medway MA 02053

Fax: 508-533-4258



Serving satisfied customers since 1954.

Crandall, Seath

From: Larsen, Geoffrey
Sent: Wednesday, August 18, 2021 8:47 AM
To: Crandall, Seath
Cc: Pratt, JulieB
Subject: 29 High Rock Road, application for license; LP-gas as it relates to general Town zoning

Good morning Seath,
Please see email thread below for additional information.

Respectfully,
Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

From: Jeffrey Mushnick <[REDACTED]>
Sent: Tuesday, August 17, 2021 4:10 PM
To: Larsen, Geoffrey <glarsen@wayland.ma.us>
Cc: Crandall, Seath <scrandall@wayland.ma.us>; McPherson, Neil <nmcperson@wayland.ma.us>; Pratt, JulieB <jbpratt@wayland.ma.us>; Greg Finigan <[REDACTED]>
Subject: RE: 29 High Rock Road, application for license; LP-gas as it relates to general Town zoning

[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.]

Mr. Larsen,
Thank you for this paperwork regarding 29 High Rock Road proposed propane installation. Everything you have provided is correct. I am looking forward to the Zoom meeting with the Wayland Select board on Monday August 30 and to a discussion/question answer period from all concerned. As a courtesy I have added the email of Greg Finigan, the contractor for this project.
Best regards,
Jeffrey Mushnick

From: Larsen, Geoffrey <glarsen@wayland.ma.us>
Sent: Monday, August 16, 2021 5:09 PM
To: Jeffrey Mushnick <[REDACTED]>
Cc: Crandall, Seath <scrandall@wayland.ma.us>; McPherson, Neil <nmcperson@wayland.ma.us>; Pratt, JulieB <jbpratt@wayland.ma.us>
Subject: FW: 29 High Rock Road, application for license; LP-gas as it relates to general Town zoning

Good afternoon Mr. Mushnick,
Thank you for calling last Friday to follow up on my 7.19.21 email and thank you for your time on the phone today (8.16.2021).

1. From our conversation I understand that your company has installed LP storage a total of 5 times in excess of 2000 gallons in the aggregate (requiring both a permit and a license) to serve a single family residence use only.
2. These installs are located in Dover, Hopkinton and Sherborn ranging from 3000 gallons of LP storage up to a maximum of 6000 gallons in the aggregate (2 locations in Dover).
3. I understand that as part of the licensing process related to these 5 instances no zoning action and or relief was required.

Please correct any misstatements immediately and thank you.
Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

From: Larsen, Geoffrey

Sent: Monday, July 19, 2021 5:24 PM

To: 'jeffrey@medwayoil.com' <jeffrey@medwayoil.com>

Cc: Pratt, JulieB <jbratt@wayland.ma.us>; McPherson, Neil <nmcpherson@wayland.ma.us>

Subject: 29 High Rock Road, application for license; LP-gas as it relates to general Town zoning

Good afternoon Mr. Mushnick,

Thank you for your attached narrative related to the proposed quantity of LP to be stored under license (see 527 CMR Table 1.12.8.50) at this residential property.

I understand that the owner proposes the storage of a quantity of LP-gas that requires a license (quantity >2000 gallons of LP in the aggregate) however the proposed 3 underground 1000 gallon tanks serves and, or is accessory to the single family residential use only.

1. I am not aware of a need for a building permit for this proposed installation.
2. There has not been a written request to enforce Town zoning as controlled by MGL 40A.
3. There has not been a written request to make a general zoning determination.

Please be advised that "Hazardous Material Storage" is referenced in Town zoning in §198-104 definitions, is listed as a prohibited principal use in §198-803.5.4 as well as line # 48 of Prohibited Uses of §198 Attachment 3, Table of Permitted Principal Uses.

A reasonable discussion raised by this type of application might include what proposed quantity of LP-gas does represent the storage of hazardous material in a single residence district as it relates to Town zoning.

If a residential property owner is permitted to locate 2 underground 1000 gallon LP-gas tanks without a license might the license requirement for the storage of a greater quantity be reasonably argued to then require some form of zoning action as well as Board of Selectmen approval.

As part of this licensing process it may be informative to have for review the total number of such "single residential use only" licenses (with approved quantities) where Medway Oil & Propane acted as the agent on behalf of the homeowner and without ZBA action (i.e. "as of right" as it relates to zoning).

Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

Part I ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 148** FIRE PREVENTION**Section 13** LICENSES FOR LAND FOR EXPLOSIVES AND INFLAMMABLE MATERIALS; CERTIFICATE OF APPROVAL; RECORD; CERTIFICATE OF REGISTRATIONS; FEES; REPLACEMENTS AND ALTERATIONS OF, AND REGULATIONS FOR BUILDINGS; EXPLOSION HAZARD; APPEALS TO MARSHAL

Section 13. No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, unless the local licensing authority shall have granted a license to use the land on which such building or other structure is or is to be situated for the aforementioned uses, after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein said land is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department. Such license shall be recorded in the office of the city or town clerk, and it shall, from the time of the granting thereof by the licensing authority, be deemed a grant attaching to the land described therein and as an incident of ownership thereof running with the land and shall not be deemed to be merely a personal privilege.

Any license granted hereunder, or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall remain in force unless and until revoked as hereinafter provided. Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.

The owner or occupant of said land licensed as herein provided, and the holder of any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall annually, on or before April thirtieth, file with the clerk of the city or town where such license is to be or has been exercised, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate of registration setting forth the name and address of the holder of such license; provided, that no certificate of registration shall be required for any building used as a garage for storing not more than three vehicles, when once used under such a license. The board may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively.

Every license granted under this section, and every certificate of registration filed under this section, shall be deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to such cessation. If the holder of the license fails so to eliminate such conditions, the local licensing authority may eliminate such conditions; and a claim for the expense incurred by the local licensing authority in so doing shall constitute a debt due the city or town upon the completion of the work and the rendering of an

account therefor to the holder of the license, and shall be recoverable from such holder in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date said debt becomes due, shall constitute a lien on said land if a statement of claim, signed by the local licensing authority, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. Such lien may be dissolved by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. Such collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate; and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply to such claim.

The marshal may, upon application and after a public hearing, reinstate and continue in force and effect any license granted prior to July first, nineteen hundred and thirty-six, for the keeping, storage, manufacture or sale of any of the articles named in said section nine, irrespective of the extent of the use and occupancy of buildings or other structures made or had under said license prior to the date of such reinstatement and continuance, anything in the provisions of this chapter to the contrary notwithstanding, unless prior to such reinstatement and continuance said license has been revoked for cause or the marshal shall have determined that a fire or explosion hazard would result from the exercise of such license. The marshal shall give written notice of such application, and of the date of the hearing thereon, to the head of the fire department of the city or town wherein is situated the land to which such application relates and shall, after such hearing, notify in like manner the clerk of such city or town of the action taken on such application.

Any license granted hereunder between July first, nineteen hundred and thirty-six and August seventeenth, nineteen hundred and fifty-one, both dates inclusive, not exercised for a period of at least three years, may be revoked by the local licensing authority after notice and hearing given to the owner or occupant of the land licensed.

When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshall or the head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshall or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license.

Any license granted hereunder or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority or by the marshal. Any building or structure erected or maintained under any of the aforementioned licenses shall always be subject to such replacements and alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the board may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same or similar use of the same land shall be granted within one year after the receipt by such authority of such notice.

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

527 CMR 1.00: MASSACHUSETTS COMPREHENSIVE FIRE SAFETY CODE

Section

- 1.01: Title
- 1.02: Purpose
- 1.03: Scope
- 1.04: Adoption by Reference
- 1.05: Modifications to NFPA 1 Fire Code - 2015 Edition

1.01: Title

527 CMR 1.00, as referred to as “this *Code*”, shall be known as the Massachusetts Comprehensive Fire Safety Code.

1.02: Purpose

The purpose and the intent of 527 CMR 1.00 is to prescribe minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion created by the storage, handling or use of substances, materials or devices, or from conditions, or materials hazardous to life, property and the public welfare as prescribed in M.G.L. chs. 22D and 148.

1.03: Scope

The scope of 527 CMR 1.00 includes, but is not limited to, the following in accordance with M.G.L. c. 22D and M.G.L. c. 148 and as prescribed by M.G.L. c. 143, § 96:

- (1) Rules and regulations for the keeping, storage, use, manufacture, sale, handling, and transportation or other disposition of the following:
 - (a) Gunpowder, dynamite, crude petroleum or any of its products, or explosive or flammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or;
 - (b) Any explosives, fireworks, firecrackers, or any substance having such properties that it may ignite, or generate flammable or explosive vapors or gases to a dangerous extent.
- (2) Rules and regulations to prescribe the location, materials and construction of buildings to be used for any of the purposes provided in 527 CMR 1.03(1).
- (3) Rules and regulations to prevent or remedy any condition in or about any building, structure or other premises, or any ship or vessel which may tend to become a fire hazard or to cause a fire.
- (4) Rules and regulations to provide adequate safety requirements for the protection of the public in the event of a fire in or about any building, structure or other premises or any ship or vessel. Such rules shall require that any equipment, system or construction requirement relating to fire protection of persons or property within said building or structure, be installed in accordance with such applicable requirements as of the date of installation and shall be maintained in accordance with this *Code*.
- (5) Rules and regulations to provide for the safe storage, use, handling and manufacturing of corrosive liquids, oxidizing materials, toxic materials or poisonous gases.

1.04: Adoption by Reference

527 CMR 1.00 adopts and incorporates, the provisions of (National Fire Protection Association) *NFPA 1 Fire Code - 2015* edition as modified by 527 CMR 1.05.

1.05: Modifications to NFPA 1 Fire Code - 2015 Edition.

NFPA 1 Fire Code - 2015 Edition is modified, on a Chapter by Chapter basis, as follows:

Chapter 1 Administration. Chapter 1 is deleted in its entirety and replaced as follows:

1.1 General Considerations. This *Code* shall apply to both new and existing conditions. Unless the provisions of this *Code* specify that a requirement shall apply to existing occupancies, conditions or systems, an installation completed prior to the effective date of this *Code* shall be deemed in compliance if the installation was made in accordance with the applicable code in effect at the time of the installation and was "approved" by the AHJ. Notwithstanding the provisions of Section 1.1, if any prior installation or condition exists which constitutes an imminent danger; the AHJ may require compliance with the provisions of this *Code*.

Applicable Massachusetts General Law and requirements of the 780 CMR: *State Building Code* also referred herein as the (*Building Code*) and specialized codes as referenced in Chapter 2 and defined in Chapter 3 shall be adhered to in the design and construction of buildings, structures and equipment. The rules and regulations governed by Massachusetts General Law (M.G.L.) and other regulations of the *Building Code* or specialized codes are not enforced by the AHJ, as defined in 527 CMR 1.00, but rather the appropriate enforcement official.

1.1.2 Construction Requirements for Buildings and Structures. Unless regulated by 527 CMR 1.03(1), or as otherwise indicated by specific language, reference or context, any provision of 527 CMR 1.00 or any standard or code referenced in 527 CMR 1.00 relative to construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of buildings or structures or any appurtenances connected or attached to such buildings, shall not be considered a requirement of this *Code*, but rather a reference to the applicable provisions of the *Building Code*. Such reference is for the convenience of the reader and shall be subject to the jurisdiction of the appropriate Building Official.

1.1.3 Requirements of Specialized Codes. Unless otherwise indicated by language, specific reference or context, any provisions of 527 CMR 1.00 or any standard or code referenced in 527 CMR 1.00 relative to the installation, alteration, replacement or repair of any equipment or system subject to the jurisdiction of a specialized code including, but not limited to: plumbing, electrical, sheet metal, or elevator, shall not be considered a requirement of this *Code*, but rather a reference to the applicable specialized code. Such reference is for the convenience of the reader and shall be subject to the jurisdiction of the appropriate specialized code official.

1.1.4 Continued Maintenance of Any Equipment, System, Construction Requirement, Specification or Method Relating to Fire Protection. Notwithstanding the provisions of Section 1.1.2 or 1.1.3, any equipment, system, construction requirement, specification or method relating to fire protection of persons or property within a building, structure, ship or vessel shall be properly maintained and shall continue to perform in accordance with the applicable requirements of the *Building Code* or applicable specialized code as of the date of such approved installation or construction.

1.3.2* Referenced Standards.

1.3.2.1 Except as provided in 1.1.2 relative to construction requirements for buildings or structures or 1.1.3, relative to requirements of specialized codes, all codes and standards referenced in 527 CMR 1.00 and listed in Chapter 2, which provide details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria, shall be considered as part of this *Code*.

1.3.2.3 Nothing herein shall diminish the authority of the AHJ to determine compliance with this *Code* for those activities or installations, as may be otherwise granted under the authority of the provisions of M.G.L. chs. 22D, 48, 148, 148A or other applicable provisions of Massachusetts Law.

1.05: continued

1.3.3 Conflicts.

1.3.3.1 When a requirement differs between this *Code* and a referenced document, the requirement of this *Code* shall apply.

1.3.3.2 When a conflict between a general requirement and a specific requirement occurs, the specific requirement shall apply.

1.3.3.3 When the requirements of this *Code* conflict with any other applicable regulation, or ordinance, the provisions which establish the higher standard for the promotion and protection of safety and welfare shall prevail.

1.3.5 Vehicles and Marine Vessels. Vehicles and marine vessels, or other similar conveyances, when in fixed locations and occupied as buildings, as described by 11.6 of NFPA 101: *Life Safety Code*, shall be treated as buildings and comply with this *Code*.

1.3.6 Buildings and Structures.

1.3.6.1 Buildings, structures, additions, and alterations permitted for construction after the adoption of this *Code* shall comply with the provisions stated herein for new buildings.

1.3.6.2* Except as provided in 10.3.2, buildings in existence or permitted for construction prior to the adoption of this *Code* shall comply with the provisions stated herein or referenced for existing buildings.

1.3.6.3 Repairs renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to this *Code*, and the *Building Code* and applicable specialized codes as authorized by M.G.L. c. 143, § 96.

1.3.6.4 Newly introduced equipment, materials, processes and operations regulated by this *Code* shall comply with the requirements for this *Code*.

1.3.7 Severability. If any provision of this *Code* or the application thereof to any person or circumstance is held invalid, the remainder of the *Code* and the application of such provision to other persons or circumstances shall not be affected thereby.

1.4 Equivalencies, Alternatives, and Modifications. The provisions of this *Code* shall not prevent the use of equivalencies, alternatives or modifications unless specifically prohibited herein.

1.4.1 Equivalencies. Nothing in this *Code* is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this *Code*, provided technical documentation is submitted to the AHJ in writing to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

1.4.2 Alternatives. The specific requirements of this *Code* shall be permitted to be altered by the AHJ upon application in writing to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety, in the judgment of the AHJ, which would be provided by compliance with the provisions contained in this *Code*.

1.4.3 Modifications. The AHJ is authorized to modify any of the provisions of this *Code* upon application in writing by the owner, a lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of this *Code*, provided that the intent of the *Building Code* be complied with and public safety is secured.

1.4.4 Buildings with equivalency, alternatives, or modifications approved by the AHJ shall be considered as conforming with this *Code*.

1.4.5 Each application for an alternative system, method or device regulated by this *Code* shall be filed with the AHJ in writing and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications together with the information that supported the action, and a signed copy of the AHJ's decision shall be provided to the applicant.

1.05: continued

1.4.6 Approval. Where allowed by this *Code*, the AHJ shall approve such alternative, systems, materials, or methods of design when it is substantiated that the standards of this *Code* are at least equaled. If, in the opinion of the AHJ, the standards of this *Code* shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to test or prototype installations.

1.4.7 Tests.

1.4.7.1 Whenever evidence of compliance with the requirements of this *Code* is insufficient or evidence that any material or method does not conform to the requirements of this *Code* or to substantiate claims for alternative, equivalent or modifications to systems, materials, or methods, the AHJ shall be permitted to require tests for proof of compliance to be made at the expense of the owner or his or her agent.

1.4.7.2 Test methods shall be as specified by this *Code* for the material in question. If appropriate test methods are not specified in this *Code*, the AHJ is authorized to accept an applicable test procedure from another recognized source.

1.4.7.3 Copies of the results of all such tests shall be retained in accordance with Section 1.11.

1.5 Units.

1.5.1 International System of Units. Metric units of measurement in this *Code* are in accordance with the modernized metric system, known as the International System of Units (SI).

1.5.2 Primary and Equivalent Values. If a value for a measurement as given in this *Code* is followed by an equivalent value in other units, the first stated value shall be regarded as the requirement. A given equivalent value could be approximate.

1.6 Enforcement. This *Code* shall be administered and enforced by the AHJ.

1.7 Authority.

1.7.1 Administration. The provisions of this *Code* shall apply without restriction, unless specifically exempted.

1.7.3 Interpretations.

1.7.3.1 Upon a written request of any interested person the Board of Fire Prevention Regulations may render written advisory rulings and interpretations of this *Code*, pursuant to the provisions of M.G.L. c. 30A, § 8.

1.7.4 Enforcement Assistance. Police and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this *Code* when requested to do so by the AHJ.

1.7.5 Delegation of Authority. The AHJ may delegate to other qualified individuals such powers as necessary for the administration and enforcement of this *Code* as provided in M.G.L. c. 148.

1.7.7 Inspections.

1.7.7.1 To the full extent allowed by the provisions of M.G.L. c. 148, the AHJ shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials in order to determine compliance with this *Code*.

1.7.7.1.1 Coordinated Inspections. In circumstances involving compliance with two or more Massachusetts codes including, but not limited to, the *Building Code*, *Uniform State Plumbing Code*, *Massachusetts Electrical Code (Amendments)*, *Elevator Code* and *Sheet Metal Code*, the AHJ, while enforcing this *Code* shall, to the extent as reasonably practicable, coordinate inspections so that owners and occupants of a building or structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders.

1.7.7.1.2 Notification to Other Officials. Whenever the AHJ observes an apparent or actual violation of some provision of law, ordinance, code or bylaw not within the AHJ's authority, the AHJ shall report the findings to the appropriate code official having jurisdiction to enforce said law, ordinance, code or bylaw.

1.05: continued

1.7.7.2 The AHJ shall have authority to order, in writing, any person(s) to remove or remedy any dangerous or hazardous condition or material as provided in M.G.L. c. 148 and this *Code*.

1.7.7.3 The AHJ engaged in fire prevention and inspection work shall be authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections, to the full extent allowed by the provisions of M.G.L. c. 148 and this *Code*.

1.7.7.4 Before entering, the AHJ shall obtain the consent of the occupant thereof or obtain a proper warrant authorizing entry for the purpose of inspection, except where an emergency exists, or as otherwise permitted by law.

1.7.7.4.1 The applicant for any permit, certificate or license issued pursuant to the provisions of this *Code* or M.G.L. c. 148, or any person who seeks to renew or continue to hold such permit, certificate or license, shall be deemed to have consented to the inspection, at any reasonable hour, of any documents, premises, structure, marine vessel, building or vehicle reasonably associated with said permit, license or certificate, or application or renewal thereof, in order to confirm compliance with the requirements of this *Code*, M.G.L. c. 148 or other related law or regulation related to such permit, license or certificate.

1.7.7.5 As used in 1.7.7.4, emergency shall mean conditions or circumstances that the AHJ knows, or has reason to believe, exist and that can constitute imminent danger.

1.7.8 Imminent Danger Conditions. Where conditions exist and are deemed to be an imminent danger by the AHJ, the AHJ shall have the authority to abate or require abatement of such conditions that are in violation of this *Code* or M.G.L. c. 148.

1.7.9 Interference with Enforcement. No person shall interfere or cause conditions that would interfere with an AHJ carrying out any duties or functions prescribed by this *Code*.

1.7.10 Impersonation. Persons shall not use a badge, uniform, or other credentials to impersonate the AHJ.

1.7.12 Plans and Specifications.

1.7.12.1 The AHJ shall have the authority to require plans and specifications to ensure compliance with this *Code* and M.G.L. c. 148. Construction documents and shop drawings submitted shall be acted upon before work commences and within 30 days of the date of receipt of a completed application and construction documents unless extended by the AHJ.

1.7.13 Inspection of Construction and Installation.

1.7.13.1 The AHJ shall be notified by the person performing the work when the installation is ready for a required inspection.

1.7.13.2 Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the AHJ shall have the authority to require that such work be exposed for inspection.

1.7.13.3 When any construction or installation work is being performed in violation of the plans and specifications as approved by the AHJ, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation.

1.7.13.4 The notice of violation shall identify the violation together with the Section of this *Code* in violation.

1.7.13.5 The AHJ may issue a stop work order at which time the work shall not continue until the violation has been corrected.

1.7.13.5.1 A stop work order, if issued, shall be incorporated with the notice of violation.

1.7.14 Certificate of Occupancy. When the *Building Code* requires a certificate of occupancy, the certificate of occupancy shall be issued in accordance with the *Building Code*.

1.7.15 Stop Work Order. AHJ shall have the authority to order an operation, construction or use stopped when any of the following conditions exist:

- (1) Work is being done contrary to provisions of this *Code*.
- (2) Work is occurring without a permit required by Section 1.12.
- (3) An imminent danger has been created.

1.05: continued

1.7.16 Imminent Dangers and Evacuation.

1.7.16.1 Whenever the maintenance, operation, or use of any land, building, structure, material or other object, or any part thereof, including vehicles used in the transport of hazardous materials, constitutes an imminent danger or a fire or explosion hazard which is dangerous or unsafe, or a menace to the public safety (including, but not limited to, fires, explosions, hazardous material incidents, motor vehicle accidents, structural collapses, mass casualty incidents and emergency extrication incidents) and the action to be taken to eliminate such dangerous or unsafe condition which create, or tend to create, the same is not specifically provided for in this *Code*, and unless otherwise prohibited by law, ordinance, by-law, or regulation, the AHJ is hereby authorized and empowered to take such action as may be necessary to abate such dangerous or unsafe conditions (directing employees of other city or town departments and agencies), including the evacuation of buildings and/or the transport of hazardous materials, the speed, routes, amounts, and hours of transport through the city, town or district shall also be regulated.

1.7.18 Public Fire Education.

1.7.18.1 The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the jurisdiction.

1.7.18.2 The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

1.10 Fire Prevention Regulations Appeals Board.

1.10.1 Establishment and Membership of the Fire Prevention Regulations Appeals Board.

- (1) Pursuant to the provisions of M.G.L. c. 22D, § 5, there shall be a Fire Prevention Regulations Appeals Board.
- (2) The Appeals Board shall consist of the 16 members of the Board of Fire Prevention Regulations, established under M.G.L. c. 22D, § 4.
- (3) The Chairman of the Board of Fire Prevention Regulations shall serve as the chairman of the Appeals Board.

1.10.1.1 Authority of the Fire Prevention Regulations Appeals Board. The Fire Prevention Regulations Appeals Board is authorized to conduct appeals pursuant to the provisions of M.G.L. c. 22D, § 5.

- (1) Whoever is aggrieved by any act, rule, order, directive, decision or requirement of the AHJ charged with the enforcement of this *Code*, relative to the fire protection requirements for buildings or structures, may submit an application for an appeal to the Appeals Board within 45 days following the service of notice of such act, rule, order, decision, requirement or directive.

1.10.1.2 Matters not within the Jurisdiction of the Appeals Board. The Appeals Board does not have jurisdiction to hear appeals relating to the following matters:

- (1) Matters arising out of construction or installation requirements of the *Building Code*, (Building Code Appeals Board, M.G.L. c. 143, § 100);
- (2) Matters arising out of the enforcement of the statutory enhanced automatic sprinkler provisions of M.G.L. c. 148, § 26A½, 26G, 26G½, or 26H (Automatic Sprinkler Appeals Board, M.G.L. c. 6, § 201);
- (3) Matters arising out of an appeal of a determination of the municipal wiring inspector and/or involving the application of *Massachusetts Electrical Code (Amendments)*, (Board of Electrician's Appeal, M.G.L. c. 143, § 3P);
- (4) Matters arising out the issuance of a "Non-Criminal Fire Code Violation Notice" issued under the civil enforcement provisions of M.G.L. c. 148A;
- (5) Matters arising out of the enforcement of a violation of any statute, including the provisions of M.G.L. c. 148 or arising out of any Order issued by the Head of the Fire Department or the State Fire Marshal relating to the abatement of a condition that constitutes a fire or explosion hazard or which is dangerous or unsafe or a menace to public safety (M.G.L. c. 148, § 5);

1.05: continued

(6) Administrative matters initiated by the State Fire Marshal relating to the suspension, revocation or refusal to issue any certificate of competency or user's certificate issued by the State Fire Marshal;

(7) Matters arising out of the AHJ's determination to suspend, revoke, issue or renew any permit based upon the exercise of discretionary function rather than a technical fire protection requirement of this *Code*; and

(8) Matters arising out of the enforcement of a city ordinance or town by-law or regulation promulgated or adopted by the municipality.

1.10.1.3 Means of Appeal. Application for an appeal shall be made, within 45 days following the service of notice of such act, rule, order, decision, requirement or directive which is the subject of the appeal on forms prescribed or approved by the Appeals Board.

1.10.1.3.1 Such application shall be accompanied by the required fee and include copies of all records, references, reports and other information related to the appeal.

1.10.1.3.2 An appeal shall stay all proceedings in the furtherance of the action or failure to act which is the subject of the appeal, unless the AHJ presents evidence that a stay would cause imminent peril of life or property.

1.10.1.4 Appeals Board Hearings. The Chairman of the Appeals Board shall designate three members of the Appeals Board to hold public hearings, hear testimony and take evidence.

1.10.1.4.1 The Appeals Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity.

1.10.1.4.2 The chairman shall fix the time and place for hearings and a hearing shall take place not later than 60 days following the filing of an appeal, unless such time is extended by agreement with the appellant.

1.10.1.4.3 The chairman shall give at least ten days notice of the time and place of the hearing to all interested parties. Any party may appear in person, by agent or by attorney at the hearing.

1.10.1.5 Appeals Board Decisions. The three members of the Appeals Board conducting the hearing shall decide the appeal and issue a written decision. Every decision shall require the concurrence of at least two of the three members and the written decision shall state findings of fact, conclusions and reasons for the decision and indicate the vote of each member participating in the decision.

1.10.1.5.1 The Appeals Board shall issue a decision or order reversing, affirming or modifying, in whole or in part, such interpretation, order or decision, or a postponement of the application thereof, within 45 days following the hearing, unless such time is extended by agreement with the appellant.

1.10.1.5.2 The Appeals Board may grant a variance from any provision of this *Code* and related rules and regulations in any particular case determine the suitability of alternate materials or methods of compliance and provide reasonable interpretations of this *Code* consistent with the purpose thereof.

1.10.1.6 Record of Appeals Board Decisions. A record of all Appeals Board decisions and of votes thereunder, properly indexed, shall be maintained in the office of the Department of Fire Services and shall be open to public inspection at all times during regular business hours.

1.11 Records and Reports

1.11.1 A record of examinations, approvals, equivalencies, modifications and alternatives shall be maintained by the AHJ and shall be available for public inspection in accordance with provisions of the applicable Massachusetts Public Records Laws.

1.11.2 In accordance with the provisions of the applicable Massachusetts Public Records Laws, the AHJ shall keep records of fire prevention inspections or investigations, including the date of inspections and a summary of violations found to exist, the date of the services of notices, and a record of the final disposition of all violations.

1.05: continued

1.11.3 Emergency Response Records.

1.11.3.2 The fire department shall report all incident data collected in accordance with the provisions of Massachusetts General Law, including M.G.L. c. 6A, § 18³/₄(8) and M.G.L. 148, §§ 2 and 3.

1.11.4 All records shall be retained in accordance with the manner and duration required by the Massachusetts Public Records Law.

1.12 Permits and Approvals.

1.12.1 An application for permit shall be made in writing on a form acceptable by the State Fire Marshal and submitted to the applicable enforcement AHJ. Such application shall be legible and completed in its entirety.

1.12.1.2 The AHJ shall be authorized to issue permits and approvals as required by this *Code*.

1.12.1.3 Persons named in the permit shall comply with this *Code*.

1.12.2 Applications for permits shall be accompanied by such data as required by the AHJ and such fees as required by Massachusetts General Laws.

1.12.2.1 The AHJ shall review all applications submitted and issue permits as required.

1.12.2.2 If an application for a permit is rejected by the AHJ, a written notification shall be sent to the applicant as to the reasons for such rejection.

1.12.2.3 Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued, unless proof of any required financial responsibility is furnished.

1.12.3 Conditions of Approval.

1.12.3.1 Any conditions of the approval by the AHJ of a permit shall remain with said permit, unless modified by the AHJ.

1.12.3.2 The AHJ shall be permitted to require conditions of approval to be memorialized *via* recording on the permit or, if relating to land or buildings, at the appropriate registry of deeds.

1.12.4 Approvals by Other Authorities.

1.12.4.1 The AHJ shall have the authority to require evidence to show that other regulatory agencies having jurisdiction over the design, construction, alteration, repair, equipment, maintenance, process, activity and relocation of structures have issued appropriate approvals.

1.12.4.2 The AHJ shall not be held responsible for enforcement of the regulations of such other regulatory agencies unless specifically mandated to enforce those agencies' regulations.

1.12.5 Misrepresentation.

1.12.5.1 Any attempt to misrepresent or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications; or other related activity in violation of the requirements prescribed by this *Code* shall be a violation of this *Code*.

1.12.5.1.1 The installation or use, in any building, of any device or object that reasonably appears to be a smoke detector, sprinkler head, carbon monoxide alarm, heat detector, or any similar device, used for life safety or fire protection, that is in fact, neither designed nor capable of performing such life safety or fire protection function, shall be prohibited

1.12.5.2 Such violations shall be cause for immediate suspension or revocation of any related approvals or permits issued.

1.12.5.3 Such violations shall be subject to any other criminal or civil penalties provided by the laws or other applicable regulations of the Commonwealth of Massachusetts.

1.12.6 Permits.

1.12.6.1 A permit shall be conditioned upon the continued compliance with the requirements of this *Code* and shall constitute written authority issued by the AHJ to maintain, store, use, or handle materials; to conduct processes that could produce conditions hazardous to life or property; or to install equipment used in connection with such activities, or as authorized by this *Code*.

1.05: continued

1.12.6.1.1 Unless specifically stated otherwise, permits required in Section 1.12.8 shall be issued by the AHJ and issued as a precondition before conducting any work or activity regulated under the provisions of this *Code*.

1.12.6.2 Any permit issued under this *Code* is in addition to, and shall not take the place of any other approval, certificate, license, or permit required by any other regulations or laws.

1.12.6.3 Where additional permits or approvals are required by other agencies, approval shall be obtained from those other agencies.

1.12.6.4 The AHJ shall have the authority to require or conduct an inspection prior to the issuance of a permit.

1.12.6.5 A permit issued under this *Code* shall remain valid for the period of time designated on the permit unless suspended, revoked or otherwise extended pursuant to Section 1.12.6.8.

1.12.6.6 The permit shall be issued to one person or business only and shall be limited to locations or purposes described in the permit.

1.12.6.7 Any change that affects any of the conditions of the permit shall require a new or amended permit.

1.12.6.8 The AHJ shall have the authority to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

1.12.6.9 A copy of the permit shall be posted or otherwise readily accessible at each place of operation and shall be subject to inspection as specified by the AHJ.

1.12.6.10 Any activity authorized by any permit issued under this *Code* shall be conducted by the permittee or the permittee's agents or employees, in compliance with all requirements of this *Code* applicable thereto and in accordance with the approved plans and specifications.

1.12.6.11 No permit issued under this *Code* shall be interpreted to justify a violation of any provision of this *Code* any other applicable law or regulation.

1.12.6.12 Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ, as evidenced by the issuance of a new or amended permit.

1.12.6.13 Permits shall bear the name and signature of the AHJ or that of the AHJ's designated representative. In addition, the permit shall indicate the following:

- (1) Operation or activities for which the permit is issued;
- (2) Address or location where the operation or activity is to be conducted;
- (3) Name of the owner, with the address and phone number and the name of the installer, with the address and phone number, if applicable;
- (4) Permit number;
- (5) Period of validity of the permit;
- (6) Inspection requirements and other permit conditions;
- (7) Name of the agency authorizing the permit (AHJ);
- (8) Date of Issuance;
- (9) Quantities of materials to be kept, used or stored, as applicable;
- (10) Certificate, and/or license issued under M.G.L. c. 148, § 13, as applicable;
- (11) Permit conditions as determined by the AHJ.

1.12.6.14 Any application for, or acceptance of, any permit requested or issued pursuant to this *Code* shall constitute agreement and consent by the person making the application or accepting the permit, to allow the AHJ to enter the premises at any reasonable time to conduct such inspections or review such records as required by this *Code*.

1.12.7 Revocation or Suspension of Permits and Approvals.

1.12.7.1 The AHJ shall be permitted to revoke or suspend a permit or approval issued by said AHJ if any violation of this *Code* or of M.G.L. c. 148 is found upon inspection or if any false statements or misrepresentations have been submitted in the permit application or plans on which the permit or approval was based.

1.05: continued

1.12.7.2 Revocation or suspension shall be constituted when the permittee is duly notified by the AHJ.

1.12.7.3 Any person who continues to engage in any permitted or approved business, operation, occupation, or uses any premises, after the permit or approval has been suspended or revoked pursuant to the provisions of this *Code* and before such suspended permit or approval has been reinstated or a new permit or approval is issued, shall be in violation of this *Code*.

1.12.8* General Requirements. A permit and an application for permit shall be required as prescribed in 1.12.8. No work or activities described in this Section shall commence without first complying with Section 1.12 and the applicable Table in 1.12.8.

A.1.12.8 See M.G.L. c. 148, § 10A regarding heads of fire departments, permits, inspections, and M.G.L. c. 148, § 23 regarding the keeping and use of flammable fluids, permit, and M.G.L. c. 148, § 24 regarding keeping and handling of fire menace material.

1.12.8.1 General Safety with Regards to Open Air Burning, Use of a Torch, Fogging and Storage of Combustible Goods. [Chapter 10]

1.12.8.1.1 Permit holder shall be present at such burning to control the fire until it is entirely extinguished.

1.12.8.1.2 Open air burning permits required by Sections 10.10.1, 10.10.4.1.1, and 10.10.4.1.2 shall be issued for a period not exceeding two days from the date of the permit.

1.12.8.1.3 Removal of Paint using a Torch.

1.12.8.1.3.1 Permit. A permit shall be required for the use of a torch or other flame or heat producing device for the removal of paint or the application or removal of roofing material from any building or structure. An approved fire extinguisher or an adequate water supply shall be readily available at all times.

1.12.8.1 Table 1.12.8.1 shall apply to Chapter 10, entitled General Safety Requirement. A permit shall be used, completed, required and issued as a precondition before conducting any work/activity described by Table 1.12.8.1.

Table 1.12.8.1* Permits Required

Chapter 10	General Requirements	
	Issuing Authority	Code Section
*Open Air Burning, <i>see</i> Annex	Forest Warden	10.10.1
*Ceremonial Bonfires, <i>see</i> Annex	Head of Fire Department	10.10.4.1.1
Open Flame (heat producing) devices		10.10.1 10.10.9.1
Storage of combustible materials		10.15.1.2 10.15.2.1 10.18.2
Fumigation and insecticidal fogging		10.20.1
*Use of canine guards, <i>see</i> Annex		10.21.1

ATable 1.12.8.1(1) See M.G.L. c. 48, § 13, regarding open fires granted by the forest warden or chief of the fire department in cities, towns and districts.

ATable 1.12.8.1(2) See M.G.L. c. 111, § 142 G, regarding the burning of Christmas trees and; M.G.L. c. 111, § 142H regarding, ceremonial bonfires; permits and M.G.L. c. 111, § 142I regarding, bonfires from July 2nd through July 6th.

ATable 1.12.8.1(6) See M.G.L. c. 148, § 28B regarding, buildings with canine guards.

1.05: continued

1.12.8.2 Table 1.12.8.2 shall apply to Chapter 11, entitled Building Services. Except as permitted by 1.12.8.2.1, and by Table 1.12.8.50 for heating appliances, on a form approved by the State Fire Marshal, a permit shall be used, completed, required and issued as a precondition before conducting any work/activity by Table 1.12.8.2.

1.12.8.2.1 Heating Appliances.

- (1) A permit shall not be required for routine maintenance, such as the replacement of nozzles, ignition electrodes, or filters; and
- (2) If an installation is made under emergency conditions, an application for a permit shall be required within 24 hours thereafter, excluding Saturdays, Sundays and legal holidays.

1.12.8.2.1.2 Inspection.

1.12.8.2.1.2.1 If after 30 days, an inspection is not conducted, the delivery of fuel oil shall not be prohibited for lack of a permit to store.

Table 1.12.8.2* Permits Required

Chapter 11	Oil Burners and Fuel-oil	
Work/Activity	Issuing Authority	Code Section
*Installation or alteration of any fuel oil burning equipment. ● Oil-line upgrade	Head of Fire Department	11.5.1.8
Storage of acceptable liquid fuel		11.5.1.10
*Installation, removal, or replacement of a fuel storage tank, unless provided otherwise in NFPA Chapter 66		

ATable 1.12.8.2(1) See M.G.L. c. 148, § 10A regarding, heads of fire departments; permits; inspections and; M.G.L. c. 148, § 10C regarding the alteration, repair or installation of oil burners; necessity of certificate; exceptions and; M.G.L. c. 148, § 38J regarding, residential property utilizing heating oil tanks; safety requirements; inspection; certification.

ATable 1.12.8.2(2) See M.G.L. c. 148, § 10A regarding, heads of fire departments; permits; inspections and; M.G.L. c. 148, 10C regarding, the alteration, repair or installation of oil burners; necessity of certificate; exceptions.

ATable 1.12.8.2(3) See M.G.L. c. 148 § 10A regarding, heads of fire departments; permits; inspections and; M.G.L. c. 148, § 23 regarding the keeping and use of inflammable fluids; permit and; M.G.L. c. 148, § 4 regarding, the keeping and handling of fire menace material; See M.G.L. c. 148, § 37 regarding, tanks more than 10,000 gallons used to store fluids other than water; permits; violation of statue or regulation and; annual inspections and Chapter 66 of NFPA 1.

1.12.8.3 Smoke, Fire and Carbon Monoxide Protection Systems. [Chapter 13]

1.12.8.3.1 No person or entity may install any fire protection system in any new or existing building or structure without first complying with the provisions in this section and Table 1.12.8.3.

1.12.8.3.2 A fire protection system shall include any wiring, equipment and systems used to detect, suppress or control smoke, fire and carbon monoxide or any combination thereof.

1.12.8.3.3 No permit shall be required for the replacement, in kind, of an individual device (battery, carbon monoxide detector/alarm).

1.12.8.3.4 See Chapter 42 for additional fire protection system requirements.

1.05: continued

Table 1.12.8.3 Permits Required

Chapter 13	Fire Protection System and Related Equipment	
Work/Activity	Issuing Authority	Chapter/Code Section/M.G.L.
Carbon monoxide/Smoke alarm installations [\leq 5 dwelling units] at time of property sale or transfer.	Head of Fire Department	M.G.L. c. 148, §§ 26F and 26F $\frac{1}{2}$ <i>Known as a Certificate of Compliance</i>
Installations of carbon monoxide protection technical options.		Section 13.7.2
Impairment or disconnection of any sprinkler system, water main, hydrant, or other device used for fire protection-system, including carbon monoxide detection and alarm.		M.G.L. c. 148, § 27A Section 13.7.2.2
		<i>See Section 1.12.8.3</i>

1.12.8.4 Safeguarding Construction, Alteration, and Demolition Operations. [Chapter 16]

1.12.8.4.1 Permits must be obtained at least two days prior to the placement of a tar kettle on a roof.

1.12.8.4.2 *See* Chapter 10.10 for additional permit requirements for tar pots.

1.12.8.4.3 *See* Chapter 41 and Table 1.12.8.23 for permit requirements for Welding, Cutting, and Other Hot Work.

Table 1.12.8.4 Permits Required

Chapter 16	Safeguarding Construction, Alteration, and Demolition Operations	
Work/Activity	Issuing Authority	Code Section
Torch-applied roofing operations	Head of Fire Department	Section 16.6.1
Placement of a tar kettle on a roof		Section 16.7.1.2
Use of salamanders		Section 16.1.1.1
		<i>See Section 1.12.8.4</i>

1.12.8.5 Combustible Waste and Refuse. [Chapter 19]

1.12.8.5.1 A permit shall not be required for containers which are delivered to a location and removed in the course of a single business day.

1.12.8.5.2 Containers shall be marked with the name and telephone number of the company who can be reached in an emergency.

Table 1.12.8.5 Permits Required

Chapter 19	Combustible Waste, Refuse, and Rubbish Containers	
Work/Activity	Issuing Authority	Code Section
Rubbish containers > 6 cubic yards	Head of Fire Department	Section 19.1.1
		<i>See Section 1.12.8.5</i>

1.12.8.6 Occupancy Fire Safety. [Chapter 20]

1.05: continued

1.12.8.6.1 Unvented Heaters.

1.12.8.6.1.1 A copy of the manufacturer's installation/operating literature for unvented propane or natural gas-fired space heaters shall be submitted with each permit application.

1.12.8.6.1.2 Before operation of such heater, the Head of the Fire Department and the local or State Plumbing/Gas Inspector shall inspect the installation.

Table 1.12.8.6 Permits Required

Chapter 20	Occupancy Fire Safety	
Work/Activity/Location	Issuing Authority	Code Section
Assembly Occupancies	Head of Fire Department	Section 20.1.1.1
Food service provisions		Section 20.1.5.2.4.1
Open flame devices and Pyrotechnics		Section 20.1.5.3.1
Exposition Facilities		Section 20.1.5.5.1
Storage and handling, of cellulose nitrate film		Section 20.15.7.2
High-piled Storage		Section 20.15.8.2
Unvented propane or natural gas-fired space heaters		Sections 20.2.4.5.1, 20.3.2.1.1, 20.8.2.6.1, 20.9.2.2.1, 20.10.2.1, and 20.11.2.1
		See Section 1.12.8.6

1.12.8.7 Chapter 21 Reserved.

1.12.8.8 Chapter 22 Reserved.

1.12.8.9 Cleanrooms. [Chapter 23]

1.12.8.9.1 See chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.9 Permits Required

Chapter 23	Cleanrooms	
Work/Activity	Issuing Authority	Code Section
Use, storage or handling of hazardous materials	Head of Fire Department	Section 23.3 Section 61.1.2 Section 61.5.3.3.1 Section 63.1.2 Section 66.1.5 Section 69.1.2

1.12.8.10 Dry Cleaning. [Chapter 24]

1.12.8.10.1 See chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.10 Permits Required

Chapter 24	Dry Cleaning	
Work/Activity	Issuing Authority	Code Section
Use, storage or handling of hazardous materials	Head of Fire Department	Section 24.2 Section 61.1.2 Section 61.5.3.3.1 Section 63.1.2 Section 66.1.5 Section 69.1.2

1.05: continued

1.12.8.11 Chapter 25 Reserved.**1.12.8.12 Laboratories Using Chemicals. [Chapter 26]**

1.12.8.12.1 See chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.12 Permits Required

Chapter 26	Laboratories Using Chemicals	
Work/Activity	Issuing Authority	Code Section
The handling or storage of chemicals in laboratory buildings, laboratory units, and laboratory work areas whether located above or below grade.	Head of Fire Department	Section 26.2 Section 61.1.2 Section 61.5.3.3.1 Section 63.1.2 Section 66.1.5 Section 69.1.2

1.12.8.13 Chapter 27 Reserved.**1.12.8.14 Chapter 28 Reserved.****1.12.8.15 Chapter 29 Reserved.****1.12.8.16 Motor Fuel Dispensing Facilities and Repair Garages. [Chapter 30]**

1.12.8.16.1 See chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.16 Permits Required

Chapter 30	Motor Fuel Dispensing Facilities and Repair Garages	
Work/Activity	Issuing Authority	Code Section
Use, storage or handling of hazardous materials.	Head of Fire Department	Section 30.1.1.3 Section 61.1.2 Section 61.5.3.3.1 Section 63.1.2 Section 66.1.5 Section 69.1.2

1.12.8.17 Forest Products. [Chapter 31]**Table 1.12.8.17 Permits Required**

Chapter 31	Forest Products	
Work/Activity	Issuing Authority	Code Section
Storage of mulch > 300 cubic yards.	Head of Fire Department	Section 31.2

1.12.8.18 Motion Picture and Television Production Studio Soundstages and Approved Production Facilities. [Chapter 32]**1.12.8.18.1 Notification.**

1.12.8.18.1.1 A permit shall not be required provided notification is given to the Head of the Fire Department for production locations where 15 through 30 on-site personnel are present, and permits are not specifically required by Chapter 32.

1.05: continued

Table 1.12.8.18 Permits Required

Chapter 32	Motion Picture and Television Production Studio Soundstages and Approved Production Facilities	
Work/Activity	Issuing Authority	Code Section
Soundstages and approved production facilities for activities listed.	Head of Fire Department	Section 32.4.2
Production locations.		Section 32.5.2
		<i>See Section 1.12.8.18</i>

1.12.8.19. Chapter 33 Reserved.**1.12.8.20. Chapter 34 Reserved.**

1.12.8.21 Table 1.12.8.21 shall apply to Chapter 38 entitled Cannabis Growing, Processing, or Extraction Facilities. A permit shall be used, completed, required and issued as a precondition before conducting any work/activity described by Table 1.12.8.21.

Table 1.12.8.21* Permits Required

Work/Activity	Issuing Authority	Code Section
Processing or extraction of cannabis involving hazardous materials, <i>see</i> 38.1.	Head of Fire Department	38.2
		60.8

ATable 1.12.8.21. A permit is required for processes involving hazardous materials in accordance with Section 60.8. Chapter 38 provides specific requirements for operations and equipment utilized in the processing and extraction activities commonly associated with cannabis processing facilities. It is generally accepted that processes involving hazardous materials will meet industry best practices. In the case of cannabis processing and extraction, compliance with the published regulations of Chapter 38 are the minimum industry standard.

1.12.8.22 Dust Explosion and Fire Prevention. [Chapter 40]**Table 1.12.8.22 Permits Required**

Chapter 40	Dust Explosion and Fire Prevention	
Work/Activity	Issuing Authority	Code Section
An operation that uses or produces combustible dust.	Head of Fire Department	Section 40.2

1.12.8.23 Welding, Cutting and Other Hot Work. [Chapter 41]**1.12.8.23.1 Application for a Permit.**

1.12.8.23.1.1 A permit application shall specify the time and exact location of the work to be performed, the nature of the work to be done, and any special precautions to be taken during that work.

1.12.8.23.1.2 On the permit application the applicant shall provide written authorization, signed by the property owner or his agent.

1.12.8.23.2 Permit Requirements.

1.12.8.23.2.1 A single permit shall be permitted to be issued for both operation and storage.

1.12.8.23.2.2 For daily activities, an annual hot work permit shall be permitted if in compliance with Section 41.7.

1.05: continued

1.12.8.23.2.3 A permit prescribed by the Head of the Fire Department shall be required before conducting hot work processes in other than a designated area.

1.12.8.23.2.3.1 A permit prescribed by the State Fire Marshal shall be used for hot work performed in other than designated areas.

1.12.8.23.2.3.2 Before hot work operations begin in a nondesignated location, a written hot work permit by the Permit Authorizing Individual (PAI) shall be required. [51B:5.4.1]

1.12.8.23.2.3.2.1 See 41.3.4.1.1.1 for sample hot work permit for permitted required areas.

1.12.8.23.3 Permits Not Required.

1.12.8.23.3.1 A hot work permit shall not be required by the Head of the Fire Department when hot work is conducted in approved and designated areas in accordance with Section 41.3.2.2.1.

1.12.8.23.3.1.1 See 41.5.4.4 Inspections permitted by the AHJ

1.12.8.23.3.2 A permit shall not be required when the purpose of performing hot work is necessary for required maintenance.

1.12.8.23.3.2.1 See Section 41.4 entitled Sole Proprietors and Individual Operators.

1.12.8.23.3.3 Where an approved facility hot work permit program exists that meets the requirements of Chapter 41, the permit shall be permitted to be issued for an entire facility

1.12.8.23.4 See Chapters 60 through 75 for permitting requirements regarding hazardous materials.

1.12.8.23.5 See Section 16.6 for permitting requirements regarding use of torch-applied roofing systems.

1.12.8.23.6 See Section 16.7 for permitting requirements regarding use of tar kettles.

Table 1.12.8.23 Permits Required

Chapter 41	Welding, Cutting, and Other Hot Work	
Work/Activity	Issuing Authority	Chapter/Code Section
Welding, Cutting and Other Hot Work	Head of Fire Department	Section 41.1.5.3 Section 41.3.2.2 Section 41.3.4
		See Section 1.12.8.23

1.12.8.24 Refueling Gaseous Fuel Containers, and Systems. [Chapter 42]

1.12.8.24.1 Application for Permit.

1.12.8.24.1.1 An application for a permit shall be submitted by the person, firm or corporation responsible for the installation or connection.

1.12.8.24.2 Permit Not Required.

1.12.8.24.2.1 A permit shall not be required to make a connection in the fueling of gaseous fuel vehicles, replacement of a portable container, or the filling of a stationary container.

Table 1.12.8.24 Permits Required

Chapter 42	Refueling [Gaseous Fuel Containers and Systems]	
Work/Activity	Issuing Authority	Code Section
Installation or connection of Gaseous Fuel Containers and Systems	Head of Fire Department	Section 42.2.2.1
		See Section 1.12.8.24

1.05: continued

1.12.8.25 Refueling Cargo Tanks, Portable Tanks or Transfer Tanks.

1.12.8.25.1 General.

1.12.8.25.1.1 All tanks shall be considered full for the purpose of this *Code*.

1.12.8.25.2 Cargo, Portable and Transfer Tanks.

1.12.8.25.2.1 A permit shall be required when tanks are left unattended.

1.12.8.25.3 Vehicles and Contents.

1.12.8.25.3.1 Tanks shall only be left in an area remote from buildings of habitation in such a manner required by the AHJ.

1.12.8.25.3.2 The Head of the Fire Department may assume control of the vehicle and its contents if the owner is unable or unwilling to remove the vehicle or its contents within a reasonable time.

1.12.8.25.3.3 Inspections Required.

1.12.8.25.3.3.1 Transport vehicles used in the transportation of combustible liquids shall be subject to inspection by the AHJ.

1.12.8.25.3.4 Exemption from Inspection.

1.12.8.25.3.4.1 If exempt from an inspection, a certificate of exemption shall be issued by the AHJ and carried in the transport vehicle at all times.

1.12.8.25.3.4.2 A certificate of exemption shall remain in effect provided the tank vehicle is maintained in accordance with U.S. DOT, Title 49 CFR.

1.12.8.25.3.5 Permits Not Required.

1.12.8.25.3.5.1 A permit shall not be required for gasoline or other flammable petroleum product provided it is transported in an open vehicle or in a compartment of a closed vehicle separated from the passengers, where the total quantity does not exceed 21 gallons, provided such flammable liquid is contained in approved containers and with no individual container exceeding seven gallons capacity.

1.12.8.25.3.5.2 A permit shall not be required for combustible liquids transported in any open vehicle or in the compartment of a closed vehicle separated from the passengers where the total quantity does not exceed 55 gallons, provided such combustible liquid is contained in approved containers, substantial metal drums or other similar containers.

1.12.8.25.3.7 Alternate Fuels.

1.12.8.25.3.7.1 Notice of Completion and Inspection of Work.

1.12.8.25.3.7.1.1 Upon receipt of such notification of completion of the work, the AHJ shall make an inspection of the installation within a reasonable time. If the work is found to be in accordance with this *Code* and, if applicable, 502 CMR 5.00: *Permit Requirements and Annual Inspection of above Ground Storage Tanks or Containers of More than Ten Thousand Gallons Capacity*, the AHJ shall issue to the owner or occupant a permit for the keeping, storage, manufacture or sale in connection therewith, except where such storage is otherwise authorized by license.

1.12.8.25.3.7.2 Certificate of Completion.

1.12.8.25.3.7.2.1 See Section 1.12.8.51 for Certificate of Completion requirements regarding alternate fuel storage installations and connections.

1.05: continued

Table 1.12.8.25* Permits Required

Chapter 42	Refueling [Cargo Tanks, Portable Tanks or Transfer Tanks]	
Work/Activity	Issuing Authority	Code Section
*To store flammable and combustible liquids.	Head of Fire Department	Section 42.2.2.1
For dispensing motor fuel from a tank vehicle.		Section 42.8
Alternate fuels		

ATable 1.12.8.25 Permits Required. Used here, "to store" includes the parking location of Cargo Tanks, Portable Tanks, or Transfer Tanks during nonbusiness hours. As a condition of the flammable/combustible storage permit, the tank vehicle should comply with NFPA 385 as referenced in 42.7.2.2.1 and 42.7.6.2, the conditions of 42.15, and 49 CFR. Each tank vehicle should be specifically identified on the storage permit.

1.12.8.26 Refueling Marine Fueling. [Chapter 42]

1.12.8.26.1 Permit Holder. A permit holder shall comply with following:

- (1) The permit holder of every marine fueling facility shall designate one or more persons to be an authorized marine fueling operator.
- (2) Each marine fueling operator shall be as described in Section 1.12.8.26.3
- (3) The permit holder shall keep a written record for each authorized marine fueling operator.
 - (a) Such written record shall be maintained for a period of three years.
 - (b) Such written records shall include the following information:
 1. The name, home address, telephone number, and age;
 2. The date and location of the training;
 3. A summary of the training program topics;
 4. A dated signature of the employee administering the training; and
 5. A dated signature from the employee receiving the training.

1.12.8.26.2 Marine Fueling Operator. The operator shall be 18 years of age or older and responsible for the oversight of the actual fueling activity conducted by the marine fueling facility and shall comply with the following:

- (1) The operator shall be the permit holder or shall be an agent or employee under the direct control or supervision of said permit holder.
- (2) Each current or newly designated authorized marine fueling operator shall be adequately and properly trained prior to conducting any fueling activity.
- (3) Training shall be conducted at least on an annual basis and at a minimum, shall include the following areas:
 - (a) Familiarity of Chapter 42;
 - (b) The properties and hazards of flammable and combustible liquids;
 - (c) Handling precautions for flammable and combustible liquids;
 - (d) The manufacturers operating instructions for operating all fueling equipment (pumps, nozzles, controls, emergency shutoff, *etc.*) and related equipment; and
 - (e) Familiarity with the operation and location of all fueling equipment and of all emergency equipment and procedures, including:
 1. Emergency notifications (for mobile operators site by site specific);
 2. Evacuation procedures;
 3. Emergency shutoff equipment location and operation;
 4. Fire extinguisher locations and operations;
 5. Location and proper operation of any extinguishing systems; and
 6. Standby for the arrival of emergency responders.

1.05: continued

Table 1.12.8.26 Permits Required

Chapter 42	Refueling [Marine Fueling]	
Activity	Issuing Authority	Code Section
The dispensing, transferring of fuel at marine fueling facilities.	Head of Fire Department or State Fire Marshal	Section 42.9.1.4
To construct or alter a new or existing marine fueling facility.		
To maintain a fueling facility.		
		<i>See Section 1.12.8.26</i>

1.12.8.27 Spraying, Dipping, and Coating Using Flammable or Combustible Materials.**1.12.8.27.1 Use Prohibited. [Chapter 43]**

1.12.8.27.1.1 The use of any clear or pigmented wood finish, formulated with nitrocellulose or synthetic resins to dry by evaporation and without chemical reaction, having a flashpoint below 100°F, and having a vapor pressure not exceeding 40 psi at 100°F, including clear lacquer or sanding sealers, shall be prohibited. [M.G.L. c. 94, § 329]

1.12.8.27.2 *See* Chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.27 Permits Required

Chapter 43	Spraying, Dipping, and Coating Using Flammable or Combustible Materials	
Work/Activity	Issuing Authority	Chapter
Storage, use or handling of hazardous materials	Head of Fire Department	43.1.1.4
		<i>See Section 1.12.8.27</i>

1.12.8.28 Chapter 44 Reserved.**1.12.8.29 Combustible Fibers. [Chapter 45]**

1.12.8.29.1 No permit shall be required for agricultural storage of combustible fibers.

Table 1.12.8.29 Permits Required

Chapter 45	Combustible Fibers	
Work/Activity	Issuing Authority	Code Section
For storage or handling of combustible fibers > 100 ft. ³ (2.8 m ³)	Head of Fire Department	Section 45.1.3
		<i>See Section 1.12.8.29</i>

1.12.8.30 Chapter 50 Reserved.**1.12.8.31 Industrial Ovens and Furnaces. [Chapter 51]****Table 1.12.8.31 Permits Required**

Chapter 51	Industrial Ovens and Furnaces	
Work/Activity	Issuing Authority	Code Section
Installation and operation of an oven or furnace.	Head of Fire Department	Section 51.1.2

1.05: continued

1.12.8.32. Energy Storage Systems. [Chapter 52]**Table 1.12.8.32 Permits Required**

Chapter 52	Energy Storage Systems	
Work/Activity	Issuing Authority	Code Section
To install and operate energy storage systems having a capacity greater than the quantities listed in Table 52.3.1	Head of Fire Department	52.1.2
To install and or operate stationary battery systems having an electrolyte capacity more than 100 gal. (378.5 L) in sprinklered buildings or 50 gal. (189.3 L) in non-sprinklered buildings		52.2

1.12.8.33 Chapter 53 Reserved.**1.12.8.34 Hazardous Material. [Chapter 60]****1.12.8.34.1 Permit Requirements.**

- (1) A permit holder shall apply for the renewal on an annual basis.
- (2) A new permit shall be required prior to engaging in any new or modified hazardous material process activity, which results in a change to a different process category authorized by the current permit.

1.12.8.34.2 Process or Processing of any Hazardous Material at any Facility.

- (1) A permit shall be required for the process or processing of any hazardous material at any facility identified in this *Code* as Category 2 through Category 5, as described in Chapter 60.
- (2) The AHJ may require technical assistance in accordance with Section 1.15 to evaluate the adequacy of a Category 3 or Category 4 facility process safety conditions, programs, procedures, and practices undertaken at the facility, but only after a notice of denial has been properly served upon the person making application.

Table 1.12.8.34 Permits Required

Chapter 60	Hazardous Material	
Work/Activity	Issuing Authority	Code Section
Process or Processing of any Hazardous Material in Category 2, 3, 4, and/or 5.	Head of Fire Department	Section 60.8.1.1.1
Crop ripening or color processing.	Head of Fire Department	Section 60.8.4 Where that process involves the storage, handling, and use of a flammable compressed gas (<i>see</i> Section 63.1.2). Where that process involves the storage, handling, and use of a combustible or flammable liquid (<i>see</i> Section 66.1.5).
		<i>See</i> Section 1.12.8.34
		<i>See</i> Table 1.12.8.50

1.12.8.35 Aerosol Products. [Chapter 61]**1.12.8.35.1 Permit Requirement.**

- 1.12.8.35.1.1** A permit shall be required based on the aggregate quantity.

1.05: continued

1.12.8.35.2 Permit Not Required.

1.12.8.35.2.1 A permit shall not be required for level 1 aerosol products.

Table 1.12.8.35 Permits Required

Chapter 61	Aerosol Products	
Work/Activity	Issuing Authority	Code Section
Storage > 500 lbs.	Head of Fire Department	Section 61.1.2
		See Section 1.12.8.35

1.12.8.36 Chapter 62 Reserved.

1.12.8.37 Compressed Gases and Cryogenic Fluids. [Chapter 63]

1.12.8.37.1 Permits shall be required in accordance with Tables 1.12.8.37(a), (b) and (c).

1.12.8.37.2 See Chapters 41, 42, 60, 63, and 69 for additional requirements and exceptions.

Table 1.12.8.37(a) Permits Required

Chapter 63	Compressed Gases and Cryogenic Fluids	
Work/Activity	Issuing Authority	Code Section
Storage of compressed gases Inside of a building/Outside of a building	Head of Fire Department	Section 63.1.2 (Also see Table 1.12.8.50) See Tables 1.12.8.37(b) and (c)

Table 1.12.8.37(b) Permit Amounts for Compressed Gases

Type of Gas	Amount*	
	ft. ³	m ³
Corrosive	≥200	≥ 0.5.7
Flammable	≥200	≥ 0.5.7
Highly toxic	Any amount	
Inert and simple asphyxiant	≥6000	≥169.9
Oxidizing (including oxygen)	≥504	≥14.3
Pyrophoric	Any amount	
Toxic	Any amount	
Unstable (reactive)	Any amount	

*Cubic feet measured at normal temperature and pressure.

Table 1.12.8.37(c) Permit Amounts for Cryogenes

Type of Cryogen	Inside Building (gal.)	Outside Building (gal.)
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Toxic/highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes oxygen)	10	50

1.12.8.38 Chapter 64 Reserved.

1.12.8.39 Blasting, Explosives, Fireworks, and Model Rocketry. [Chapter 65]

1.05: continued

1.12.8.39.1 Explosives and Blasting.

1.12.8.39.1.1 Permit Requirements. Compliance with the following shall be required:

- (1) For the purpose of permitting, the capacity of a storage magazine, in pounds, shall be the maximum constructed storage capacity of the magazine as reported to the Alcohol Tobacco and Firearms (ATF).
- (2) Application for permit to conduct a blasting operation shall include the submittal of an Explosives User's Certificate and a Certificate of Competency.
- (3) A permit to detonate explosives shall not be issued, unless the person holds a valid certificate and a DigSafe number has been obtained in accordance with M.G.L. c. 82, § 40.
- (4) Such permit shall remain in effect for a minimum of 30 days, unless extended, suspended or revoked.
- (5) For deliveries of explosive materials to any magazine, building, or structure shall be in accordance with M.G.L. c. 148, § 12.

1.12.8.39.1.1.1 Sale or Transfer. Compliance with the following shall be required for permits:

- (1) The transferee shall immediately apply for a new permit for the magazine, building or structure.
- (2) Any owner shall notify the State Fire Marshal immediately of the sale or transfer of a magazine, building or structure. The owner shall remove the permit number from the magazine, building or structure upon sale or transfer.

1.12.8.39.1.1.2 Application to Manufacture.

1.12.8.39.1.1.2.1 Applicants for a permit to manufacture explosives shall submit proof of license to manufacture explosives materials issued in accordance with 27 CFR Part 55, and a license and registration, as applicable, to keep, store, manufacture or sell explosive material, issued in accordance with M.G.L. c. 148, § 13 with an application for a permit.

1.12.8.39.1.1.3 Plans.

1.12.8.39.1.1.3.1 A plan drawn to scale shall be required to be submitted with the application for permit showing the arrangement of the various buildings and magazines of the manufactory and the egress therefrom, their relative location to other buildings and property lines, and shall clearly indicate the following:

- (1) The location of the manufactory;
- (2) The name of the owner and/or occupant;
- (3) The kind and maximum quantities of the explosives, raw materials, and finished products, and the manner in which they are to be kept or stored; and
- (4) The nature of the work to be carried on in each building.

1.12.8.39.1.1.4 Permits Not Required. Permits shall not be required for the following:

- (1) For smokeless propellants displayed in commercial establishments intended for sale and not exceeding 25 lbs. and stored in original manufacturer's containers of one lb. maximum capacity.
- (2) Small arms ammunition, primers, smokeless propellants and black powder stored in original containers and stored in a locked cabinet, closet or box when not in use as provided in Section 1.12.8.50. Small arms ammunition, as used here, shall mean any shotgun, rifle, or pistol cartridge and any cartridge or propellant actuated devices, excluding military ammunition containing bursting charges or incendiary, tracer, spotting, or pyrotechnic projectiles.

1.12.8.39.1.1.5 Notification.

1.12.8.39.1.1.5.1 Each day any blasting operations are to be performed, notification shall be given at least two hours prior to such operations, if required by the Head of the Fire Department. Failure to notify will be cause for revocation of the permit.

1.12.8.39.1.1.5.2 The Head of the Fire Department shall make a written report to the State Fire Marshal stating the details of any incident resulting in any injury to persons or property during an activity.

1.05: continued

1.12.8.39.2 Fireworks.

1.12.8.39.2.1 Permit Requirements. The following permit provisions shall be complied with:

- (1) An application for permit has been submitted and shall include the submittal of a fireworks user's certificate and a certificate of competency.
- (2) The quantity and description of materials to be used shall be listed on the permit application.

1.12.8.39.2.2 Displays.

- (1) Applications shall be submitted in writing at least 20 days in advance of a display, unless waived by the Head of the Fire Department.
- (2) Upon receipt of an application for fireworks the Head of the Fire Department shall make or cause to be made an investigation of the pertinent facts set forth in the application and a physical inspection of the display grounds for the purpose of determining compliance with the provisions of this *Code*.
- (3) These requirements may be waived if the same display has been witnessed at similar separate locations.
- (4) Upon completion of such investigation and inspection for fireworks, but no later than five days after receipt of said application, the Head of the Fire Department shall transmit one copy of said application to the State Fire Marshal and one copy to the applicant with his or her endorsement thereon in compliance with provisions of law, or his or her reason for withholding such endorsement.
- (5) Denial of a permit application for the use of special effects [fireworks] for just cause shall be determined by the Head of the Fire Department within a maximum of 24 hours after witnessing the preliminary display, and the applicant shall be so notified in writing within the next 24 hours with the reasons for such denial detailed.
- (6) The Head of the Fire Department shall notify the State Fire Marshal of substitutions of certificate holders within two working days following the display.
- (7) The applicant for the special effects [fireworks] permit shall demonstrate the fireworks display in the presence of the Head of the Fire Department or his designees at least four hours before the performance at the proposed location of the performance. Notice of the demonstration shall be given to the Head of the Fire Department at least four days in advance documenting the date and time of such demonstration.

1.12.8.39.2.3 Permit Not Required.

1.12.8.39.2.3.1 A permit shall not be required for the transporting [interstate] of such fireworks or pyrotechnic materials if it is in accordance with U.S. DOT, Title 49 CFR.

1.12.8.39.2.4 Cannon Mortar.

1.12.8.39.2.4.1 Permits Requirements.

1.12.8.39.2.4.1.1 A permit for the supervision of the firing of a cannon shall not be issued unless the person holds a valid certificate.

1.12.8.39.2.4.3 Application.

- (1) Applications shall be submitted where the supervised firing is to take place not less than 15 days in advance of firing date, and shall state whether blank-fire or live-fire is utilized.
- (2) Submission of this application is an assurance that the cannons to be fired will be inspected by the competent operator and meets all safety requirements prior to firing.

1.12.8.39.2.5 Permits Not Required.

1.12.8.39.2.5.1 Persons holding a Certificate of Competency for cannons shall be permitted to store less than 50 lbs. of black powder.

1.05: continued

Table 1.12.8.39 Permits Required

Chapter 65	Blasting, Explosives, Fireworks, Model Rocketry and Flame Effects	
Work/Activity	Issuing Authority	Code Section/M.G.L.
Black Powder/Blasting/Explosives/Model Rocketry/Pyrotechnics/Cannons/Flame Effects		
Display of Fireworks Supervision of the use of explosives, fireworks and cannon mortar.	Head of Fire Department	Section 65.2.3
Storage and manufacturing of fireworks.	State Fire Marshal	
A vehicle carrying explosive materials left unattended and parked in an authorized area.	Head of Fire Department	
Pyrotechnics before a proximate audience.		Section 65.3.3
Flame effects before an audience.		Section 65.4.1.1 Section 65.4.2
Fireworks manufacturing.	State Fire Marshal	Section 65.5.1.2 M.G.L. c. 148, § 12
Model rocketry including storage of solid propellant model rocket motors, reloading kits, or motor components > 50 lbs. (23 kg) net weight at a residence.	Head of Fire Department	Section 65.6.1
High power rocketry, including storage of high power model rocket motors, motor reloading kits, and pyrotechnic modules.	Head of Fire Department	Section 65.8.2
Explosives including manufacturing and storage of explosive materials.	State Fire Marshal	Section 65.9.2.1 M.G.L. c. 148, § 12
Blasting.	Head of Fire Department	Section 65.9.2.2
Keeping and the storage of explosives.	State Fire Marshal	M.G.L. c. 148, § 13
Transportation [Intrastate].	State Fire Marshal and Head of Fire Department	Section 65.9.2.1 M.G.L. c. 148, § 13.
Storage of in any magazine, building or structure.	State Fire Marshal	Section 65.9.2.1
Delivery of fireworks to authorized personnel.	Head of Fire Department	Section 65.9.6.3
Cannon or Mortar Firing.		Section 65.11.2
		See Section 1.12.8.39

1.05: continued

1.12.8.40 Flammable and Combustible Liquids. [Chapter 66]**1.12.8.40.1 Permit Requirement.****1.12.8.40.1.1 Transport a Tank to a Tank Yard.**

1.12.8.40.1.1.1 To transport a tank to an approved tank yard, the person requesting the permit shall provide the permit-granting authority (Head of the Fire Department) with notification of the designated site of disposition.

1.12.8.40.1.1.2 Receipt of Delivery.

1.12.8.40.1.1.2.1 Any person granted a permit to remove an installed tank shall, within 72 hours, provide a receipt for delivery of said tank to the site designated on the permit.

1.12.8.40.1.2 Inspection of Tanks. The Head of the Fire Department shall periodically inspect existing above ground tank installations for safety, and if he determines that the installation or operation constitutes a hazard, he shall require unsafe tanks to be removed from service.

1.12.8.40.1.3 Removal of Tanks and Underground Piping.

1.12.8.40.1.3.1 Within 24 hours after the removal of an underground tank and underground piping, the owner shall acquire a measurement for the presence of a release of oil or hazardous materials to the environment where contamination is most likely to be present on the site and, if requested, submit such documented measurements to the AHJ.

1.12.8.40.1.3.2 If contamination is found, the owner shall immediately notify the Head of the Fire Department as well as the Department of Environmental Protection.

1.12.8.40.2 Abandoned Tanks and Piping.

1.12.8.40.2.1 Abandoned tanks and piping shall be removed.

1.12.8.40.2.2 Abandoned, as used here, means any tank and piping without use, either filling or draw off for a continuous period:

- (1) Any tank \leq 10,000 gallons for a continuous period in excess of 12 months.
- (2) Any above ground storage tank $>$ 10,000 gallons for a continuous period in excess of 60 months and in compliance with 502 CMR 5.00: *Permit and Inspection Requirements of Above-ground Storage Tanks of More than Ten Thousand Gallons Capacity*.

Table 1.12.8.40 Permits Required

Chapter 66	Flammable and Combustible Liquids	
Work/Activity	Issuing Authority	Chapter/Code Section/M.G.L.
Construction, maintenance or use of any aboveground storage tank $>$ 10,000 gallons capacity, in aggregate.	State Fire Marshal	M.G.L. c. 148, § 37 502 CMR 5.00: <i>Permit and Inspection Requirements of Above-ground Storage Tanks of More than Ten Thousand Gallons Capacity</i>
To keep, store, manufacture, handle flammables or combustible liquids.	Head of Fire Department	Section 66.1.5
Installation, maintenance, and storage of waste oil storage tanks.		Chapter 66
Storage of alcohol based hand rub preparations $>$ ten gallons.		Chapter 66
Removal of tanks and underground piping.		Chapter 66
Abandoned tanks.		Chapter 66
		<i>See Section 1.12.8.40</i>

1.05: continued

1.12.8.41 Flammable Solids. [Chapter 67]**Table 1.12.8.41 Permits Required**

Chapter 67	Flammable Solids	
Work/Activity	Issuing Authority	Code Section
Storage of Flammable solids	Head of Fire Department	Section 67.1.2

1.12.8.42 Chapter 68 Reserved.**1.12.8.43 Liquid Petroleum Gases and Liquefied Natural Gas. [Chapter 69]****1.12.8.43.1 Application for a Permit.**

1.12.8.43.1.1 An application for a permit shall be submitted by the person, firm or corporation who will make the installation or connection to an LP-gas storage container, in the name of the owner or occupant of the premises.

1.12.8.43.1.2 Notice of Completion and Inspection of Work.

1.12.8.43.1.2.1 Upon receipt of notification of completion of the work, the AHJ shall make an inspection of the installation within a reasonable time. If same is found to be in accordance with Chapter 69 and if applicable 502 CMR 5.00: *Permit and Inspection Requirements of Above-ground Storage Tanks of More than Ten Thousand Gallons Capacity*, the AHJ shall issue to the owner or occupant a permit for the keeping, storage, manufacture or sale of LP-gas in connection therewith, except where such storage is otherwise authorized by license.

1.12.8.43.1.2.2 Violation.

1.12.8.43.1.2.2.1 If such installation is found not to be in accordance with Chapter 69, the permit shall be withheld and shall not be issued until the proper corrections have been made as directed, by written notice if requested, within a reasonably specified time and prior to any LP-gas being stored in the container(s).

1.12.8.43.1.2.2.2 Permits for the storage are considered null and void if such containers are considered abandoned. Where containers are abandoned they shall be removed, as provided in Table 1.12.8.43. If permitted by the AHJ, such container may be reused in accordance with 1.12.8.43.1.1.

1.12.8.43.1.3 Certificate of Completion.

1.12.8.43.1.3.1 See Section 1.12.8.51 for Certificate of Completion requirements regarding LP-gas storage installations and connections.

1.12.8.43.2 Permits Not Required.

1.12.8.43.2.1 No permit shall be required to make a connection in the replacement of a portable container, or the filling of a stationary container.

Table 1.12.8.43 Permits Required

Chapter 69	Liquid Petroleum Gases and Liquefied Natural Gas	
Work/Activity	Issuing Authority	Code Section
Storage, use and handling and the installation or modification of stationary installations.	Head of Fire Department	Section 69.1.2
Keeping, removal, storage or use of LP-gas >42 lbs aggregate capacity.		
		See Section 1.12.8.43

1.05: continued

1.12.8.44 Chapter 70 Reserved.

1.12.8.45 Chapter 71 Reserved.

1.12.8.46 Chapter 72 Reserved.

1.12.8.47 Chapter 73 Reserved.

1.12.8.48 Ammonium Nitrate.

1.12.8.48.1 If applicable, permits shall comply with the requirements of Chapter 65.

1.12.8.49 Chapter 75 Reserved.

1.12.8.50 Quantities, Permits and License Requirements.

1.12.8.50.1 The activities and aggregate quantities listed in Table 1.12.8.50 shall be used in determining permit and/or license thresholds.

1.12.8.50.2 All tanks, containers, vessels and transport vehicles are to be considered full for the purpose of permitting under this *Code* and under M.G.L. c. 148, § 13.

1.12.8.50.3 This section shall not apply to Class II and III liquids that are not heated to or above their flash points and:

- (1) That have no fire point when tested by ASTM D 92, *Standard Test Method for Flash and Fire Points by Cleveland Open Cup*, up to the boiling point of the liquid or up to a temperature at which the sample being tested shows an obvious physical change, or
- (2) That are in a water-miscible solution or in dispersion with a water and inert (noncombustible) solids content of more than 80% by weight, which do not sustain combustion when tested using the "Method of Testing for Sustained Combustibility", per 49 CFR 173, Appendix H, or the UN *Recommendations on the Transport of Dangerous Goods*.

1.12.8.50.4 If a license is required based on the limits set forth in Table 1.12.8.50, it shall be issued in accordance with M.G.L. c. 148, § 13.

1.12.8.50.5 A permit shall be obtained in accordance with Table 1.12.8.1 through Table 1.12.8.50 as applicable.

1.12.8.50.6 When storing more than one class of liquid or other materials named in Table 1.12.8.50, a license shall only be required for the individual class or materials, which exceed the amounts listed.

1.12.8.50.7 Explosive material classified as Division 1.5 and 1.6 shall not be regulated as an explosive in determining capacities subject to license requirements of M.G.L. c. 148, § 13.

1.05: continued

Table 1.12.8.50 Permit and/or License Thresholds

Materials	Quantities	Permit	License
Class 1 liquids Note 1: Gasoline may be used, kept, or stored in any building not used for habitation nor frequented by the public, ≤ 7 gallons and provided the gasoline is stored in one or more approved containers without permit. Note 2: <i>See</i> alcohol based hand rub Table 1.12.8.1 Note 3: No permit or license needed when stored in containers of 60 gallons capacity or less; or Note 4: No permit or license needed when stored in portable tanks over 60 gallons capacity not intended for fixed use, including intermediate bulk containers (IBCs) designed for mechanical handling.	< 793 Gallons*	yes	no
	≥ 793 gallons	yes	yes
Class I liquids (in fixed storage containers) **Note: No permit or license needed for** storage tanks having a liquid capacity that exceeds 60 gallons capacity, intended for fixed installation and not used for processing.	$\leq 10,000$ gallons**	yes	no
	> 10,000 gallons	yes	yes
Class II liquids.	< 10,000 gallons	yes	no
	$\geq 10,000$ gallons	yes	yes
Class IIIA liquids.	< 10,000 gallons	yes	no
	$\geq 10,000$ gallons	yes	yes
Class IIIB liquids.	< 10,000 gallons	yes	no
	$\geq 10,000$ gallons	yes	yes
Flammable Solids.	< 100 lbs.	yes	no
	≥ 100 lbs.	yes	yes
Flammable gases (within a building).	< 3,000 cubic feet	yes	no
	$\geq 3,000$ cubic feet	yes	yes
Flammable gases (outside a building).	< 10,000 cubic feet	yes	no
	$\geq 10,000$ cubic feet	yes	yes
Fuel oil that may be kept for use in a building or other structure.	< 10,000 gallons of light or of heavy	yes	no
	$\geq 10,000$ gallons of light or of heavy	yes	yes
Small arms ammunition of rim fire ammunition. [private use]	< 10,000 rounds	no	no
	$\geq 10,000$ - 30,000 rounds	yes	no
	> 30,000 rounds	no	yes
Small arms ammunition of center fire ammunition. [private use]	< 10,000 rounds	no	no
	$\geq 10,000$ - 50,000 rounds	yes	no
	> 50,000 rounds	no	yes

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

1.05: continued

Materials	Quantities	Permit	License
Small arms ammunition of shotgun ammunition. [private use]	< 5,000 rounds	no	no
	≥ 5,000 rounds- 50,000 rounds	yes	no
	> 50,000 rounds	no	yes
Small arms ammunition primers. [private use]	< 10,000 caps or other small arms primers	no	no
	≥ 10,000 caps or other small arms primers	no	yes
Small arms ammunition primers. [commercial use]	< 10,000 caps or other small arms primers	yes	no
	≥ 10,000 caps or other small arms primers caps or other small arms primers	no	yes
Smokeless propellants. [private] Note 1: Persons younger than 18 years old may not keep or store smokeless propellants. Note 2: Not more than two pounds of such propellant shall be stored in a multiple family dwelling or a building of public access.	< 16 lbs.	no	no
Smokeless propellants. [private]	16 lbs. through 47 lbs.	yes	no
	≥ 48 lbs.	no	yes
Smokeless propellants. [commercial]	≥ 16 lbs. to < 99 lbs.	yes	no
	100 lbs.	no	yes
Black powder. Note: Persons younger than 18 years old may not keep or store any amount of black powder.	≤ 2 lbs	no	no
	≤ 5 lbs.	yes	no
	< 5 lbs.	no	yes
Black powder. Black powder. [commercial] See Section 1.12.8.39.2.5.1 for permit exemption individual.	< 50 lbs.	yes	no
	≥ 50 lbs.	no	yes
Special industrial explosive devices.	< 50 lbs. net weight of explosives	no	no
	≥ 50 lbs. net weight of explosives	no	yes
Explosive material. Note: Fireworks can be stored up to 30 days without a land license.	Classified Division 1.1 - 1.6	yes	yes

1.05: continued

Materials	Quantities	Permit	License
LP-gas.	< 42 lbs. [10 gallons]	no	no
	≥ 42 lbs. [10-gallons]	yes	no
	> 2,000 gallons of LP-gas in the aggregate	yes	yes
Flammable or class II combustible liquids unattended within cargo tanks, portable tanks or transfer tanks on a parcel of land. This shall not apply to parcels of land permitted by the Head of the Fire Department prior to September 1, 2008.	≤ 15,000 gallons in the aggregate	yes	no
	> 15,000 gallons in the aggregate	no	yes

1.12.8.51 Certificates of Completion. A certificate of completion shall be filed as provided in Table 1.12.8.51.

1.12.8.51.1 A person making the installation or connection of an oil burner, alternate fuel installation, or LP-gas installation shall within 72 hours (excluding Saturday, Sunday and holidays) after test-firing the burner, file such certificate of completion.

1.12.8.51.2 Inspection. Upon receipt of a certificate of completion, the Head of the Fire Department shall make an inspection of the installation within a reasonable time and, if same is found to be in accordance with this *Code*, the AHJ shall issue to the owner or occupant an applicable permit.

Table 1.12.8.51 Certificates Required for Permit

Chapters 11, 42 and 69	Certificates of Completion
Type	
Oil Burner Technician [Chapter 11]	
Upon completion the person, firm or corporation having made the installation or connection:	Shall certify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and in conformity with the requirements of this <i>Code</i> .
Alternate Fuels [Chapter 42]	
Upon completion of an installation or connection the person, firm or corporation having made the installation or connection:	Shall certify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and in conformity with the requirements of this <i>Code</i> .
LP-gas [Chapter 69]	
Upon completion of an installation or connection the person, firm or corporation having made the installation or connection:	Shall certify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and in conformity with the requirements of this <i>Code</i> .
	See Section 1.12.8.51

1.13 Certificates.

1.13.1 Authorization. The State Fire Marshal shall have the authority to require certificates and collect fees for individuals or companies performing any of the following activities.

- (1) Sale, manufacture, possession or use of explosive materials, blasting operations, fireworks displays, storage of fireworks, use of pyrotechnics or special effects before a proximate audience; Chapter 65
- (2) Inspection, servicing or recharging of portable fire extinguishers; Chapter 13
- (3) Installation, servicing or recharging of fixed fire extinguishing systems; Chapter 13

**Guidelines for Municipal Officials on the
Issuance and or Reconstruction of Licenses Granted under
Massachusetts General Law, Chapter 148 § 13**

PURPOSE

This guidance document is to clarify the requirements and procedures for the issuance of Licenses for the storage of flammables, combustibles and explosives. As you know, Massachusetts General Law Chapter 148, Section 13 requires land on which buildings or structures (such as storage tanks) that contain certain quantities of these products *be licensed*. This license is granted by local licensing authorities.

527 CMR 1.00 Table 1.12.8.50 specifies the quantities of each material which require a license.

A license is granted by a local licensing authority and then is recorded in the office of the city or town clerk. From the time of its granting by the licensing authority, a license is deemed a grant attached to the land. A license is not a personal privilege. A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license.

Massachusetts General Law Chapter 148, Section 13 establishes the procedure under which local licensing authorities may grant licenses for the storage of flammable combustibles and explosives on the land. City and town clerks are required to maintain records of licenses that have been granted. Licenses must provide particulars on the license in such detail that the quantity of material, any restrictions imposed on storage, and the location of the licensed land will always be a matter of public record.

Chapter 148 establishes no set format for a license to store flammable, combustible and explosives granted in accordance with Massachusetts General Law, Chapter 148, Section 13. It is prudent that all licenses *in whatever format* contain *as a minimum* the following information:

- The date the license was issued;
- The location of the land (Street, Number, Assessors Map and Parcel ID);
- Owner of the land
- Address of the owner of the land

- Maximum quantity of storage containers (*all* containers are considered full for the purpose of licensing and permitting).
- Type material to be stored (flammables, combustibles, fireworks, LP-gas, explosives) and the maximum quantity of each class of material;
- Restrictions, if any;
- The signature of the licensing authority;
- A statement that the license must be posted on the licensed land.

A license upon being granted must be filed with the office of the city or town clerk within the jurisdiction of the granting authority and shall become a record available to the public.

If Original License Cannot Be Found

There are occasions when licenses granted and records of licenses granted in the past may not be currently available. There are also instances where the original local license granting authority may also not be the same or currently available.

In these instances, if the city or town having jurisdiction recognizes the validity of such license. The following procedure may be used as *the next best available evidence of the existence of a previously granted license*.

This evidence may consist of a reconstruction of a license from available information or records on file with the office of the city or town clerk by the clerk, or the office of the local licensing authority by the local licensing authority, that tend to compel a prudent person to believe that a license has been granted in the past encompassing the stated terms of the license.

This reconstructed information should contain that information previously detailed in this policy.

Upon license reconstruction, this information shall become *the* license and shall be recorded as a license in the records of the city or town clerk which shall then become a matter of public record. This recording will serve as the license required by Massachusetts General Law, Chapter 148, Section 13, for the storage of flammables, combustibles and explosives on the land.

Land may only have one license for the storage of flammables and combustibles and explosives. Adding additional quantities of materials or changing the category of material is accomplished by amending the existing license. When a license is reconstructed, the date of the reconstructed license then become the license date. The current license shall contain the total aggregate capacity for which the land has been licensed.

A GUIDE FOR MUNICIPAL OFFICIALS ON LICENSING THE STORAGE OF FLAMMABLES, COMBUSTIBLE and EXPLOSIVES

Licenses, Registrations and Permits

The purpose of this document is to provide guidance to fire departments, local licensing authorities, and municipal clerks on licenses, registrations and permits for the storage of flammable, combustible, or explosive materials in accordance with Massachusetts General Law (MGL) Chapter 148 and the Board of Fire Prevention Regulations, Code of Massachusetts Regulation (CMR), 527 CMR 1.00 Table 1.12.8.50.

- **A license is the permission by competent authority to do an act which, without such permission, would be unlawful, a trespass, or a tort.** A storage license is applied for and granted by the local licensing authority. **The license is granted to the land and not to an individual.** Only one license may be issued to a parcel of land. This license may be amended to reflect changes in quantity, conditions or restrictions. The license may be revoked or suspended for cause by the issuing authority. Information pertaining to the license and the license shall be maintained by the city or town clerk.
- A *registration* is the acknowledgement by competent authority of the act of recording a formal or official record. A storage registration is filed annually with the local city or town clerk. **The registration serves solely to notify the community of the present license holders name and address.** Only one registration may be granted for each license. Records of registration shall be maintained by the city or town clerk.
- **A permit is a written authority or warrant, issued by a person in authority, empowering a person to do some act not forbidden by law but not allowable without such grant of authority. The law allows certain small quantities of flammable and combustibles to be kept or stored on the land without a license, but with a permit granted by the head of the fire department.** 527 CMR 1.00 Table 1.12.8.50 requires a permit in addition to the license.

The following are definitions related to the terms "flammable or combustible".¹

Combustible liquid: Any liquid having a flash point at or above 100°F shall be known as a Class II or Class III Liquid. Combustible liquids shall be divided into the following classifications:

- Class II: Liquids having flash points at or above 100° and below 140°F.
- Class IIIA: Liquids having a flash point at or above 140°F and below 200°F.
- Class IIIB: Liquids having a flash point at or above 200°F.

Flammable Liquids: Any liquid having a flash point below 100° F and having a vapor pressure not exceeding 40 psia at 100°F. Flammable liquids shall be known as Class I liquids and shall be divided into the following classifications.

- Class IA: Liquids having flash points below 73°F and having a boiling point below 100°F.
- Class IB: Liquids having flash points below 73°F and having a boiling point at or above 100°F.
- Class IC: Liquids having flash points at or above 73°F and below 100°F.

The authority for the keeping and storage of flammables, combustibles, and explosives, is section 13, of Chapter 148, M.G.L. This General Law is rather lengthy; this document references only the relevant sections. **In order to apply for a new license or to change the conditions or restrictions of an existing license, the applicant must apply for approval or disapproval from the head of the local fire department. Whether the local fire official approves or disapproves the application, the next step is a public hearing on the application. Not less than seven days prior to a public hearing it must be advertised in a newspaper published in the English language. At the applicants expense, all abutters and owners of real estate must be notified by registered mail not less than seven days prior to the hearing at which the licensing authority acts on the license application.**

A licensing authority may prescribe conditions or restrictions to a license.

Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.²

A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license. This informs the licensing authority that the license is still being exercised, and the name of the person or entity exercising the license.

The Board of Fire Prevention Regulations has been granted the authority to exempt certain quantities of the articles (flammables, combustibles, and explosives), articulated in section 9 of Chapter 148, from licensing, and registration.³ These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Every license granted, and every certificate of registration filed under Section 13, is deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to cessation.⁴

Abandoned, as used here, means any tank and piping without use, either filling or draw off for a continuous period:

- (1) Any tank \leq 10,000 gallons for a continuous period in excess of 12 months.
- (2) Any above ground storage tank > 10,000 gallons for a continuous period in excess of 60 months and in compliance with 502 CMR 5: Permit Requirements and Annual Inspection of Above Ground Storage Tanks or Containers of More than Ten Thousand Gallons' Capacity.

If it is determined that a fire or explosion hazard exists or is likely to exist as the result of the continued exercise of a license, the local fire chief may issue a cease and desist order.

The fire chief shall order reasonable measures to protect the safety of the public from the hazards of a fire or explosion. Any measures so ordered are at the expense of the license holder.

"When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license."⁵

The first paragraph of section 13, Chapter 148, speaks of certain articles named in section 9 of Chapter 148, that are subject to regulation. Section 9, names the articles subject to regulation by license or permit.

"The board shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, fireworks, firecrackers, or any substance having such properties that it may spontaneously, or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite, or inflame or generate inflammable or explosive vapors or gases to a dangerous extent, and may prescribe the location, materials and construction of buildings to be used for any of the said purposes. Such rules and regulations shall require persons keeping, storing, using, selling, manufacturing, handling or transporting dynamite or other high explosives to make reports to the department in such particulars and in such detail that the quantity and location thereof will always be a matter of authentic record in the department..."⁶

The first paragraph of section 9 of Chapter 148, states that the Board of Fire Prevention Regulations shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of the articles name. The Board has made these Rules and Regulations with the Code of Massachusetts Regulations 527 CMR 1.00. These regulations allow the storage of certain quantities of materials to stored without a license, but subject to permit issued by the head of the fire department.

Regulation 527 CMR 1.00 Section 1.12.8.50.1, requires a permit for the storage of any flammable fluid, solid or gas. This permit is to be obtained from the head of the fire department, as provided by M.G.L. c.148, s.10A and 23. The head of the fire department may restrict the quantities to be stored under the permit.

What this means is that a permit in addition to a license, a permit is required from the head of the fire department for the storage of flammable and combustible fluids. The head of the fire department may reduce the quantity of product allowed by permit but may not increase the quantity beyond that allowed by the regulation.

Exceptions to the permit process are granted to certain persons for the storage and use of and use of limited quantities of flammables, combustible. These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Important Points

- A license for the storage of flammable or combustible fluids in quantities in excess of those allowed by regulation is granted by the local licensing authority after approval or disapproval by the head of the fire department and after a public hearing. A permit is granted by the head of the fire department.
- A license is not owned by an individual as a personal privilege. A license once exercised is a grant which runs with the land. The permanent record of a license is to be recorded and maintained by the city or town clerk.
- A permit from the head of the fire department is required in addition to a license for the storage of materials regulated under 527 CMR 1.00 Table 1.12.8.50 .
- A certificate of registration is annually filed by the holder or occupant of licensed land to inform the city or town clerk to record (register) the license as still active and being exercised.
- A city or town may develop its own form for the actual license and registration. The form of the license and registration must contain, as a minimum, that information contained in Department of Fire Services Fire Prevention Forms, FP-002, License and FP-005, Registration respectively.
- A license, when exercised, is a grant running with the land. A parcel of land may only have one license for the storage of flammable or combustible fluids.
- If the conditions, capacities or restrictions authorized by a license are changed, an amended license must be obtained. A new application must be submitted to the local licensing authority, the head of the local fire department must approve or disapprove, and a public hearing must be held. If granted, the amended license supersedes and replaces the old license, and will show the aggregate total capacities allowed under the grant. The terms and conditions of the new license now prevail. The license must be plainly posted on the premises.
- A certificate of registration is the vehicle used by the license holder or occupant of licensed land to notify the city or town town clerk annually, before April thirtieth, that a license is in use and currently being exercised. If a registration is not applied for and issued, after three weeks, it may be viewed as cessation and cause for review of the license. A registration must be plainly posted on the premises.

¹ 527 CMR 1.00: Sections 3.3.165.1, 3.3.165.2

² Massachusetts General Law, Chapter 148 § 13, Paragraph 3

³ Massachusetts General Law, Chapter 148 § 13, Sentence 2

⁴ Massachusetts General Law, Chapter 148 § 13, Paragraph 3

⁵ Massachusetts General Law, Chapter 148 § 13, Paragraph 6

⁶ Massachusetts General Law, Chapter 148 § 9

**Town of Wayland
Board/Committee Appointments
Status as of August 3, 2021**

Most volunteer positions have a term that ends on June 30. All positions with openings as of July 1, 2021 are listed below. Incumbents may reapply, and all interested volunteers will be considered.

Information on each board and committee (purpose, responsibilities, Chair) can be found on its web page. All board and committee pages are linked here: <https://www.wayland.ma.us/boards>.

Volunteers interested in serving on one of the committees or boards listed below, please send an email explaining your interest and qualifications and a resume/CV to the Board of Selectmen c/o Teri Hegarty at thegarty@wayland.ma.us. All positions are appointed by the Board of Selectmen unless otherwise noted.

Committee	Term Ending Date
Audit Committee	
School Committee	June 30, 2022
Cable Advisory Committee	completion of negotiations
Cultural Council (multiple vacancies)	3-year terms
Dog Control Appeals Board	June 30, 2024
Local Emergency Planning Committee	
Selectmen (3 positions)	June 30, 2022, 2023 and 2024
Municipal Affordable Housing Trust Fund Board	
Selectmen (Real Estate Law Specialist)	June 30, 2022
Housing Authority	June 30, 2023
Personnel Board	June 30, 2026
Registrars of Voters	April 1, 2022
Appointment done in compliance with MGL Ch 51, section 15.	
Senior Tax Relief Committee	
Board of Assessors	June 30, 2024
Youth Advisory Committee	
Selectmen	June 30, 2023
Board of Health	June 30, 2023
Zoning Board of Appeals	June 30, 2023

KRISTOPHER K. ALEKSOV, ESQ.

PROFESSIONAL EXPERIENCE

LAW OFFICE OF KRIS ALEKSOV

FRAMINGHAM, MA

Attorney at Law, November 2013-Present

Trial attorney representing clients in civil litigation and probate litigation.

EDUCATION

UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW

DARTMOUTH, MA

Juris Doctor, May 2013

Honors: Winner, University of Massachusetts Roundtable Symposium Law Journal Writing Competition

Honors, UMass Law Review Award Based on Excellent Academic Performance 2L and 3L years

Activities: Business Editor, University of Massachusetts Law Review Editorial Board

Officer, Delta Theta Phi Law Fraternity Executive Board (Larkin Senate)

Moderator, University of Massachusetts Law Review Symposium

Member, UMass Law Review Submissions Committee

Research Assistant, Professor Thomas Workman, *The Science Behind Breath Testing Ethanol*, 7 U. MASS. L. REV. 110 (2012)

Publication: Independent Contractor Misclassification of Exotic Dancers in Massachusetts: Making it Rain Legislatively

WESTERN MICHIGAN UNIVERSITY

KALAMAZOO, MI

Bachelor of Arts, Philosophy with concentration in Professional and Applied Ethics, August 2009

Honors: Recipient, Michigan Merit Scholarship Award

Activities: President, Henry Residence Hall Council

Treasurer, Russian Club

OTHER EDUCATION AND CERTIFICATIONS

- Certificate of Mastery, HarvardX: The Ancient Greek Hero
- Certificate of Mastery, HarvardX: Ethical Reasoning, Justice
- Certificate of Completion, HarvardX: Health and Society
- Certificate of Completion, UTAustinX: Age of Globalization
- Honor Code Certificate, CornellX: American Capitalism: A History
- Honor Code Certificate, WellesleyX: Was Alexander Great?
- MCLE, A Practical Guide: Introducing Evidence in Massachusetts
- Honor Code Certificate, UQx: The Science of Everyday Thinking
- Honor Code Certificate, UQx: Biomedical Imaging

MISCELLANEOUS

PRO BONO/VOLUNTEER WORK

- Democratic Nominee for the Massachusetts State Senate; Norfolk, Bristol and Middlesex Senate District, 2016

PUBLICATIONS

- *Using Medical Specialty Societies Codes of Ethics in Examining Medical Expert Witnesses.*
Chicago Medicine Magazine
- *Understanding the Role of Medical Specialty Societies in Policing Medical Expert Testimony and Using it to your Advantage as an Attorney,* ABA Health Journal vol. 11, iss. 12.

SUSAN F. KOFFMAN

WAYLAND, MASS. 01778-2201
TELEPHONE: [REDACTED]
MOBILE: [REDACTED]

August 3, 2021

Town of Wayland Select Board
Town Hall
Wayland MA 01778

Re: Re-appointment to Dog Control Appeals Board

Board members:

My term as a member of the Dog Control Appeals Board, as created under the Town of Wayland Bylaws, Section 91-4, expired on June 30, 2021. With this letter, I am applying for re-appointment as one of the three members of the DCAB.

Since I am retired, I no longer maintain a formal resume, but here is a brief summary of my qualifications and background. I am a trained and experienced lawyer, with useful skills for this position: the ability to listen, elicit information, and respond; the ability to write clearly yet concisely; the ability to understand legal complexities; the acumen to investigate, contemplate, and discuss. As a town resident, I possess the nonlegal skills needed: the willingness to attend meetings and read files; the desire to apply the generic bylaw to the realities of life in semi-rural Wayland; and the wish to see all sides of an issue. Having previous experience on a town board, I recognize the time commitment.

Specifically for the Dog Control Appeals Board, I continue to meet the criteria in the bylaw: I am a town resident; I am not an employee of the town (although I do periodically serve as an election official, generally as the warden for Precinct 1); and I am currently a dog owner. I chaired the committee that re-wrote Wayland's dog control bylaw in 2000, and I have been a member of the DCAB ever since Town Meeting passed the revised Chapter 91, Article 1.

The DCAB has not met as often as I thought it would. We meet only when someone appeals an order of the Town's Dog Control Officer. When my study committee created the appeals mechanism, which had not previously existed in the bylaw, we did so in response to numerous requests from residents speaking at our public hearings. Apparently the current Dog Control Officer no longer distresses residents, whether dog owners or otherwise, and almost no appeals are filed. However, it is still important to have the appeals mechanism in place.

If you have any questions, please call me at [REDACTED]

Cordially,


Susan F. Koffman

Crandall, Seath

From: Hegarty, Teri
Sent: Monday, August 23, 2021 1:31 PM
To: Crandall, Seath
Subject: FW: Interest in serving on Dog Control Appeals Board
Attachments: ESN abbreviated CV.docx

Hi Seath,
Here is Elizabeth's resume.
Teri

Teri Hegarty
Management Analyst
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
Phone: 508-358-3622

<https://www.wayland.ma.us/dog-control-appeals-board>

-----Original Message-----

From: Elizabeth Nathans [mailto:████████████████████]
Sent: Wednesday, June 9, 2021 3:34 PM
To: Hegarty, Teri <thegarty@wayland.ma.us>
Subject: Interest in serving on Dog Control Appeals Board

[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 Teri Hegarty:

I am responding to the Town's email seeking expressions of interest in serving on Town of Wayland Boards.

I am a native New Englander though I spent a significant part of my adult life in North Carolina as a dean at Duke University. After returning to New England in 1992 and before moving to Wayland in 2004, I lived for several years in Cambridge, in a house provided for me in connection with my responsibilities as a dean in Harvard College. In 2004, I purchased a home at ████████████████████, in Cochituate Village, and have resided there since. I am retired from my position at Harvard and also from a subsequent position directing a startup program for Boston College.

Since 2005, I have worked with a New England-wide beagle rescue group, Beagles of the New England States, of which I am currently Co-President, a Board member, Secretary, and Adoptions Director. We are a small, all-volunteer, and fully foster-based rescue; we do not have a central facility where we house dogs, and dogs in our program are fostered with carefully-vetted families throughout New England. We do not "import" dogs from outside New England; our dogs come to us as either ACO or owner-surrenders or, until Becker College closed last month, from the vet tech / animal behavior programs at Becker to which, in turn, they had been sent as laboratory release dogs from Charles River. My responsibilities both as a Board member and as Adoptions Director require than I

be familiar with both state and local regulations, both for interstate adoptions of dogs within New England and for ownership in individual towns and cities. (We routinely check, for example, on town WWW sites and, when necessary directly with ACOs or Town Clerks, when we receive adoption applications from individuals who currently own what I suspect may be more dogs than are permitted without a private kennel license or other special permit or when adoption of an additional dog would likely require special licensing.) Our organization does not accept "owner surrenders" of dogs with a confirmed bite history, and we have strict requirements for secure physical fencing because of beagles' scent hound proclivities. We answer all applications individually and in substantive detail, and as you might expect, our policies are not always popular with those whose applications we deny. Fortunately, the number of dogs we are able to match with knowledgeable or educable adopters and the pleasure of seeing dogs of all ages find and thrive in loving "forever homes," make the occasional unpleasant encounters bearable.

I currently have three dogs, all licensed in Wayland. One is a coonhound mix, misrepresented to our group by a shelter in far northern New England and sent to us at c. age 10 as a "13 inch" "beagle" supposedly weighing "34 pounds." In fact, he is clearly a coonhound mix, a former hunter, 19+ inches tall and, upon arrival in our program, emaciated at 26 pounds. He came directly to me as a foster dog and, not surprisingly, made himself comfortable in the first home he apparently had ever known. The second is a two-times owner surrender, a "lemon" rather than tri-colored beagle now likely close to 15. She has experienced multiple orthopedic problems, but she has overcome them to the point of enjoying her life in my securely fenced yard, and enjoying the company of my other dogs. The third is a beagle mix, also now likely about 15, who came to me as a foster when her owner, who was one of our volunteers, died suddenly and we had less than 72 hours to rehome her three dogs. Because our volunteer had recently adopted this dog and because the dog clearly had significant ongoing medical problems, we chose not to subject her to what would have been her fifth transition in as many years and she has remained with me in "medically supported" status. As far as she is concerned, she's home to stay -- as she indeed is -- and she doesn't know or care who pays her very considerable veterinary costs.

I fully understand that the Appeals Board invariably deals with contentious and emotionally-charged situations. Both as a longtime university dean and in my volunteer work I am familiar with such situations and with the reality that their resolution is rarely equally well received by all parties. The Board's responsibility is to reach decisions which are equitable and consistent with safety and with local and state laws. At its best, the Board in a town like Wayland can ideally help owners to accept decisions, to continue where appropriate and with professional assistance to work with their dogs, and in the thankfully rare cases where that is not feasible or safe, to comply with the decision the Board has reached.

I appreciate the Board's consideration of my interest and have attached an abbreviated CV.

Elizabeth Studley Nathans

[REDACTED]

Wayland MA 01778

[REDACTED]

--

Elizabeth Studley Nathans

[REDACTED]

ELIZABETH STUDLEY NATHANS

[REDACTED]
Wayland, Massachusetts 01778
[REDACTED]
[REDACTED]

Professional positions

Assistant Professor, University of North Carolina at Chapel Hill, 1966-1972

Assistant Dean, The Women's College, Duke University, 1972-1973

**Assistant Dean, Trinity College of Arts and Sciences, Duke University,
1973-1976**

**Founding Director, Duke University Academic Advising Center, and
Associate Dean of Trinity College, 1976-1992**

Dean of Freshmen, Harvard College, Harvard University, 1992-2005

Founding Director, Boston College Academic Advising Center, 2005-2010

Volunteer positions

**Ronald McDonald House, patient and family support volunteer, 1976-
1981 (Outstanding Volunteer award, 1981)**

**Parmenter Foundation/Wayside/subsequently Mt Auburn
Health/subsequently BID-Lahey Health Care, hospice patient and family
support volunteer, 2010-2021 (note: Wayland hospice residence closed
by BID-Lahey in December 2020 and program moved out of MetroWest
area)**

Beagles of New England States, progressively responsible volunteer activities 2005-present, currentlt Co-President, Board member, Secretary, and Adoptions Director

Neighbor Brigade, Wayland Chapter, episodic and occasional volunteer activities in support of local families with specific needs, 2015-present

Education

A.B. Vassar College

M.A. and Ph.D., The Johns Hopkins University

Personal

Divorced; married adult children living in Cambridge MA and Ithaca NY

Specialized experience

Developed crisis response protocols at Duke University

Chaired emergency management group, Harvard College, and trained crisis management teams

Built college-wide start-up programs at Duke University and at Boston College, recruited and built staff teams

Animal rescue experience in organization management as Board member, volunteer training and oversight, application review and adoption placement decision making and support to adoption counselor volunteers, oversight of grant applications and of completion of activities under received national grant, compliance oversight/followup with adoption applicants and recent adopters




Potential Dates for STM 2021 Draft 8.24.2021

MGL and Wayland Code Requirements (section 36-1 and 36-3)

- 1) Special Town Meeting must be held no later than 45 days after Board of Selectmen receive Petition
- 2) Board of Selectmen received Petition on August 23, 2021
- 3) Last day to hold Town Meeting is October 7, 2021
- 4) Warrant must be available at least 14 days before Special Town Meeting
- 5) STM warrant shall remain open for at least 7 days after it is called









Notes

1. If TM held at the High School, additional logistics required if during back to school nights
Conflicting dates are: Sept 9, 14, 22, 23, 30 and Oct 7
2. Printer requires Cover & Text of Warrant to be submitted no later than September 13 if Meeting to be held October 2 or 3
3. School Athletics: Multiple games scheduled every day in the fall. Ideal days would be Sunday September 26, Saturday October 2 and Sunday October 3, 2021.
4. Facilities indicated that set up may be able to be completed in 1 day.

KEY	
	Last day to hold STM
	Potential STM dates
	School events

Potential 2021 Special Town Meeting Choices

- Weekend options: October 2, 2021 or October 3, 2021
- Weekday options: September 27-30, October 1, 4-7, 2021

SEPTEMBER 2021						
S	M	T	W	TH	F	S
29	30	31	1	2	3	4
5	6 Labor Day	7 Rosh Hashana	8	9 	10	11
12	13	14 	15 Yum Kippur	16 Yum Kippur	17	18
19	20	21 First day of Sukkot	22 	23 	24	25
26	27 Last day of Sukkot	28 Shmini Atzeret 	29 Simchat Torah 	30  		

Potential Dates for STM 2021 Draft 8.24.2021

OCTOBER 2021						
S	M	T	W	TH	F	S
					1 	2 
3 	4 	5 	6 	7  	8	9
10	11 Columbus Day Boston Marathon	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

2021 SPECIAL TOWN MEETING SCHEDULE
Schedule for fall STM to begin on [REDACTED], 2021

- August 30 VOTE TO CALL SPECIAL TOWN MEETING AND OPEN WARRANT: The Board of Selectmen will vote on Monday August 30 to call a Special Town Meeting for [REDACTED] 2021 and to open the warrant for at least seven days beginning Tuesday, August 31, 2021 at 8:30 am.
- August 31 NOTICE: Notice of the Board’s action will be sent to all Town boards and committees. Per Town Code Chapter 36: 1) Within 48 hours of calling a Special Town Meeting, notice of the closing date of the warrant shall be posted at the Town Building, at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School; and 2) Prior to the closing of the warrant, notice of the time and place of the Special Town Meeting shall be published in the Wayland Town Crier and will also be posted at the above locations.
- [REDACTED] PETITIONERS’ WORKSHOP: The Board of Selectmen will conduct an information session for individuals considering submission of petitioned articles. Please see separate information sheet on the warrant article process for petitioners.
- August 31 WARRANT OPENING: Warrant opens **Tuesday, August 31, 2021** at 8:30 a.m. and closes September __, **2021** at 4:30 p.m. Articles must be submitted in complete form with all exhibits to the Office of the Board of Selectmen and will be stamped with the date and time received. Articles must be signed by the chair of the sponsoring board or committee or its designee, as authorized by a vote of each public body. (Please refer to additional information for submission and preparation of articles by public bodies of the town and by petitioners.)
- September 2 or 13 BOARD VOTE ON ARTICLES: Date by which the Board of Selectmen will vote to approve and submit any articles it wishes to sponsor.
- September [REDACTED] WARRANT CLOSING: Last day at 4:30 pm for article sponsors and petitioners to submit articles to the Board of Selectmen’s Office for Special Town Meeting.
- [REDACTED] FINANCE COMMITTEE SPECIAL TOWN MEETING ARTICLE WORKSHOP: Per Town Code, Chapter 19 – 3, the Finance Committee meets with all parties proposing or commenting on all Special Town Meeting articles. The Chair of the Finance Committee will contact the Board of Selectmen’s Office to arrange for public notice of this meeting.
- September 13 SELECTMEN BEGIN ARTICLE REVIEW AND VOTE TO INCLUDE ARTICLES IN WARRANT: the Board of Selectmen will: 1) include discussion about proposed articles on every agenda, 2) vote on whether to include articles in the warrant, 3) vote on the order the articles will appear in the Warrant, and 4) consider a vote on the Board’s position on each article.
- September 13 TOWN COUNSEL REVIEW OF ARTICLE TEXT: Approximate date by which Town Counsel completes review of submitted articles and any re-drafting of the text of each article, providing the article text in final form. Article text is then transmitted in PDF by the Town Administrator to each Article Sponsor and to the

Chairs of the Board of Selectmen and Finance Committee for distribution as appropriate.

- September 13 SPONSOR'S REPORT DEADLINE (**12:30PM, close of business**): Date by which any governmental body or lead petitioner sponsoring an article may submit to the Office of the Board of Selectmen a 150-word report which will be included in the Warrant only if the Finance Committee also provides comment.
- PERMANENT MUNICIPAL BUILDING COMMITTEE REPORT: Date by which requested reports are due to the Board of Selectmen from the PMBC about the status of any capital projects assigned to the PMBC.**
- PLANNING BOARD REPORT: Deadline by which the Planning Board must vote to approve and submit to the Board of Selectmen's Office the Planning Board's approved report on zoning articles.**
- September 13 FINANCE COMMITTEE DEADLINE (**12:30 pm, close of business**) FOR SUBMISSION, THROUGH ITS CHAIR, TO THE BOARD OF SELECTMEN'S OFFICE ALL FINANCE COMMITTEE REPORTS ON SPECIAL TOWN MEETING ARTICLES - No changes will be accepted after this date.
- September 13 MODERATOR'S RULES: All changes are due from Moderator by this date.
- September 14 WARRANT COMPLETED: Date by which the compilation of the warrant is completed. The final Warrant is scanned, posted on the website and delivered to the members of the Board of Selectmen, the Moderator, the Chair of the Finance Committee, the Town Clerk, Town Counsel and the Finance Director. **Warrant sent to printer.**
- WARRANT SIGNED: The Board of Selectmen will meet to vote to sign the Warrant.**
- September 17 WARRANT POSTED: Date by which the Warrant will be posted at locations listed above and deadline for mailing of the Warrants to all households. (Town Code 36-2A, MGL c. 39, s. 10 - No later than 14 days before STM)
- September 20 MOTIONS COMPLETED AND POSTED: A motion on each article is drafted by the Town Administrator and reviewed and finalized by this date by Town Counsel and provided to the Chair of the Board of Selectmen who will distribute to the Town Clerk, Moderator, Finance Committee Chair and article sponsors. Draft motions provided by Town Counsel must be posted on the website for public review and marked with the date of the draft.
- LEAGUE OF WOMEN VOTERS ISSUES FORMUM ON SPECIAL TOWN MEETING IF HELD**
- TBD PRE-HEARING PLANNING: On or about this date, the Chair of the Board of Selectmen meets with Town Counsel, the Town Administrator, the Moderator, and the Town Clerk to review motions on each article before the 11/4/19 Warrant hearing.



VOTER REGISTRATION DEADLINE: Last day before Town Meeting to register to vote. (This date is scheduled no later than 10 days before STM).

September 27

WARRANT HEARING: The Board of Selectmen will convene a hearing to review the Warrant and each article. In addition to the general public, Article Sponsors, the Moderator, Town Counsel and the Town Clerk are invited to participate. The Board of Selectmen will also review motions on each article. The Office of the Board of Selectmen will provide at least 10 days advance notice of the Warrant Hearing to the public.



DEADLINE FOR SUBMISSION OF SLIDES: Any illustrative slides will be submitted to the Board of Selectmen's who will submit them to the Moderator for approval to show at Town Meeting. (See Town Moderator's requirements for slides)



FINAL PREPARATIONS: Moderator's instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk. Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution.



SPECIAL TOWN MEETING, TIME & LOCATION TBD



MODERATOR'S FEEDBACK SESSION: *if held*

OTHER IMPORTANT DATES:

Monday 9/6/21	LABOR DAY
Tuesday 9/7/21	ROSH HASHANAH
Wednesday 9/7/21	ROSH HASHANAH
Wednesday 9/15/21	YOM KIPPUR
Thursday 9/16/21	YOM KIPPUR
Monday 10/11/21	COLUMBUS DAY / BOSTON MARATHON

RECEIVED

AUG 23 2021

Board of Selectmen
Town of Wayland

Petition for a Special Town Meeting

We, the undersigned registered voters of the Town of Wayland, pursuant to M.G.L. c. 39, § 10, hereby petition the Board of Selectmen to call a special town meeting not later than forty-five days after receipt of this request, and insert in the warrant therefor the article titled, "Town Code § 95.1 Moratorium on Synthetic/Artificial Turf" accompanying this petition.

#	Print Name Legibly	Signature	Print Street Address
1	Paul Dale	<i>Paul Dale</i>	12 Grace Rd, Wayland
2	Karen Dale	<i>Karen Dale</i>	12 Grace Rd. Wayland
3	MARIE W THOMPSON	<i>Marie Thompson</i>	27 Knollwood Lane Wayland
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RECEIVED

AUG 23 2021

Board of Selectmen
Town of Wayland

Petition for a Special Town Meeting

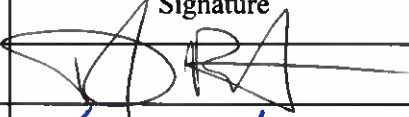


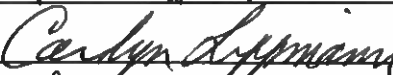

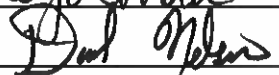




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#	Print Name Legibly	Signature	Print Street Address
1	Margarita Cardenas	<i>[Signature]</i>	15 Richard Rd. Wayland
2	HOLLY LAPP	Holly A Lapp	15 Castle Gate Rd. Wayland
3	JAN HARRINGTON	JAN Harrington	15 Castle Gate Road
4	Elizabeth Newton	<i>[Signature]</i>	23 Sycamore Rd
5	Evelyn Wolfson	<i>[Signature]</i>	188 Pelham Rd
6	HENDRIK BROEKMAN	<i>[Signature]</i>	50 Orchard Ln
7	MALAN BROEKMAN	<i>[Signature]</i>	50 Orchard Ln
8	MARGARET PATTON	<i>[Signature]</i>	43 PLAIN RD
9	Edward J. Collins	<i>[Signature]</i>	43 PLAIN RD.
10	Anne C. Hurston	Anne C. Hurston	8 Fox Hollow
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Printed on 100% recycled paper

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#	Print Name Legibly	Signature	Print Street Address
1	DAVID BERNSTEIN		25 GLEZEN LANE
2	Kathleen Bernstein		25 Glezen Lane
3	Richard Lippmann		23 Pequot Road
4	Carolyn Lippmann		23 Pequot Rd
5	Daryl Mark		163 Loker St
6	DAVID NELSON		163 LOKER ST
7	Richard Stone Stone	Richard Stone Stone	7 WORTHILL RD
8	Doug Schorr		43 Castle Gate Rd
9	Patricia Abramson		5 Goodman Ln.
10	Minnette Harrington		19 Loker St
11	TIMOTHY HARRINGTON		19 Loker St
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#	Print Name Legibly	Signature	Print Street Address
1	ANNE PARKER	<i>[Signature]</i>	19 Parkridge Rd
2	Lisa Breger	<i>[Signature]</i>	19 Parkridge Rd
3	Ronald T Bodkin	<i>[Signature]</i>	118 Woodridge Rd
4	JAMES L BOAKIN	<i>[Signature]</i>	118 WOODRIDGE RD
5	RITA ABERBACH	<i>[Signature]</i>	32 CUTTING CROSS WAY
6	LEONARD ABERBACH	<i>[Signature]</i>	32 CUTTING CROSS WAY
7	STEVE ENGLER	<i>[Signature]</i>	15 JEFFREY RD
8	Marcia Filurini	<i>[Signature]</i>	45 Knollwood Lane
9	Michael L Filurini	<i>[Signature]</i>	45 Knollwood Lane
10	Margo Melnicove	<i>[Signature]</i>	245 Lakeshore Dr.
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#	Print Name Legibly	Signature	Print Street Address
1	Phillip L. Radoff	Phillip L. Radoff	21 Fox Meadow Lane
2	Norma L. Radoff	Norma L. Radoff	21 Fox Meadow Lane
3	TERRY SHIREY	T. Shirey	46 High Rock Rd
4	Carol Shirey	Carol Shirey	46 High Rock Rd.
5	DAVID ANFIELD	David Anfield	65 PANDORA
6	Colene P. Abramson	Colene P. Abramson	9 Hampshire Rd.
7	Karen Fahrner	Karen Fahrner	20 Castle Gate Rd
8	IAN RUSSELL	I. Russell	228 Lakeshore Dr.
9	Timothy McLullough	Timothy McLullough	233 LAKESTONE DR
10	Barbara A. Heffner	Barbara A. Heffner	25 Marshall Ter.
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#	Print Name Legibly	Signature	Print Street Address
1	GAIL R SHAPIRO	Gail R. Shapiro	201 West Plain St.
2	Michael Brian Murphy	Michael Murphy	201 West Plain Street
3	GILBERT T. WOLIN	Gilbert Wolin	201 West Plain St.
4	Charles A. Strigler	Charles A. Strigler	32 ROLLING LANE
5	Frances Strigler	Frances Strigler	32 Rolling Lane
6	Erika Frey	Erika Frey	4 LAKE ROAD TERRACE
7	MITZUE M. FREY	Mitzue M. Frey	4 LAKE RD TERR.
8	Alice Boelter	Alice Boelter	106 Lakeshore Dr.
9	Linda Smith	Linda Smith	12 Mansion Rd
10	Robert Smith	Robert Smith	12 MANSION Rd
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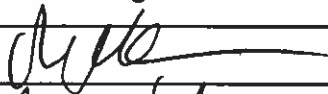
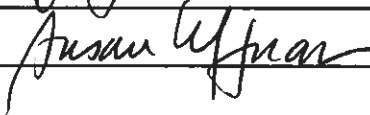
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#	Print Name Legibly	Signature	Print Street Address
1	Thomas Cooper		66 Sherman Bridge Rd
2	SUSAN Koffman		66 Sherman Bridge Rd.
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STM Page 7 of 25

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AUG 23 2021

Board of Selectmen
Town of Wayland

Petition for a Special Town Meeting

We, the undersigned registered voters of the Town of Wayland, pursuant to M.G.L. c. 39, § 10, hereby petition the Board of Selectmen to call a special town meeting not later than forty-five days after receipt of this request, and insert in the warrant therefor the article titled, "Town Code § 95.1 Moratorium on Synthetic/Artificial Turf" accompanying this petition.

#	Print Name Legibly	Signature	Print Street Address
1	JUDY BENNETT	Judy Bennett	66 Hawthorne Road
2	Jim Smith	J. Smith	64 Hawthorne Rd.
3	Lesley Grande	Lesley Grande	116 Lakeshore Dr.
4	DAVID PROCTOR	David Proctor	93 Lakeshore Dr.
5	Margery Boston	Margery Boston	11 Cochituate Rd.
6	Gayle Archambault	Gayle Archambault	76 Lake Shore Dr.
7	EVAN HADINGHAM	Evan Hadingham	45 Lake Shore Rd.
8	Janet Hadingham	Janet Hadingham	45 Lake Shore Dr.
9	Sarah E. Barton	Sarah E. Barton	48 Hawthorne Rd.
10	Sarah J. Barton	Sarah J. Barton	48 Hawthorne Rd.
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Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	JAMES W. ASHKAR	<i>[Signature]</i>	15 Parmenter
2	Barbara Briën	<i>[Signature]</i>	16 Parmenter
3	Michael J. Briën	<i>[Signature]</i>	16 Parmenter
4	George Hecker	<i>[Signature]</i>	12 Parmenter
5	Phyllis Kidosadagursky	<i>[Signature]</i>	10 Parmenter
6	SOEL SABAGURSKY	<i>[Signature]</i>	10 PARMENTER
7	CONRAD SPANN	<i>[Signature]</i>	22 Plain Rd
8	Barbara MacDowell	<i>[Signature]</i>	18 PLAIN RD
9	Ann Maguire	<i>[Signature]</i>	46 Plain Rd
10	Helen Greitzer	<i>[Signature]</i>	77 Woodridge

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Petition for a Special Town Meeting

Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Edward Greitzer	Edward M. Greitzer	77 Woodbridge Rd.
2	Ellen Silvius	[Signature]	37 Plain Rd
3	Ethan Silvius	[Signature]	37 PLAIN Rd.
4	Michele Orzechowski	Michele O	36 Plain Rd.
5	Jim Orzechowski	[Signature]	36 Plain Rd
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Petition for a Special Town Meeting

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#	Print Name Legibly	Signature	Print Street Address
1	Deborah Aaron	Deborah Aaron	34 Rolling Ln
2	Dana Aaron	Dana Aaron	34 Rolling Ln.
3	Nancy Hammerton	Nancy H. Hammerton	39 Rolling Lane
4	Marcia Gauguet	Marcia Gauguet	42 Rolling Lane
5	PIERRE GAUGUET	Pierre Gauguet	42 Rolling Lane
6	ISAAC AARON	Isaac Aaron	3 Wesley Rd
7	ARNOLD GOLDENBAUM	Arnold Goldenbaum	35 Rolling Ln
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Board of Selectmen
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#	Print Name Legibly	Signature	Print Street Address
1	Lisa Dimaggio	Lisa Dimaggio	162 Plain Rd.
2	Joseph Dimaggio	Joe Dimaggio	162 Plain Rd
3	Barbara Howell	Barbara Howell	12 Orchard Lane
4	Nicky Patterson	Nicky Patterson	159 Pelham Is. Rd.
5	Maurice Patterson	Maurice Patte	159 Pelham Is. Rd
6	TONYA LARGY	Tonya Largy	59 MOORE RD.
7	Thomas Largy	Thomas Largy	59 Moore Rd.
8	Patricia Starfield	Patricia Starfield	28 White Road
9	Alison Webber	Alison Webber	18 ORCHARD LANE
10	Katharine D Heckscher	Katharine D Heckscher	35 Rich Valley Rd

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#	Print Name Legibly	Signature	Print Street Address
1	Joyith A Young	J. Young	67 Old Sudbury Rd
2	Elizabeth A. Patterson	Elizabeth Patterson	116 West Plain St.
3	Regina Mandl	Regina Mandl	90 Glezen Lane
4	David B. Storz	D.B. Storz	39 SHERMAN'S BRIDGE RD
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STM Page 13 of 25

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Petition for a Special Town Meeting

Board of Selectmen
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#	Print Name Legibly	Signature	Print Street Address
1	Sherre Greenbaum	<i>Sherre Greenbaum</i>	161 Plain Rd.
2	Stephen Greenbaum	<i>Stephen Greenbaum</i>	161 Plain Rd
3	Margaret Thomas	<i>Margaret Thomas</i>	104 Willow Brook Dr
4	SYLVIA L. DIAZ	<i>Sylvia L. Diaz</i>	184 Willow Brook Dr
5	Maria Teresa C. Diaz	<i>Maria Teresa Diaz</i>	104 Willow Brook Dr.
6	THEODORE F. HATCH	<i>Theodore F. Hatch</i>	201 Willow Brook Dr.
7	MARYTINKER HATCH	<i>Marytinker Hatch</i>	201 Willow Brook Dr.
8	Martene Newberg	<i>Martene Newberg</i>	112 Willow Brook Dr
9	Jane H. Sciacca	<i>Jane H. Sciacca</i>	31 Rolling Lane
10	Thomas Sciacca	<i>Thomas Sciacca</i>	31 Rolling Lane
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#	Print Name Legibly	Signature	Print Street Address
1	Alan B. Cohen	Alan B. Cohen	214 Willow Brook Dr. Wayland, MA 01778
2	Helaine Cohen	Helaine Cohen	214 Willow Brook Dr. Wayland, MA 01778
3	HOWARD COHEN	Howard Cohen	300 Willow Brook Dr
4	Phyllis Cohen	Phyllis Cohen	300 Willow Brook Dr
5	Carol A. Sax	Carol A. Sax	203 Willow Brook Dr, Wayland MA
6	John Sax	John Sax	203 Willow Brook Drive 01778
7	Marjorie Lee	Marjorie Lee	14 Brooks Rd, Wayland
8	ROBIN SHEAN	Robin Shean	18 Brooks Rd, Wayland
9	Anthony D. Lee	Anthony D. Lee	14 Brooks Rd Wayland MA
10	CAROL FRANKLIN	Carol Franklin	200 Willow Brook Dr.
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#	Print Name Legibly	Signature	Print Street Address
1	Gusy P. Liliesthal	<i>Gusy P. Liliesthal</i>	314 Willow Brook Dr
2	Jamett L. Liliesthal	<i>Jamett L. Liliesthal</i>	314 Willow Brook Dr
3	V. Renée Uveges	<i>V. Renée Uveges</i>	207 Willow Brook Drive
4	George Uveges	<i>George Uveges</i>	207 Willow Brook Dr
5	Susan Reed	<i>Susan Reed</i>	58 Glezen L
6	STUART EDELMAN	<i>Stuart Edelman</i>	58 GREEN LN
7	Rosemond D GELLER	<i>Rosemond D Geller</i>	1703 Bayberry Lane
8	Judith C. Sleeper	<i>Judith C. Sleeper</i>	206 Willowbrook Drive
9	MARTIN E. SLEEPER	<i>Martin E. Sleeper</i>	256 Willowbrook Dr
10	TOM MAGLIONE	<i>Tom Maglione</i>	29 RICE RD
11	Felicia E. Payne	<i>Felicia E. Payne</i>	202 Willow Brook Dr
12	Bonnie S. Payne Jr	<i>Bonnie S. Payne Jr</i>	202 Willow Brook Dr
13	D.T. Glenn	<i>D.T. Glenn</i>	304 Willow Brook Dr
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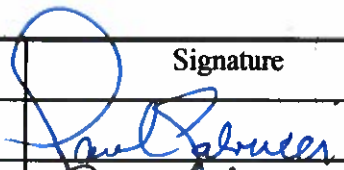
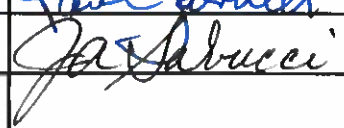
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#	Print Name Legibly	Signature	Print Street Address
1	Paul Salvucci		307 Willow Brook Dr
2	JUDITH SALVUCCI		307 Willow Brook Dr
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#	Print Name Legibly	Signature	Print Street Address
1	Christine Tierney	Christine Tierney	302 Willow Brook Dr Wayland
2	PAUL GRASSO	Paul Grasso	44 Rice Road
3	THOMAS TURNER	Thomas Turner	7 Oak Hill Rd.
4	Lyndee Dunbrack	Lyndee Dunbrack	7 Brackett Rd
5	Edison Agnes	Edison Agnes	311 Willowbrook Dr.
6	Peter W. Agnes	Peter W. Agnes	311 Willow Brook Dr
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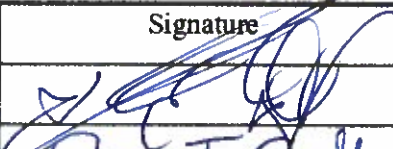
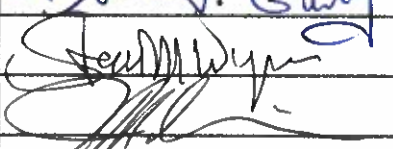
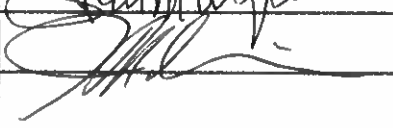
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#	Print Name Legibly	Signature	Print Street Address
1	THOMAS E. GULLEY, Jr		20 MEADOWVIEW RD
2	DONNA J. GULLEY	Donna J. Gulley	20 MEADOWVIEW RD
3	Steven M. Wynn		210 Willow Brook Drive
4	Joseph N. Gibbons		218 Willow Brook Drive
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#	Print Name Legibly	Signature	Print Street Address
1	JENNIFER RILEY	<i>Jennifer Riley</i>	133 PELHAM IS. RD.
2	KARL R. KLAPPER	<i>Karl R. Klapper</i>	133 Pelham Island Road
3	ALEXANDRA MCGONEGAL	<i>Alexandra McGonegal</i>	225 COCHITUATE RD
4	THOMAS MCGONEGAL	<i>Thomas McGonegal</i>	225 COCHITUATE RD
5	EARLE LAKE	<i>Earle Lake</i>	147 PELHAM ISLAND RD
6	Jane Lane	<i>Jane Lane</i>	147 Pelham Island Rd
7	Rehan Borgstedt	<i>Chris</i>	21 Jeffrey Road
8	Mats Borgstedt	<i>Mats</i>	21 Jeffrey Road
9	Nancy Seward	<i>Nancy Seward</i>	29 Jeffrey Rd.
10	Collin Hess	<i>Collin Hess</i>	29 Jeffrey Rd
11	BEANT KRISTOFEK	<i>Beant Kristofek</i>	34 Jeffrey Rd
12	Emily Kristofek	<i>Emily Kristofek</i>	34 Jeffrey Rd.
13	DAVID GRONWOLD	<i>David Gronwold</i>	5 JEFFREY RD
14	Thomas P. Buck	<i>Tom P. B</i>	43 JEFFREY RD
15	LAUREL BAUMER	<i>Laurel Baumer</i>	43 Jeffrey Rd
16	VIRGINIA SLEP	<i>Virginia Slep</i>	40 Jeffrey Rd.
17	Gary M. SLEP	<i>Gary Slep</i>	40 Jeffrey Rd.
18	Katy Z. Allen	<i>Katy Z. Allen</i>	237 Old Connecticut Rd
19	Gabriele Mezger	<i>Gabriele Mezger</i>	237 Old Conn. Path
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#	Print Name Legibly	Signature	Print Street Address
1	ANN BAKER	<i>Ann Baker</i>	3 Waltham Rd
2	Judy Ling	<i>Judy Ling</i>	274 Concord Rd
3	JANET MENDLER de SUAREZ	<i>Janet Mendler de Suarez</i>	56 ORCHARD LANE
4	Phyllis J. MILBURN	<i>Phyllis Milburn</i>	281 CONCORD ROAD
5	ROGER WIEGAND	<i>Roger Wiegand</i>	281 CONCORD RD.
6	Steven P. Klitgard	<i>Steven P. Klitgard</i>	274 Concord Rd
7	RAHUL RAY	<i>Rahul Ray</i>	12 GRAY BIRCH LN.
8	SWAPNA RAY	<i>Swapna Ray</i>	12 GRAY BIRCH LNE
9	EMILY MYEROW	<i>Emily Myerow</i>	14 Red Barn Rd
10	STEVEN MYEROW	<i>Steven Myerow</i>	14 Red Barn Rd.
11	MARLOWE MILLER	<i>Marlowe Miller</i>	22 Red Barn Rd.
12	DAVID KEEVIL	<i>David Keevil</i>	22 Red Barn Rd.
13	SUSAN HAGER	<i>Susan Smith Hager</i>	92 WOODRIDGE RD
14	RODNEY HAGER	<i>Rodney Hager</i>	92 WOODRIDGE RD
15	SUSAN LARSON	<i>Susan Larson</i>	9 Sylvan Way
16	Marcia J Berger	<i>Marcia Berger</i>	48 Sedgemeadow Rd
17	Lois Doerr	<i>Lois Doerr</i>	58 RIVER RD
18	PAUL DOERR	<i>Paul Doerr</i>	58 RIVER RD
19	ANDREW NIERENBERG	<i>Andrew Nierenberg</i>	113 OXBOW RD
20	KAREN BLUMENFELD	<i>K Blumenfeld</i>	113 OXBOW RD

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#	Print Name Legibly	Signature	Print Street Address
1	Lawrence Orlaff	<i>Lawrence Orlaff</i>	142 Glezen Ln
2	WERNER F. GOSSELS	<i>Werner F. Gosfels</i>	17 BENNETT RD.
3	Philip L Cohen	<i>Philip L Cohen</i>	21 Campbell Road
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#	Print Name Legibly	Signature	Print Street Address
1	Mary R Upton	Mary R Upton	23 B Bayfield
2	Beverley A Daniel	Beverley A Daniel	23 A Bayfield
3	David M. Hill	David M. Hill	54 ORCHARD LANE
4	CYNTHIA Hill	CYNTHIA Hill	54 ORCHARD LANE
5	DONNA BOVCHARY	[Signature]	72 CONCORD RY
6	Fiona McHarg	[Signature]	72 Concord Road
7	Regina Kennedy	Regina Kennedy	84 Old Sudbury Rd
8	FRANK KENNEDY	Frank Kennedy	84 OLD SUDBURY RD.
9	JUDITH F. CURRIER	Judith Currier	22 ALGONQUIN PATH
10	George Bernard	George Bernard	103 E. Plain St.
11	Carolyn Bernard	Carolyn Bernard	103 E. Plain St.
12	Nancy Leifer	Nancy Leifer	73 E. Plain St
13	Bret Leifer	[Signature]	
14	Shella Carel	[Signature]	18 Joyce Road
15	Roland Carel	[Signature]	18 Joyce Rd
16	Edie Carel	[Signature]	18 Joyce Rd
17	Tristan Carel	[Signature]	18 Joyce Rd
18	BETTY SALZBERG	Betty Salzborg	28 GROVE ST
19	Lawrence Morris	L.S. Mons	28 Grove St.
20	Carole Plumb	CAROLE PLUMB	17 BALD ROCK RD

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AUG 23 2021

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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Anne M. Nawawi	Anne M. Nawawi	Flakeview Rd
2	PETER BICCHNER	Peter B	247 COCHRAN RD.
3	TIM LAHEY	Tim Lahey	6 Emerson Rd
4	LOIS STEVENS	Lois Stevens	10 Bayfield Rd
5	GARY S STEVENS	Gary S Stevens	10 Bayfield Road
6	WALTON WOJCIEK	Walton Wojcik	24 Bayfield rd
7	PAVEL OZHDGIN	Pavel	30 Bayfield Rd
8	Heather Ozogin	heather Ozogin	30 Bayfield Rd
9	Larry Stybel	L Stybel	27 Bayfield Rd
10	LORING L. STEVENS	Loring L. Stevens	17 Rich Valley Rd.
11	Jennifer Stybel	Jennifer Stybel	27 Bayfield Rd.
12	Paulina M. D. CESARE	Paulina M. D. Cesare	35 Dean Rd
13	Michelle Galicin	Michelle Galicin	20 Aqueduct Rd
14	Paul Inglese	Paul Inglese	20 Aqueduct Rd
15	Nancy Todd	Nancy Todd	90 Dudley Rd
16	Jane Todd	Jane Todd	90 Dudley Rd
17	Ann E Drouillet	Ann E Drouillet	115 Dudley Rd.
18	JAMES OBLETREE	James Obltree	115 DUDLEY RD
19	Gail O'MARA	Gail O'Mara	9 Gregory Ln
20	Paul O'Mara	Paul O'MARA	9 Gregory



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#	Print Name Legibly	Signature	Print Street Address
1	GEORGE H. HARRIS	<i>George H. Harris</i>	8 HOLIDAY RD.
2	BARBARA HARRIS	<i>Barbara Harris</i>	8 Holiday Road
3	PAULINE M. D. CESARIE	<i>Pauline M. D. Cesarie</i>	35 Deer Rd
4	<i>Alan Fitch</i>	<i>Alan Fitch</i>	30 Dudley Rd.
5	LYNN DOWD	<i>Lynn Dowd</i>	9 Ledge Rd.
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STM Page 25 of 25

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AUG 23 2021

Board of Selectmen
Town of Wayland

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

TITLE Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

Purpose: The use of synthetic/artificial turf on athletic playing fields entails myriad public health and safety, environmental, and climate concerns. Wayland must carefully evaluate whether such use, even where privately funded, is consonant with Wayland's athletic needs, the health and safety of its children, residents in general, and the environment, and the Climate Emergency Resolution adopted by town meeting in May 2021. This moratorium allows the Town the opportunity (a) to examine the extent to which synthetic/artificial turf is injurious to public health and safety, the environment and the climate compared to natural grass solutions, and (b) to determine if natural grass solutions based on the use of the latest techniques for grass field construction and organic maintenance create viable alternatives for Wayland.

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpetlike materials made to resemble grass, including the infill and liners, used as a surface for athletics, sports or other recreational activities.

The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

#	Print Name Legibly	Signature	Print Street Address
1	Paul Dale	<i>Paul Dale</i>	12 Grace Rd Wayland
2	Karen Dale	<i>Karen Dale</i>	12 Grace Rd. Wayland
3	Marie W Thompson	<i>Marie W Thompson</i>	27 Knollwood Lane Wayland
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Article Page 1 of 32

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AUG 23 2021

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

Board of Selectmen
Town of Wayland

TITLE Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

Purpose: The use of synthetic/artificial turf on athletic playing fields entails myriad public health and safety, environmental, and climate concerns. Wayland must carefully evaluate whether such use, even where privately funded, is consonant with Wayland's athletic needs, the health and safety of its children, residents in general, and the environment, and the Climate Emergency Resolution adopted by town meeting in May 2021. This moratorium allows the Town the opportunity (a) to examine the extent to which synthetic/artificial turf is injurious to public health and safety, the environment and the climate compared to natural grass solutions, and (b) to determine if natural grass solutions based on the use of the latest techniques for grass field construction and organic maintenance create viable alternatives for Wayland.

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpetlike materials made to resemble grass, including the infill and liners, used as a surface for athletics, sports or other recreational activities.

The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

#	Print Name Legibly	Signature	Print Street Address
1	Margarita Cardenas	<i>M. Cardenas</i>	15 Richard Rd.
2	HOLLY LAPP	<i>Holly A Lapp</i>	15 Castle Gate Rd, Wayland
3	TAN HARRINGTON	<i>Tan Harrington</i>	15 Castle Gate Road
4	Elizabeth Newton	<i>Elizabeth Newton</i>	23 Sycamore Rd
5	Evelyn Wolfson	<i>Evelyn Wolfson</i>	188 Pelham St Rd.
6	HENDRIK BROEKMAN	<i>Hendrik Broekman</i>	50 ORCHARD LN
7	MAL-LAN BROEKMAN	<i>Mal-Lan Broekman</i>	50 Orchard Ln
8	Margaret Holton	<i>Margaret Holton</i>	43 Plain Rd
9	Edward J. Collins	<i>Edward J. Collins</i>	43 Plain Rd
10	Anne C. Hurston	<i>Anne C. Hurston</i>	8 Fox Hollow

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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Phillip L. Radoff	Phillip L. Radoff	21 Fox Meadow Lane
2	Norma L. Radoff	Norma L. Radoff	21 Fox Meadow Lane
3	Carol Shirey	Carol Shirey	46 High Rock Road
4	TERRY SHIREY	Terry Shirey	46 High Rock Rd.
5	DAVID HATFIELD	David Hatfield	65 PAININ RD
6	Colene P. Abramson	Colene P. Abramson	4 Hampshire Rd
7	Karen A. Fahrner	Karen A. Fahrner	20 Castle Gate Rd
8	IAN RUSSELL	Ian Russell	228 Lakeshore Dr.
9	Timothy McLaughlin	Timothy McLaughlin	233 Lakeshore Dr
10	Barbara A. Heffner	Barbara A. Heffner	25 Marshall Ter.

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#	Print Name Legibly	Signature	Print Street Address
1	ANNE PRITCHER	<i>AP</i>	19 Parkridge Rd
2	Lisa Breger	<i>LB</i>	19 Parkridge Rd
3	Ronnie T Bodkin	<i>Ronnie T Bodkin</i>	118 Woodridge Rd
4	JAMES L. BODKIN	<i>James L Bodkin</i>	118 WOODRIDGE
5	LEN ABERBACH	<i>Len Aberbach</i>	32 CUTTING CROSS WAY
6	RITA ABERBACH	<i>Rita Aberbach</i>	32 CUTTING CROSS WAY
7	STEVE ENGLER	<i>Steve Engler</i>	15 JEFFREY RD
8	Marcia Filimin	<i>Marcia Filimin</i>	45 Knowlwood Lane
9	Michael Filimin	<i>Michael L. Filimin</i>	45 Knowlwood Lane
10	Margo Melnicove	<i>Margo Melnicove</i>	245 Lakeshore Dr.

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#	Print Name Legibly	Signature	Print Street Address
1	GAIL R. SHAPIRO	Gail R. Shapiro	201 W Plain St.
2	Michael Brian Murphy	Michael Murphy	201 West Plain Street
3	GILBERT T. WOLIN	Gilbert Wolin	201 W. PLAIN ST.
4	Frances Strigler	Frances Strigler	32 Rolling Lane
5	Charles A. Strigler	Charles A. Strigler	32 Rolling Lane
6	MITSUE M. FREY	Mitsue M. Frey	4 LAKE ROAD TERR.
7	ERIKA FREY	Erika Frey	4 LAKE ROAD TERRACE
8	Alice Boelter	Alice Boelter	106 Lakeshore Dr.
9	Linda Smith	Linda Smith	12 MANSION RD
10	Robert Smith	Robert Smith	12 MANSION RD

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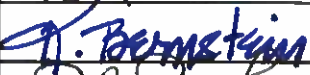





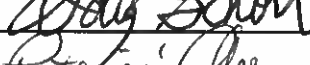
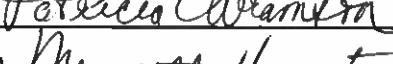

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#	Print Name Legibly	Signature	Print Street Address
1	DAVID BERNSTEIN		25 GLEZEN LANE
2	Kathleen Bernstein		25 Glezen Lane
3	Richard Lippmann		23 Pequot Rd
4	Carolyn Lippmann		23 Pequot Rd
5	Daryl Mark		163 Loker St.
6	DAVID NELSON		163 LOKER ST
7	Richard P. Bosne		7 WOB HILL RD
8	Doug Schorr		43 CastleGate Rd
9	Patricia Abeamson		5 Goodman Ln.
10	Minnette Harrington		19 Loker St

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#	Print Name Legibly	Signature	Print Street Address
1	TIMOTHY HARRINGTON	<i>T.M. Harrington</i>	19 LOXEN ST.
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#	Print Name Legibly	Signature	Print Street Address
1	Susan Koffman	<i>Susan Koffman</i>	66 Sherman Bridge Rd.
2	Thomas Cooper	<i>Thomas Cooper</i>	66 Sherman Bridge Rd
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Article Page 8 of 32

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#	Print Name Legibly	Signature	Print Street Address
1	JUDY BENNETT	Judy Bennett	66 Hawthorne Road
2	Jim Smith	Jim Smith	64 Hawthorne Rd.
3	Lesley Ormrod	Lesley Ormrod	116 Lakeshore Dr
4	DAVID PROUTEN	David Prouten	93 LAKESHORE DR
5	Margery Barton	Margery Barton	11 Cochituate Rd
6	G. Archer	G. Archer	76 LAKE SHORE
7	EVAN HADINGTON	Evan Hadington	45 Lake Shore Dr.
8	Jane + Hadinchan	Jane + Hadinchan	45 Lake Shore Dr.
9	Sarah J. Barton	Sarah J. Barton	48 Hawthorne Rd.
10	Sarah E. Barton	Sarah E. Barton	48 Hawthorne Rd

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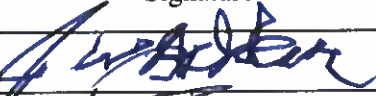









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#	Print Name Legibly	Signature	Print Street Address
1	James W Ashker		15 Parmenter
2	Michael J. Brien		16 Parmenter
3	Barbara Brien		16 Parmenter Rd
4	George Hecker		12 Parmenter
5	PHYLIS KIDO SADAGURSKY		10 Parmenter
6	JOEL SADAGURSKY		10 PARMENTER RD
7	CONRAD SPANN		22 Plain Rd
8	Barbara Mae Dowell		18 PLAIN Rd.
9	Ann Maguire		46 Plain Rd
10	Heben Gaezter		77 Woodridge

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1	Edward M. Greitzer	<i>[Signature]</i>	97 Woodridge Rd.
2	Ellen Silvius	<i>[Signature]</i>	37 PLAIN Rd
3	Ethans Silvius	<i>[Signature]</i>	37 PLAIN RD.
4	Michèle Orzechowski	<i>[Signature]</i>	36 Plain Rd
5	Jim Orzechowski	<i>[Signature]</i>	36 Plain Rd
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#	Print Name Legibly	Signature	Print Street Address
1	Deborah Aaron	<i>Deborah Aaron</i>	34 Rolling Ln
2	Dana Aaron	<i>[Signature]</i>	34 Rolling Ln
3	Nancy Haysmerton	<i>Nancy H. Haysmerton</i>	39 Rolling Lane
4	PIERRE J. GAUGUET	<i>Pierre Gauguet</i>	42 Rolling Lane
5	Marcia Gauguet	<i>Marcia Gauguet</i>	42 Rolling Lane
6	ISAAC AARON	<i>[Signature]</i>	3 Wesley Rd
7	ARNOLD GOLDENBAUM	<i>Arnold Goldenbaum</i>	35 ROLLING LN
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Town of Wayland

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

TITLE Town Code § 95.1 Moratorium on Synthetic/Artificial Turf

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

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The Town of Wayland shall neither install nor authorize or allow the installation of synthetic/artificial turf on any real estate owned by the Town, for a period of three years from the effective date of this moratorium.

This restriction shall not apply to the use or maintenance of the synthetic/artificial turf field at Wayland High School installed prior to the adoption of this bylaw amendment.

#	Print Name Legibly	Signature	Print Street Address
1	Nicky PATTERSON	Nicky Patterson	159 Pelham Is. Rd.
2	Maureen Patterson	Maureen Patte	159 Pelham Is. Rd.
3	Patricia Starfield	Patricia Starfield	28 WHITE ROAD
4	Lisa DiMaggio	Lisa DiMaggio	162 Plain Rd.
5	Joseph DiMaggio	Joseph DiMaggio	162 Plain Rd. Wayland
6	Barbara Howell	Barbara Howell	12 Orchard Lane
7	Tonya Largy ←	TONYA LARGY	59 MOORE RD.
8	Thomas Largy	Thomas Largy	59 Moore Rd.
9	Alison Webber	Alison Webber	18 ORCHARD LANE
10	Katherine D Heckscher	Katherine D. Heckscher	35 Rich Valley Rd.

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

TITLE **Town Code § 95.1 Moratorium on Synthetic/Artificial Turf**

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

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AUG 23 2021

Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Judith A Young	<i>Judith Young</i>	67 011 Sunbury Rd
2	Elizabeth A. Patterson	<i>Elizabeth A. Patterson</i>	116 West Plain St.
3	Regina Mandl	<i>Regina Mandl</i>	90 Glezen Lane
4	ALAN MANDL	<i>Alan Mandl</i>	90 Glezen Lane
5	DAVID B STOTZ	<i>David B. Stotz</i>	39 SHERMAN BLDG RD.
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Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Sherrre Greenbaum	<i>Sherrre Greenbaum</i>	161 Plain Rd.
2	Stephen Greenbaum	<i>Stephen Greenbaum</i>	161 Plain Rd
3	Sylvia C. Diaz	<i>Sylvia C. Diaz</i>	104 Willow Brook Dr
4	Mary Teresa Diaz	<i>Mary Teresa Diaz</i>	104 Willow Brook Dr
5	Margaret Thomas	<i>Margaret Thomas</i>	104 Willow Brook Dr.
6	Theodore F. Hatch	<i>Theodore F. Hatch</i>	201 Willow Brook Dr.
7	MARY THERESA HATCH	<i>Mary T. Hatch</i>	201 Willow Brook Dr.
8	Marlene D. Newberg	<i>Marlene D. Newberg</i>	112 Willow Brook Dr.
9	Jane H. Sciacca	<i>Jane H. Sciacca</i>	31 Rolling Lane
10	Thomas Sciacca	<i>Thomas Sciacca</i>	31 Rolling Lane

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Article Page 15 of 32

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Alan B. Cohen	<i>Alan B. Cohen</i>	214 Willow Brook Dr. Wayland, MA 01778
2	Helaine H. Cohen	<i>Helaine H. Cohen</i>	214 Willow Brook Dr. Wayland, MA 01778
3	HOWARD A COHEN	<i>Howard A. Cohen</i>	300 Willow Brook Dr
4	Phyllis Cohen	<i>Phyllis Cohen</i>	300 Willow Brook Dr
5	Carol A. Sax	<i>Carol A. Sax</i>	203 Willow Brook Dr, Wayland MA
6	John Sax	<i>John Sax</i>	203 Willow Brook Drive MA
7	Marjorie Lee	<i>Marjorie Lee</i>	14 Prosser Rd, Wayland, MA
8	Anthony D. Lee	<i>Anthony D. Lee</i>	14 Brooks Rd Wayland MA
9	ROBIN SELAR	<i>Robin Selar</i>	18 Brooks Rd Wayland
10	CAROL FRANKLIN	<i>Carol Franklin</i>	200 Willow Brook Dr

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#	Print Name Legibly	Signature	Print Street Address
1	Gary T. Lilienthal	<i>[Signature]</i>	314 Willow Brook Dr
2	Janet L. Lilienthal	<i>[Signature]</i>	314 Willow Brook Dr
3	V. Renée Uveges	<i>[Signature]</i>	207 Willow Brook Drive
4	George Uveges	<i>[Signature]</i>	207 Willow Brook Drive
5	Susan Reed	<i>[Signature]</i>	58 Glezen Ln
6	STUART EDELMAN	<i>[Signature]</i>	58 GUBBEN LN
7	Rosemond D. Geller	<i>[Signature]</i>	1703 Bayberry Lane
8	Judith C. Sleeper	<i>[Signature]</i>	204 Willowbrook Drive
9	MARTIN E SLEEPER	<i>[Signature]</i>	206 WILLOWBROOK PAVE
10	TOM MAGLIONE	<i>[Signature]</i>	29 RICE ROAD

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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	DAVID GROENEWOLD	<i>David Groenewold</i>	5 JEFFREY RD
2	FELICIA F PAYNE	<i>Felicia Payne</i>	202 Willow Brook Dr.
3	Brian S. Payne Jr	<i>Brian S. Payne Jr</i>	202 Willow Brook Dr. Jr
4	David T. Glenn	<i>D.T. Glenn</i>	304 Willow Brook Dr
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~~57A~~ Page 18 of 32
Article

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AUG 23 2021

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Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	PAUL SALVUCCI	<i>Paul Salvucci</i>	307 Willow Brook Drive
2	JUDITH SALVUCCI	<i>JL Salvucci</i>	307 Willow Brook Drive
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Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	Christine Tierney	C. D. Tierney	302 Willow Brook Dr. Wayland
2	Paul Grasso	Paul Grasso	44 Rice Road
3	THOMAS TURNER	Thomas Turner	7 Job Hill Road
4	Seynne Dumbach	Seynne Dumbach	7 Bracke H Rd
5	Alan Mandol		
6	ALAN MANDOL	Alan Mandol	90 Glen Lane
7	Eileen Agnes	E. D. Agnes	311 Willowbrook Dr.
8	Peter W. Agnes	Peter W Agnes	311 Willow Brook Dr
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Town of Wayland

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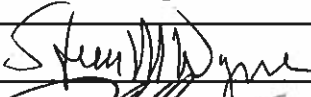
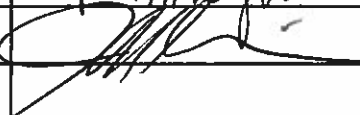
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#	Print Name Legibly	Signature	Print Street Address
1	Steven M. Wynne		210 Willow Brook Dr. Wayland
2	Joseph N. Gibbons		210 Willow Brook Dr. Wayland
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Article Page 21 of 32

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1	JENNIFER D. RILEY	<i>Jennifer D. Riley</i>	133 PELHAM IS. RD.
2	KARL R. KLAPPER	<i>Karl R. Klapper</i>	133 Pelham Island Road
3	ALEXANDRA MCCONEGAL	<i>Alexandra McConegal</i>	325 COCHITUATE RD
4	TOM MCGONEGAL	<i>Thomas McConegal</i>	225 COCHITUATE RD
5	EARLE LANE	<i>Earle Lane</i>	147 PELHAM ISLAND RD
6	Jane Lane	<i>Jane Lane</i>	147 Pelham Island Rd
7	Robin Borgestadt	<i>Robin Borgestadt</i>	21 Jeffrey Road
8	Mats Borgestadt	<i>Mats Borgestadt</i>	21 Jeffrey Rd
9	Nancy Seward	<i>Nancy Seward</i>	29 Jeffrey Rd
10	Collin Hess	<i>Collin Hess</i>	29 Jeffrey Rd

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#	Print Name Legibly	Signature	Print Street Address
1	GRANT KRISTOFEK	<i>[Signature]</i>	34 Jeffrey Rd
2	Emily Kristofek	<i>[Signature]</i>	34 Jeffrey Rd.
3	Thomas P. Black	<i>[Signature]</i>	43 JEFFREY RD.
4	Virginia M. Slap	<i>[Signature]</i>	40 Jeffrey Rd.
5	Gary M. Slap	<i>[Signature]</i>	40 Jeffrey Rd
6	Kathy Z. Allan	<i>[Signature]</i>	237 Old Connecticut Path
7	Gabriele Mezger	<i>[Signature]</i>	237 Old Conn. Pk
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Article Page 23 of 32

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Board of Selectmen
Town of Wayland

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Board of Selectmen

ESTIMATED COST \$ 0

ARTICLE: To determine whether the Town will vote to add a new Chapter 95 to the Town Bylaws entitled, "Moratorium on Synthetic/Artificial Turf" as shown below prohibiting the construction of synthetic or artificial turf on Town land for three years. This bylaw will not affect the use or maintenance of the existing synthetic turf field at the high school.

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#	Print Name Legibly	Signature	Print Street Address
1	ANN BRAKER	<i>Ann Braker</i>	3 Waltham Rd
2	JUDY LING	<i>Judy Ling</i>	274 Concord Rd
3	JANAI MENDLER de SUAREZ	<i>Janai Mendler</i>	56 ORCHARD LANE
4	Phyllis JEAN MILBURN	<i>Phyllis Milburn</i>	281 CONCORD RD
5	ROGER C WEGAND	<i>Roger Wegand</i>	281 CONCORD RD
6	<i>Steven P. Kirtgard</i>	<i>Steven P. Kirtgard</i>	274 Concord Rd
7	KAHUL RAY	<i>Kahul Ray</i>	12 GRAY BIRCH LN.
8	SNAPUA RAY	<i>Snapura Ray</i>	12 GRAY BIRCH LN.
9	MARLOWE MILLER	<i>Marlowe Miller</i>	22 RED BARN RD
10	DAVID KEEVIL	<i>David Keevil</i>	22 Red Barn Rd.

RECEIVED

AUG 23 2021

PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

LEAD PETITIONER Paul Dale DATE RECEIVED _____

DAY PHONE 617 794-0851 EVENING PHONE 617 794-0851

Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	SUZAN S AGER	<i>[Signature]</i>	90 WOODRIDGE RD
2	RODNEY HAGER	<i>[Signature]</i>	92 WOODRIDGE RD
3	SUSAN THORSON	<i>[Signature]</i>	95 Sylvan Way
4	Marcia J Berger	<i>[Signature]</i>	48 Sedgemeadow Rd
5	Lois Doerr	<i>[Signature]</i>	58 RIVER RD
6	PAUL DOERR	<i>[Signature]</i>	58 RIVER RD
7	ANDREW NIERENBERG	<i>[Signature]</i>	113 OXBOW RD
8	KAREN BLUMENFELD	<i>[Signature]</i>	113 Oxbow Rd
9	<i>[Signature]</i>	BONNIE GOSSELS	15 Bennett Rd
10	Elaine F Gossels	<i>[Signature]</i>	17 Bennett Rd

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#	Print Name Legibly	Signature	Print Street Address
1	Lawrence Orloff	Lawrence Orloff	142 Glezen Ln
2	Elaine F Gossels	Elaine F Gossels	17 Bennett Rd
3	Bonnie Gossels	Bonnie Gossels	15 Bennett Road
4	WERNERT F. GOSSELS	Werner F Gossels	17 BENNETT ROAD
5	Philip L Cohen	Philip L Cohen	21 Campbell Road
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#	Print Name Legibly	Signature	Print Street Address
1	Mary R. Upton	Mary R Upton	23 B Bayfield
2	Beverley A. Daniel	Beverley A Daniel	23 A Bayfield
3	David M. Hill	David M Hill	54 ORCHARD LANE
4	CYNTHIA NICK	CYNTHIA NICK	54 ORCHARD LANE
5	DONNA BOUCHARD	Donna Bouchard	72 Concord Rd
6	Fiona McHarg	Fiona McHarg	72 Concord Road
7	FRANK KENNEDY	Frank Kennedy	84 OLD SUBURBY RD.
8	Regina Kennedy	Regina Kennedy	84 Old Sudbury Rd
9	JUDITH F. CURRIER	Judith F Currier	22 ALGONQUIN PATH
10	Carolyn Bernard	Carolyn Bernard	103 E. Plain St.

~~Article 16~~

RECEIVED

AUG 23 2021

Board of Selectmen
Town of Wayland

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#	Print Name Legibly	Signature	Print Street Address
1	George Bernard	<i>George Bernard</i>	103 E. Plain St.
2	Bret Leifer	<i>Bret Leifer</i>	73 E. Plain St.
3	Nancy Leifer	<i>Nancy Leifer</i>	73 E. Plain St.
4	Sheila Carel	<i>Sheila Carel</i>	18 Joyce Road
5	Roland Carel	<i>Roland Carel</i>	18 Joyce Rd
6	Elodie Carel	<i>Elodie Carel</i>	18 Joyce Rd
7	Tristan Carel	<i>Tristan Carel</i>	18 Joyce Rd
8	BETTY SALZBERG	<i>Betty Salzberg</i>	28 GROVE ST
9	Lawrence Morris	<i>L.E. Morris</i>	28 Grove St
10	CAROLE PLUMB	<i>Carole Plumb</i>	17 Bald Rock Rd

AUG 23 2021

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#	Print Name Legibly	Signature	Print Street Address
1	Anne M. Nawawi	Anne M. Nawawi	7 Lakeview Rd
2	Peter Buchner	Peter Buchner	247 Courtland Rd
3	Timothy LAHEY	Timothy Lahey	6 Emerson Rd
4	Lois Stevens	Lois Stevens	10 Bayfield Rd
5	Waylon Wojcik	Waylon Wojcik	24 Bayfield Rd.
6	PAVEL OZHOGIN	Pavel Ozhogin	30 Bayfield Rd
7	Heather Ozhogin	Heather Ozhogin	30 Bayfield Rd
8	LORING L. STEVENS	Loring L. Stevens	17 Rich Valley Rd.
9	Jennifer Stybel	Jennifer Stybel	27 Bayfield Rd.
10	Maryanne Peabody	Maryanne Peabody	27 Bayfield Road

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#	Print Name Legibly	Signature	Print Street Address
1	GEORGE H. HARRIS		8 HOLIDAY RD.
2	BARBARA HARRIS		8 Holiday Road
3	Michelle Galicia		20 Aqueduct Rd
4	Paul Fyfe		20 Aqueduct Rd
5	Nancy Todd		90 Dudley Rd
6	David Todd		90 Dudley Rd
7	Ann Drowler		115 Dudley Rd
8	JAMES OGLETREE		115 Dudley Rd
9	Paul O'Mara		9 Gregory Ln
10	Paul O'Mara		9 Gregory Ln

Article Page 30 of 32

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PETITIONERS ARTICLE FOR SPECIAL TOWN MEETING

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#	Print Name Legibly	Signature	Print Street Address
1	Alan Fitch	Alan Fitch	30 Dudley Rd.
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#	Print Name Legibly	Signature	Print Street Address
1	Lynn Dowd	Lynn Dowd	9 LODGE RD
2			
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L.E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

July 26, 2021

**RE: PRIVATE ROAD PLOWING
BOARD OF SELECTMEN'S PROCESS TO APPEAL A DECISION NOT TO PROVIDE SNOW
PLOWING SERVICE**

Dear Wayland Resident,

The Board of Selectmen has approved an appeal process for residents living on private roads to appeal the Board's decision not to plow a private road in the Town of Wayland.

If you would like to submit an appeal of the Board's decision not to plow a private road on which you reside, please:

1. Complete the attached application form along with any supporting documentation. In completing the appeal application, please refer to the Residential Private Road Snow & Ice Policy.
2. Submit your application no later than Tuesday September 7, 2021 to the Office of the Board of Selectmen, located in Town Building, 41 Cochituate Road Wayland, MA 01778. If you are dropping off your application please call ahead 508-358-7701.
3. *Please note:* If you submitted an appeal that was previously denied, please include additional/new information on which your appeal is based. Without such information your appeal may be denied.
4. It is anticipated the Board of Selectmen will review the appeal process on August 9, 2021. If any changes to this process is made an update will be issued.

The Board of Selectmen will compile submittals, solicit Department of Public Works' findings, and make a determination on the appeal no later than Monday, September 27, 2021. Please contact Louise Miller at (508) 358-3620 for information and guidance

Best Regards,

Louise L.E. Miller
Town Administrator

Attachments:

1. Residential Private Road Snow & Ice Policy
2. Appeal Application 2021



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L.E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
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DAVID V. WATKINS

RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY

APPEAL APPLICATION

(Please refer to attached policy)

*Please provide the information below as your basis for an appeal of the Town's decision not to plow a private road. Please attach additional sheets as necessary. Appeals are due to the Office of the Board of Selectmen, 41 Cochituate Road Wayland no later than **Tuesday September 7 2021.** Please attach any property information that would help in the evaluation of this appeal such as deeds, special permits, Planning Board decisions etc. **Please note: If you submitted an appeal that was previously denied, please include additional/new information on which you base your appeal. Without this information, your appeal may be denied.***

.....
I. CONTACT INFORMATION:

Name: _____ Date: _____
Address: _____ Email: _____
Phone Number: _____ Private Road Name: _____
Was a prior appeal denied? _____

II. BASIS FOR APPEAL:

- a) Do you live on a residential private road as defined in the Town's "**Residential Private Road Snow & Ice Policy**?" (Y/N)_____ If Yes, please provide the road name and your interest in the road (homeowner / tenant?)

- b) Is your private road a driveway as defined under the policy? (Y/N)_____

- c) Is your private road open to public use as defined under the policy? (Y/N)_____ If Yes, please explain:

- d) Does your private road connect two public roads? (Y/N)_____ If Yes, please name the two connecting public roads:

e) Does your road have more than three homes? (Y/N)_____

If Yes, please list the house numbers located on your private road:

f) In your opinion can the private road be plowed without hazard to snow plow driver? (Y/N)_____

Please describe any hazards and how to address them:

g) Is there an allowable means to turn a vehicle around while remaining within the private roadway? (Y/N)_____

If Yes, please describe the size and location of the turnaround. (Attach schematic with dimensions of turnaround)

III. ACTION BY TOWN (*for Town office use only*)

A. Department of Public Works

Findings:

DPW Director's Signature: _____ Date: _____

B. Board of Selectmen

Findings:

Board of Selectmen: _____ Date: _____

RESIDENTIAL PRIVATE ROAD SNOW & ICE POLICY

TOWN OF WAYLAND, MASSACHUSETTS

Accepted by Board of Public Works October 10, 2017

Accepted by Board of Selectmen May 16, 2018

Policy Effective November 1, 2018

DEFINITIONS for the purpose of this policy:

- ‘Road’ or ‘Way’ An open way for the passage of vehicles.
- ‘Residential’ Having at least half of the linear length of the road owned or rented for residential use.
- ‘Private Roads Open to Public Use’ It must be demonstrated that the private residential road under consideration is open to public use and is actually susceptible to use by the public other than for purposes that are merely incidental to the use of the private residential road by the owner or owners thereof. Furthermore, the private residential road must be open to the public at large for purposes of travel, not merely incidental to the use by the owner or owners thereof, in a manner similar to the ordinary use for purposes of travel of a public road of the same general nature.
- ‘Private Road’ A road or portion of a road where the abutters have deeded rights of ownership, access, control, and maintenance responsibility.
- ‘Public Road’ A road or portion of a road where right-of-way owned and maintained by the Town of Wayland or the Commonwealth of Massachusetts.
- ‘Driveway’ A private access, owned by abutter(s) from a road to one to three properties.

BACKGROUND:

- The Town has accepted Massachusetts General Law Chapter 40, section 6C (and by reference, section 6D), which allows the Town to appropriate money for the purpose of plowing private ways that are open to public use and designated by the Selectmen. These prerequisites indicate that not every private road will qualify for the expenditure of public funds for plowing and sanding.

- A road becomes a public road after its layout has been accepted by the Board of Public Works, and after it has been accepted as a public road by town meeting.
- The Town Clerk maintains a list of public and private Roads, which is updated after Town Meeting actions.
- The Town GIS has a layer of information which depicts public and private roads, and another layer which depicts driveways.
- The Town as a general matter has no power to expend municipal funds or to utilize funds for the benefit of a private road. If the Town uses public resources to repair or plow private roads the owner or owners of the road clearly receive a benefit. It follows from this restriction that the Town has no inherent power to spend municipal funds or use municipal resources to maintain private roads. The Department of Revenue holds that public funds may not be expended for the benefit of private parties unless there is a definite public purpose and/or benefit to the public at large.

IN GENERAL:

- Responsibility for the care, maintenance, and snow removal of a road or driveway is the responsibility of the entities that own the road or driveway.
- The Town does not plow nor maintain driveways except those owned by the Town.
- Pursuant to G.L. c. 40, § 6C, the Town may plow private residential roads as authorized by the Selectmen provided the roads serve the general public, have more than one connection to public roads, and can be plowed without undue risk.
- The Town may perform specific, one-time, temporary repairs to private roads initiated by abutter requests and voted by the Board of Public Works or if requested by Public Safety Officials.

SPECIFIC PROVISIONS:

1. If it can be demonstrated that a private residential road is
 - a) *not a driveway, and*
 - b) *open to public use, and*
 - c) *connects two public roads or has more than three homes, and*
 - d) *can be plowed without undue risk,*

then the Board of Selectmen may, on an annual basis, direct that snow and ice be removed from the private road.

2. Not every private residential road in the Town will qualify for the expenditure of public funds. The Board of Selectmen may exercise its reasonable discretion in deciding how to expend the limited funds available for this purpose.
3. It must be demonstrated that the private residential road under consideration is open to public use and is actually susceptible to use by the public other than for purposes that are merely incidental to the use of the private residential road by the owner or owners thereof. Furthermore, the private residential road must be open to the public at large for purposes of travel, not merely incidental to the use by the owner or owners thereof, in a manner similar to the ordinary use for purposes of travel of a public road of the same general nature.
4. The designation by the Board of Selectmen must therefore, at least, be based upon the determination that by design and in fact, the private residential road is adequate to accommodate general public traffic, and does in fact carry such public traffic.
5. The Board of Selectmen will determine among the total number of private roads which qualify for care, maintenance, and snow removal, depending on available funding and public usage at the time of their decision.
6. Abutters who own private residential roads who believe their road qualifies as open for public use may apply, in writing, to the Board of Selectmen for snow and ice removal. The application should state the reasons why the road qualifies for the expenditure of Town funds for snow and ice removal in the next winter season.
7. Notwithstanding the above, snow and ice removal and maintenance of some private roads is controlled by special permit from the Town or development agreement with the Town. Such agreements are controlling.
8. DPW will continue its protocol to respond to a plowing request from Public Safety Officials for first response necessities.

K.P. LAW - GUIDANCE TO THE SELECTMEN

"Open to the public use" has been held by the Supreme Judicial Court of Massachusetts to mean that the way is actually open to use by the public for purposes of travel, not merely incidental to its use by permission of the owner(s). Money raised by taxation can be used only for public purposes and not for the advantage of private individuals, therefore, the road must be of such design and location that the general public is able to use the road, other than as a guest or invitee of abutters to that road."

Opinion of the Justices to the Senate, 313 Mass. 779, 783 (1943).

In determining sufficient design, the qualifying factors are:

- The road must be a minimum of 15 feet wide.
- Roadside clearance of any obstacles, including vegetation, shall be at least two (2) feet from the edge of the road surface on each side.
- Height clearance shall be no less than fourteen (14) feet from the road surface.
- The road surface must be paved or hard packed gravel and capable of being plowed without causing damage to plowing equipment. The road must be free of defects (potholes or rutting) exceeding three (3) inches in depth. Defects in the road surface must not deviate from grade more than three (3) inches including manhole covers, catch basins, and roots. All potholes and ruts shall be filled to the approximate level of the surrounding roadway by the owners prior to any plowing taking place.
- There must be a turnaround area sufficient to accommodate a snow plow truck, if needed.
- There must be a designated area for the placement of plowed snow that is not on private property unless written permission and waivers are provided by the property owners.
- The road may not be a shared driveway.



Wayland

MASSACHUSETTS

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[Home](#) > [Departments](#) > [Town Administrator](#) > "Ask the Town Administrator!" - Question & Responses

"Ask the Town Administrator!" - Question & Responses

*Note: questions may have been modified for brevity and/or to capture similar questions being asked

MISCELLANEOUS

8.21.2021 – *A partially dead Town tree has been dropping very large limbs onto my driveway and has damaged my picket fence. I have reported this to DPW and the debris is quickly removed -- but the threatening tree has not been taken down. I know such work must be contracted out -- and in the past, DPW was quite responsive about such things. There is a hold-up somewhere. When my husband was on the DPW Board just a few years ago, he was very impressed with how much DPW accomplished well on a limited budget. I hope DPW is not being unduly restricted from doing what they normally would do well. In particular, town trees should be removed when they prove to be a liability to the Town and a danger to people and property.* – Margery B

Hello Margery thank you for your question.

The Department of Public Works keeps an inventory of Town owned trees and identifies those that will need various work performed on them that range from simple trimming to full removal. They identify these trees in various ways, with the most common being from their annual tree hearing where they identify trees that are especially hazardous. As you can imagine, they prioritize these trees for removal most of all. This current year, there has been many trees that have required work performed on them and they are hard at work ensuring they get to every tree that has been identified as potentially hazardous. With that said, I was able to speak with someone at the DPW regarding your situation and they already have your tree identified and expect to address it sometime in the coming weeks. I hope that answers your question.

8.21.2021 – *Why is the town beach closed so much? Camps can use it but paid public cannot? I will not accept answer regarding water quality or invasive growth as Framingham keeps their parks open.* – Brian S

Each town and city conducts its own testing of water quality, in conjunction with Massachusetts's Department of Public Health (MDPH). Test results vary depending on the location of the beaches of certain bodies of water. The North Pond of Lake Cochituate, where the Town Beach is located, gets regularly tested by both the Board of Health and the State to ensure the safety of residents and visitors. Earlier this summer, results came back from testing of the Town Beach with levels of Cyanobacteria (blue-green algae bloom) higher than the guideline level set by the MDPH. These high levels are deemed unsafe for both people and pets to swim in and ingest. In order to protect the health and safety of beach users, and under the instruction of MDPH, the Recreation Department and Wayland Health Department closed the Town Beach for all activities. The camps

continued, however, because they are fully staffed and officially licensed by the MDPH to operate at the Town Beach (they do not enter or go near the water). Unfortunately, in the subsequent weeks, the lake water at the Town Beach failed to pass the next consecutive tests, one week apart. The advisory, therefore, was not lifted. Starting August 11, the Recreation Department reopened the Town Beach to the public. The park area and amenities will be available but swimming will continue to be prohibited. In addition, the Recreation Department has already begun refunding 50% of the fees to all 2021 beach season pass holders and have provided free day passes for all Wayland Residents free. Click the link below for more information regarding the test results and availability of certain amenities at the Town Beach. It is our hope that you understand that the Town did not make this decision lightly and were following the instructions provided by MDPH.

<https://www.wayland.ma.us/town-beach/news/update-town-beach-re-opens-park-areas-lake-cochituate-remains-closed-until-further>

8.9.2021 – *Hello, I would like to thank the various building, gas, plumbing, and electrical inspectors for their professionalism and assistance with the projects we have done on our home. We absolutely recognize their work and the building department represent an important resource for homeowners to ensure work is being done properly and safely by contractors for our protection. I am sure they have to deal with a lot of grief in trying to protect the homeowners' best interests so I wanted to convey my sincere appreciation for the work that they do.* – Donald W

Hello Donald, thank you so much for your comment! The Building Department works hard to get through the dozens of applications and inquiries that get submitted to them every day and I am glad your experience with them was so positive. I have forwarded along your comment to the Building Commissioner and staff and they are very appreciative to hear that their hard work does not go unnoticed!

OPERATIONAL & CAPITAL BUDGETING

8.21.2021 - *How come we aren't harvesting weeds from the Town Beach? I believe this should be part of the rec budget every other year or so.* – Linda M

Hello Linda. Thank you for your question.

Extensive vegetation removal does indeed occur at the Wayland Town Beach. The timing of when it occurs is dependent on many factors including weather and severity of the growth to name a couple. More often than not the removal occurs in mid-June and may be done again later in the season if the vegetation returns.

The funds for the cost of this vegetation removal comes from the user fees (season and day passes) that are generated every year for the use of the Town Beach.

LOKER FIELD & FIELD PLANNING

8.11.2021 - *Hello, I've been reading a number of disconcerting posts on social media regarding the future of the playing fields in town, including something about a back channel effort to raise private funds to build an artificial turf field with a vote to accept a gift by the Board of Selectmen.*

It's hard to know what is fact and what is fiction.

Can you let the us know what the short and medium term plan is to ensure our kids and fellow

residents have sufficient fields in town, which are sorely lacking?

Thanks – Scott W

Hello Scott, thank you for your question.

In reading your question; I understand you to be asking about the Loker Field Project. On May 16, 2021 Wayland Town Meeting voted against the article that would have funded the construction of a Turf Field at the Loker Site. The article, which would have required a 2/3 vote, failed by a vote of 340 – 383.

It is important to note that the permitting application and process for the Loker Field started before 2021 Town Meeting. The decision to continue with the permitting process, after the decision at Annual Town Meeting, was at the request of members of the Recreation Commission. The 2017 Special Town Meeting authorized the Town to expend funds for design services for the development of a turf field at the Loker Recreation Site. These funds included construction documents for the lighting, drainage, landscaping, access and parking at the Loker Site which would then require permitting from various boards and committees in Town, including the Zoning Board of Appeals (ZBA) for a special permit for the illumination of the field. This most recent undertaking to obtain permitting was actually the second time this project went through the process, with the first special permit application being withdrawn without prejudice due to the pandemic and the changing of membership within ZBA. With the ZBA membership again changing, and the possibility of undertaking the permitting process for a third time, the decision was made to complete the process now.

Even though the permitting process has now been completed, there has been no decision or short term plan made on the future of the project and what it will possibly consist of moving forward.

Additionally, there is no effort, either public or private, that I am aware of to raise funds privately to pay for the construction of the field at Loker. While it is possible for private funding to be raised to build an artificial turf field, the process would be difficult and would require many hurdles to be overcome. This would include obtaining the Board of Selectmen's approval to accept any such funds as a gift for the purpose of building an artificial turf field.

On August 30, the Board of Selectmen will hold a virtual and in person forum to discuss current and future field needs and how we can address those needs successfully and in a timely manner. This forum will solicit feedback from all stakeholders, including members of the public, to assist us in developing a short term and long term plan moving forward. We invite any and all persons interested to please come and provide their feedback. We will advertise this event and send out an announcement on our website in the coming days so all those interested in attending are aware.

CLIMATE ACTION GOAL

7.15.2021 - Has the Town looked into the potential switch from Town Owned Gas powered mowers to Electric powered mowers? – Lana C

Hello Lana, thank you for your question and being the first to utilize this new tool for residents to be heard and have their questions answered.

This is a very interesting suggestion that the Energy & Climate Committee has already identified as a potential option for the Town to pursue in the future. The Department of Public Works (DPW) is aware of the desire of the community to be green in more daily Town operations and we continue to monitor the product landscape as new technology becomes available. Currently, we utilize a

number of gas powered mowers of various sizes, two of which have the capability to cut a width of 16 feet, to maintain Town owned properties, including conservation sites, cemeteries, municipal buildings and recreation fields. In the coming weeks I will ask the Energy & Climate Committee to look into this further and provide some viable options moving forward. I will ask their report to focus on:

- Product research to identify what products, if any, are available that can accomplish the tasks required by the Town
- Energy-benefit analysis of any potential switch

We will use this report to determine whether and when to implement the use of electric powered mowers.

COMMUNICATION AND DIVERSITY EQUITY & INCLUSION

7.15.2021 - Could you provide an update to the Town Administrator's Racial Advisory Group and the Police Chief Search? How can a person interested in the search be involved in the process? - Jeff K

Hello Jeff, thank you for your question. The Town Administrator's Racial Justice Advisory Group (RJG), specifically the Policing subgroup, held an integral role in developing the survey that will be used to gather community input in the Police Chief Search. With the creation of the new Human Rights, Diversity, Equity and Inclusion (HRDEI) Committee, the RJG has successfully completed the goals set out for them by the Board of Selectmen and will no longer be needed to meet. We thank them for all their hard work this past year and hope they continue to devote their time to make Wayland a more inclusive community. Some former RJG members have already chosen to continue to serve by becoming a part of this new HRDEI Committee.

The Policing survey will soon be distributed and made available to the community. The information gathered will assist in identifying the priorities of the community as it relates to the profile of the Wayland Police Chief and police interaction with residents, businesses and visitors. This information is particularly important as we work to hire a new Police Chief. A public community forum will be held in early September to discuss the details of the Police Chief search and gather public input to present to the interview committee to use for final interviews. Please check the Town website where we will plan to provide more information as the process continues.

ECONOMIC DEVELOPMENT

7.15.2021 - Hello and thank you for welcoming questions from residents. My husband and I moved to Wayland in 2015 - we love it! We're concerned with the number of vacancies in Town Center as well as the small shopping center where Water Lily and Wholefoods used to be. Wayland is a central spot, connects many great towns and is a pass through to Sudbury and points west. So, why are we so challenged with bringing in shops and restaurants? - Jennifer J

Hello Jennifer, thank you for your kind words and we love that you and your family love Wayland!

There are many factors as to why some buildings along Route 20 have remained vacant. These factors include cost of rent, private leases not being exercised, and infrastructure challenges including wastewater.

The Town completed the sale of the River's Edge Development at 490 Boston Post Road early this year. With its expected completion sometime in 2022, the 218 unit development will bring a new boost of residents to the Route 20 area as well provide a substantial user to the Wastewater Management District which may lower the wastewater usage rate for all users as well as expand the discharge capacity allowing for new businesses to come in.

Your question touches on a larger goal that the Town and Board of Selectmen have identified as a priority, which is to look at the entirety of the Route 20 Corridor and find ways to revitalize and improve that section of Wayland. In the coming weeks a survey will be distributed and made available to the community. The information gathered will assist the Town in identifying the priorities of the community as it relates to the Route 20 Corridor. These priorities will then assist the Town as it works to identify potential projects and obtaining grants to help make this section a more desirable location for businesses and residents alike.

PFAS

7.15.2021 - *What is the status of the PFAs treatment facility? Thank you!* – Jennifer J

The Board of Public Works voted at its meeting on June 30, 2021 to move forward with a short term lease of a PFAS treatment system for the Happy Hollow wells. By short-term, I mean two to four years while we work on a long-term solution. The Town has already completed the Request for Quotes (RFQ) process and is negotiating the contract with the preferred vendor for the implementation of the PFAS treatment system. The treatment system must still be approved by DEP prior to implementation. If approved by DEP, the Town expects having the treatment system fully operational and online by mid-October.

In the meantime, residents who identify as part of the sensitive subgroups (pregnant women, nursing mothers, infants less than one year old and people with compromised immune systems) may apply for our Water Rebate Program that applies a credit to their water bill. Please visit the Town's PFAS webpage to receive the most up to date information and to apply for the rebate.

<https://www.wayland.ma.us/pfas>

Source URL: <https://www.wayland.ma.us/town-administrator/pages/ask-town-administrator-question-responses>



Wayland

MASSACHUSETTS

Office of the Treasurer/Collector

Maura O'Connor - CMMT

Direct Line (508) 358-3635 Fax (508) 358-4175

OPEB – “Other Post-Employment Benefits” – typically consists of health-care benefits, but might include other benefits such as life insurance, long-term care and similar benefits.

The Town initially transferred its OPEB funds (\$13,060,793.85) into the Massachusetts Pension Reserves Investment Trust (PRIT) in April 2016. The PRIT assets reached **\$95.7 billion** for the quarter ended June 30, 2021, which was an all-time high. The PRIT Fund gained **30%**, net of fees, over the one-year period, an invest gain of **\$22.1 billion**. Moreover, the fund outperformed its benchmark by **8.9%** (net), the largest fiscal outperformance in PRIM’s history, which is an indication that the managers are doing a very good job. All recent time periods – the 3-5 and 10 year returns - were all strong and above the benchmark. Returns during all time periods exceeded the actuarial rate of return requirement of 7.0%. (see graphs)

The Town of Wayland recognized a 26% increase in our OPEB account with PRIT from period ending June 30, 2020 – June 30, 2021. Our accounts ending balance on June 30, 2020 was \$18,561,877.48 and as of June 30, 2021 the ending balance was \$25,009,642.27. When Wayland joined this fund, the only requirement was to comply with section 20 of c.32B. Having a declaration of trust immunized the fund to do what it was set up to do, and cannot be tapped by anyone to be used for other purposes. The Town of Wayland is in full compliance!

FY 2021

Balance 06/30/2020	\$ 18,561,877.48
Contributions FY 2020	551,054.00
Contributions FY 2021	258,404.00
Earnings	<u>5,638,306.80</u>
Balance 06/30/2021	\$ 25,009,642.27

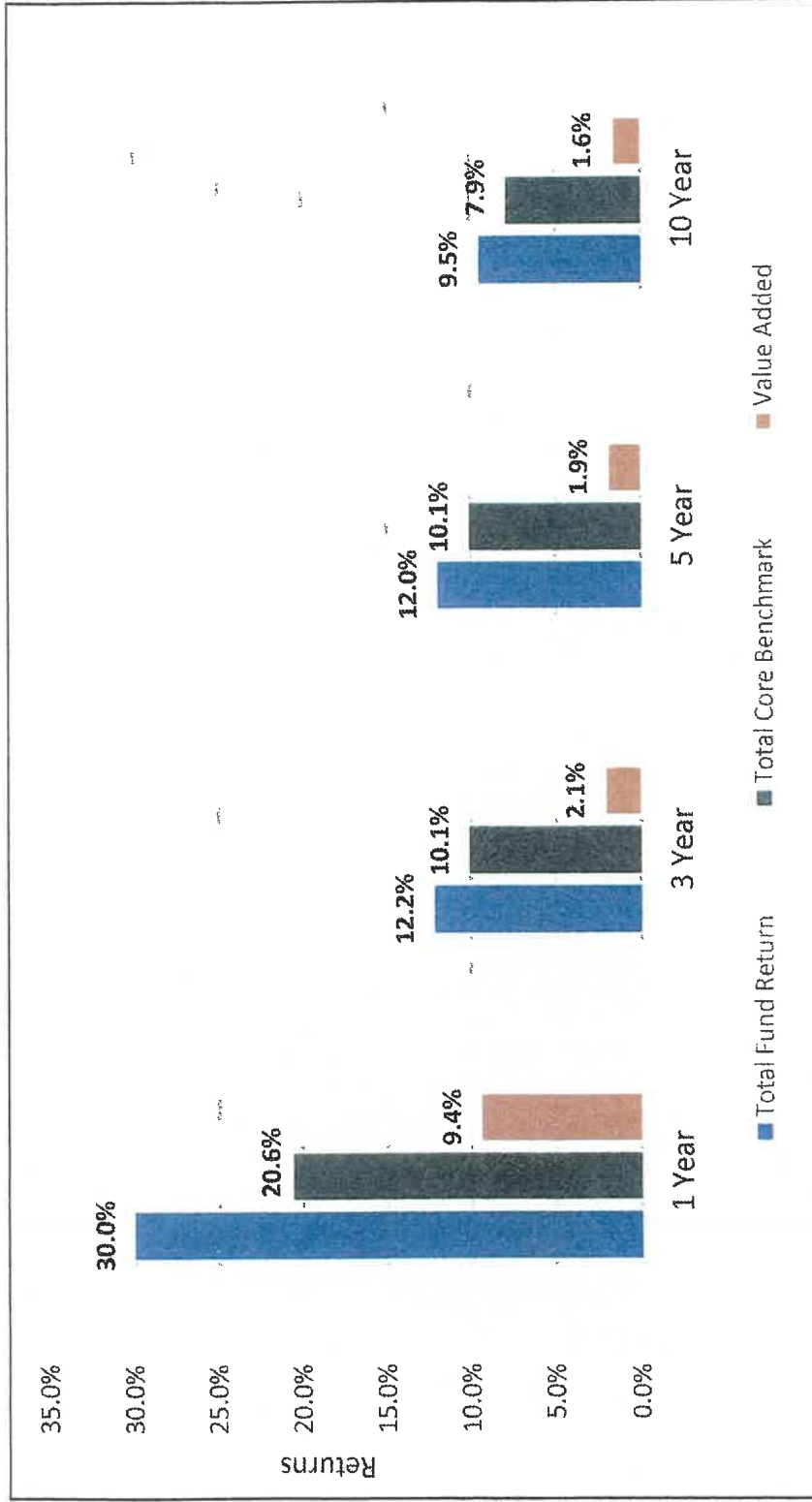
Future Initiative – In January 2021, “ **An Act Enabling Partnerships for Growth**” was signed into law, which includes a provision to increase diversity of PRIM’s investment managers and contractors to at least 20% and increase access for minorities, women, and disabled investment managers and business partners. Treasurer Goldberg and her team created the legislation and strongly advocated for its passage.

2021 PRIM Investor Conference

On June 9, 2021, PRIM hosted the 2021 PRIM Investor Conference. The Keynote Speaker was Noubar Afeyan, Founder and CEO of Flagship Pioneering, one of PRIM's very highest performing Private Equity managers. He is also the Chairman and Co-Founder of Moderna. Moderna was among the very first companies to discover the produce a COVID-19 vaccine, the vaccine utilized the groundbreaking mRNA technology. Flagship Pioneering and Noubar created the company from before it even had a name, and PRIM was one of only 12 initial investors in the company. Moderna and Flagship have been amount the highest returning investments in PRIM's history.

Total PRIT Fund Returns

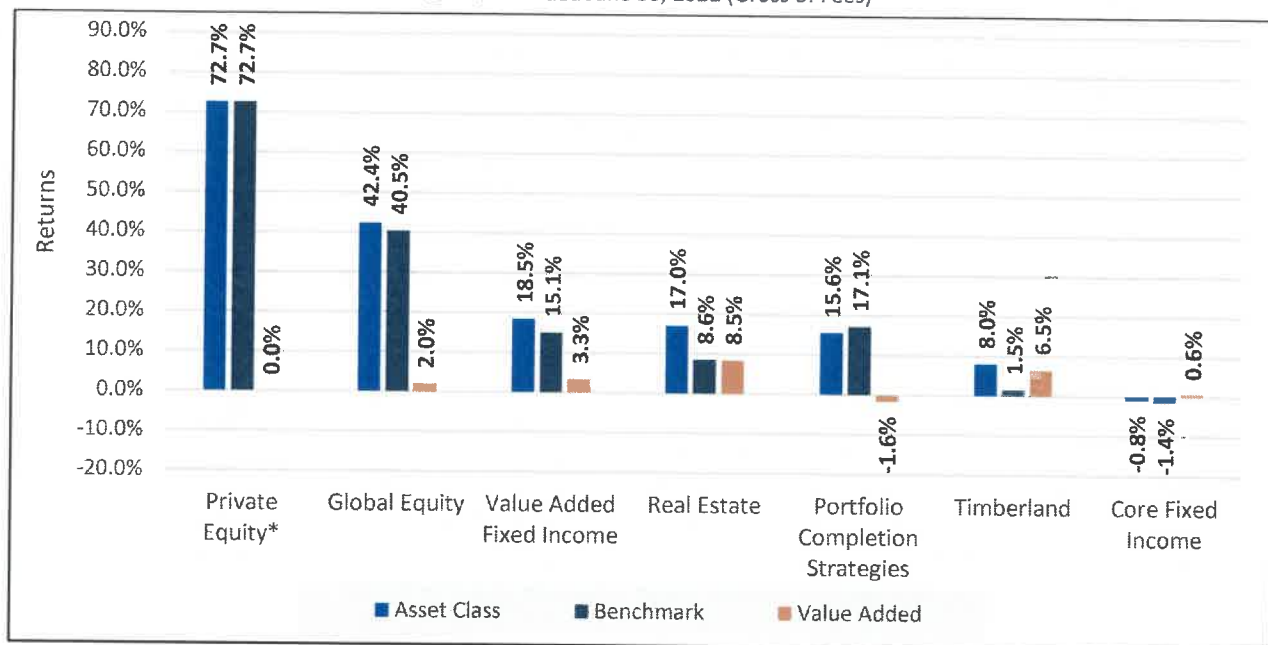
Annualized Returns as of June 30, 2021 (Gross of Fees)



Source: BNY Mellon.
Total Core Benchmark includes private equity benchmark.

PRIT Asset Class Performance Summary

One Year Ended June 30, 2021 (Gross of Fees)



Source: BNY Mellon. Totals may not add due to rounding. *Benchmark is actual performance.

PRIT Fund Periodic Table of Returns

(Gross of Fees) as of June 30, 2021

1 Year	3 Year	5 Year	10 Year
PRIVATE EQUITY 72.7%	PRIVATE EQUITY 28.8%	PRIVATE EQUITY 25.9%	PRIVATE EQUITY 20.8%
GLOBAL EQUITY 42.4%	GLOBAL EQUITY 14.3%	GLOBAL EQUITY 15.1%	GLOBAL EQUITY 10.4%
VALUE-ADDED FIXED INCOME 18.5%	REAL ESTATE 7.9%	REAL ESTATE 7.9%	REAL ESTATE 10.0%
REAL ESTATE 17.0%	CORE FIXED INCOME 7.0%	VALUE-ADDED FIXED INCOME 7.0%	VALUE-ADDED FIXED INCOME 5.4%
PCS 15.6%	VALUE-ADDED FIXED INCOME 6.9%	PCS 5.2%	TIMBER 5.0%
TIMBER 8.0%	PCS 3.8%	TIMBER 4.8%	CORE FIXED INCOME 5.0%
CORE FIXED INCOME (0.8%)	TIMBER 2.6%	CORE FIXED INCOME 3.5%	PCS 4.5%

Source: BNY Mellon.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN AGENDA FACT SHEET

MEETING DATE: 8.30.2021

AGENDA ITEM	Utility Box Art Project
PRESENTER(S)	Louise Miller, Town Administrator

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	<p>The Cultural Council has developed a project in which they plan to partner with local artists to identify areas within Town that could be beautified by the use of art. With the assistance from the Town Administrator, they have identified 2 utility boxes in Town and is seeking permission to allow for the painting of art on the boxes.</p>
2.	VOTE REQUIRED OR SUGGESTED ACTION BY BOARD
	<p>Suggested motion: I move that we approve the beautification of 2 utility boxes, 1 located in front of Fire Station 2 and 1 located in front of the Library, under the direction of the Cultural Council.</p>
3.	BACK UP INFORMATION ATTACHED
	<p>[none]</p>



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN
THOMAS J. FAY
ADAM G. GUTBEZAHL
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

DRAFT

Meeting Minutes
BOARD OF SELECTMEN
Monday, August 9, 2021
7:00 p.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

Attendance: Thomas J. Fay, Cherry C. Karlson, Carol B. Martin, David V. Watkins

Absent: Adam G. Gutbezahl

Also Present: Town Administrator Louise Miller; Management Analyst Seath Crandall; Management Analyst Jordan Remy; Intern Brendan Kiernan

A1. Call to Order by Chair, Review the Agenda for Public: At 7:00 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present. T. Fay announced that pursuant to Chapter 20 of the Acts of 2021, the meeting would be conducted in person with remote access, live-streamed and recorded for later broadcast on the local WayCAM Government Channel. T. Fay announced that members of the public were invited to attend and participate in-person or remotely. T. Fay described how to participate in the meeting, reminded the public of the state's mask advisory, and reviewed the agenda for the public.

A2. Announcements and Public Comment: C. Karlson announced Wayland's Public Ceremonies Committee would host a dedication ceremony to introduce the C. Peter R. Gossels Good Government Award, that the Town Administrator Working Group planned to host the third event of its "Community Conversations" series on Sunday, September 19, 2021 from 4:30 p.m. to 6:00 p.m. in celebration of Hispanic Heritage Month, and that the River Stewardship Council had expressed interest in grant opportunities. C. Martin recommended the Board include announcements of opportunities for residents to participate in surveys. D. Watkins shared that the Route 20 Corridor survey was now open to residents.

Carole Plumb, Bald Rock Road, joined by teleconference and requested an update on the school bus parking issue and clarification on the decision-making process.

A3. 2022 Annual Town Meeting: discuss potential dates; potential vote to set date: The Board reviewed two sets of proposed dates for the 2022 Annual Town Meeting (ATM) and Town Election. The Board planned for an indoor Town Meeting and expressed a preference to schedule both events around religious observances and certain school events.

D. Watkins moved, seconded by C. Martin, that the Board conduct the 2022 Annual Town Meeting on Saturday, May 15, 16, and 17 and the Town Election on May 10, 2022. D. Watkins amended the motion, seconded by C. Martin, to conduct the 2022 Annual Town Meeting on Sunday, May 15, May 16 and May 17, 2022. In discussion, C. Karlson expressed preference to begin on Saturday, May 14, 2022. T. Fay agreed. D. Watkins amended the previously amended motion, seconded by C. Martin, to begin the 2022 Town Meeting on Saturday, May 14, continuing May 15 and May 16, 2022. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

A4. Propane License Application: Hearing for application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge of 29 High Rock Road: T. Fay announced that this topic would be heard on August 30, 2021 at 7:15 p.m.

A5. Marijuana Dispensary Presentation by Earth Well Farms, LLC: T. Fay reported that D. Watkins had recused himself and left the meeting room. Planning Board Members: Chair, Ira Montague, member, Daniel Hill,

and Associate member Anette Lewis joined the meeting via video-teleconference. L. Miller presented a slide deck regarding the application process for licensing a medical marijuana treatment facility in Wayland in response to a license application from Earth Well Farms, LLC., which sought to enter into a Host Community Agreement. The meeting was paused when C. Martin left the meeting and resumed two minutes later when she returned. L. Miller reviewed the required components of the application and license the Board would review.

Counsel representing Earth Well Farms, LLC., Phil Silverman, Esq., Adam Fine, Esq., as well as founder Tammy Carson and master grower Jonathan Watkins joined the meeting to review the application. P. Silverman presented a slide deck regarding the proposed medical marijuana treatment center to be located at 536 Boston Post Road. P. Silverman made the distinction between medical and recreational marijuana sales. The Board and Planning Board members reviewed the application and next steps. L. Miller requested feedback from Board members (individually) on the draft Host Community Agreement and will continue discussions.

A6. Committee Appointments: Interview, discuss and potential vote to appoint:

Committee	Potential Appointee	Term End
Board of Registrars	Kristopher Aleksov	April 1, 2022

C. Karlson moved, seconded by C. Martin, that the Board appoint Kristopher Aleksov to the Board of Registrars for a term ending, April 1, 2022. In discussion, D. Watkins requested to review a presumed conflict of interest with K. Aleksov who serves as legal counsel for an open lawsuit versus the Town. The Board agreed to invite K. Aleksov for a discussion before taking a vote. C. Karlson withdrew the motion.

A7. Annual Report: Discuss Board of Selectmen submission to the 2021 Annual Report: No discussion. The topic was postponed to the next meeting.

A8. Governance Guidelines: continuation of discussion and potential vote: D. Watkins reported that he had submitted proposed revisions to L. Miller. L. Miller noted that the draft guidelines had been renamed, now titled Town of Wayland Principles and Policy. Discussion was postponed to a future meeting.

A9. Town Administrator Update: a. COVID-19 b. River’s Edge c. Capital Projects – School, CPA funded d. Per- and Polyfluoroalkyl substances (PFAS) e. School Bus Parking f. Reprecincting g. Departmental Reports: Library h. Private Road Snow Plow Policy i. CIP Process j. Regionalization Opportunities k. Housing Production Plan l. Documents provided for information: – Regional Housing Services Office FY2021 4th Quarter Report – Memo to Board of Public Works re: Spencer Circle – Cascade Wayland Revised 40B Decision as issued by the Housing Appeals Committee:

A9.a. COVID-19: L. Miller provided two documents from the Health Department, one regarding COVID-19 vaccinations and one regarding new COVID-19 cases in the last week. L. Miller reported that the Public Health Nurses were conducting contract tracing on the new cases. L. Miller reported that new guidance was issued to employees because Middlesex County was considered a “substantial risk” county.

A9.b. River’s Edge: L. Miller explained that the Town was still awaiting a response from the attorneys representing Alta River’s Edge after the final draft of the Operation and Maintenance Agreement and amendment had been sent. L. Miller reminded the Board that there would be a public comment period regarding the draft permit from the Massachusetts Department of Environmental Protections (MassDEP). L. Miller reported the escrow agent requested a site visit.

A9.c. Capital Projects – School, CPA funded: T. Fay noted there was discussion with the School Committee chair and vice chair on the ongoing capital projects and related communications. C. Martin noted that there were 100 total capital projects appropriated and ongoing. The Board discussed the appropriate number of projects and the workload. There was a discussion about hiring a Construction Project Manager to expedite the progress of the pending projects. The Board supported the concept.

A9.d. Per- and Polyfluoroalkyl substances (PFAS): L. Miller stated that the Town was waiting for a permit from the MassDEP in order to issue the contract.

A9.f. Reprecincting: At an upcoming meeting, L. Miller will provide the Board with new maps to reflect proposed changes in some precincts since the last census.

A9.e. School Bus Parking: L. Miller reported that the school bus parking plan at the Town Building lot was reviewed by an engineer. L. Miller reported the current proposal from the engineer was for a one-year term and

there was a need for a long-term solution. D. Watkins requested the Board deliberate further on the topic due to conservation concerns and proximity to the Children's Way preschool. T. Fay reminded the Board of the multiple times it has received information on potential solutions. The Board discussed the request and its role versus that of the Conservation Commission and Planning Board.

A9.g. Departmental Reports: Library: There was no discussion on this item.

A9.h. Private Road Snow Plow Policy: L. Miller reported that the Town's Residential Private Road Snow & Ice Policy had not changed from the previous years' version, and that the Private Road Snow Plow Appeal Process for was now open for residents to complete. At a future meeting, the Board will review the appropriateness of expanding this policy to commercial properties.

A9.i. CIP Process: There was a discussion regarding the Capital Improvement Form (CIP) and interaction with departments and the Finance Committee. L. Miller will share the slide deck with department heads.

A9.j. Regionalization Opportunities: L. Miller informed the Board that there may be an opportunity to regionalize some Energy and Climate services, Public Safety dispatch positions and Health services.

A9.k. Housing Production Plan: L. Miller is assembling a working group comprised of staff, a member of the Board, the Municipal Affordable Housing Trust, the Housing Authority and Planning Board.

A9.l. Documents provided for information: No discussion.

A10. Police Chief Search Process: L. Miller reviewed the process for hiring the next Police Chief which includes opportunity for public input. L. Miller reported that a Police Chief Profile Survey had been issued and results are being reviewed.

A11. Minutes – July 12, 2021 and July 26, 2021; review and vote to approve: The Board discussed revisions to the draft minutes of July 12 and agreed to send them to C. Martin. No draft minutes of July 26 were provided.

A12. Consent: review and vote to approve:

1. **Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.**
2. **Vote the question of approving and signing the weekly payroll and expense warrants.**
3. **Vote the question of approving and signing Task Order No. 4 to Contract Agreement number 19-1062 with BETA Group, Inc. for Professional Engineering Services related to the Route 20 Corridor Study.**
4. **Vote the question of approving and signing Task Order No. 5 Contract Agreement number 19-1062 with BETA Group, Inc. for Professional Engineering Services related to Construction Supervision of the Wastewater Sewer Project.**
5. **Vote the question of approving the additional documents requested by the Alcoholic Beverages Control Commission (ABCC) for the amendments to the liquor license application for Donelan's Supermarkets, Inc., ABCC License Number 00021-PK-1340, located at 177 Commonwealth Road, Wayland, MA, for a Change of Manager of Record; Change of Officers/Directors/LLC Managers, and Issuance/Transfer of Stock/New Stockholder.**
6. **Vote the question of approving and signing contract agreement number 21-1023 with J.C. Floor Covering Co., Inc. for the installation of vinyl flooring at the Wayland Middle School.**
7. **Vote the question of approving and signing contract agreement number 21-1024 with Liberty Floor Covering, LLC. for the installation of vinyl flooring at the Loker School.**
8. **Vote the question of approving and signing contract agreement number 21-1025 with Premier Abatement & Labor Services, Inc. for the asbestos abatement and related work at the Loker School.**

C. Karlson moved, seconded by D. Watkins, to approve the Consent Calendar with the exception of items #3 and #4. There was a discussion on item #5. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

A13. Correspondence: The Board reviewed the correspondence included in the packet. There was a discussion regarding correspondence item #3 regarding the Town vacancy in the MBTA Advisory Board and #4, #5 and #6 regarding 12 Hammond Road, 106 Plain Road and 212 Cochituate Road, respectively.

A14. Selectmen's Reports and Concerns: The Board discussed the format and the goals of the playing field forum and confirmed the forum would be held August 30, 2021. C. Martin reported that the handout document list was included in the minutes but had not been posted online. C. Martin requested the Board review the charge of the HRDEI Committee as it requested and recommended a student be named to Energy & Climate Committee. D. Watkins requested support from staff to manage the status of future agenda items. D. Watkins requested to include agenda items on the topics of the Comcast agreement negotiations, the Fund Transfer Policy and the Old Stone Bridge Rd/Potter Road Bridge project on a future agenda. D. Watkins asked the Board to refrain from expressing the opinion of the Board without his permission or discussion with the Board.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A16. Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with: The Wayland Library Staff Association MFT, AFT, AFL-CIO; International Association of Firefighters, AFL-CIO Local 178; II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 and July 26, 2021 Approve and Hold: Executive Session minutes of July 12, 2021 and July 26, 2021:

At 10:44 p.m., Chair T. Fay moved, seconded by D. Watkins, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MFT, AFT, AFL-CIO; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 and July 26, 2021 with the intent to approve and hold said executive session minutes.

T. Fay declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating, or bargaining position of the Town. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

T. Fay invited attendance by Town Administrator L. Miller and Management Analyst S. Crandall. T. Fay announced that the Board would not reconvene in open session and would that the Board would adjourn from executive session.

A17. Adjourn: The Board adjourned from executive session at 11:03 p.m.

Items included in the packet during the Board of Selectmen Meeting of August 9, 2021:

1. Memorandum To: Board of Selectmen From: S. Crandall, Management Analyst Cc: L. Miller, Town Administrator Re: 2022 ATM Proposed Dates and Input Received, dated August 9, 2021
2. Potential Dates for ATM 2022 Draft 7.26.2021
3. Memorandum To: L. Miller, Town Administrator From: J. Remy, Management Analyst Date: August 5, 2021, Re: Host Community Agreements with attachments
4. Draft Host Community Agreement: Town of Wayland and Earth Well Farms, LLC (For Discussion Purposes – August 9, 2021)
5. Town of Wayland Board/Committee Appointments Status as of August 3, 2021
6. Board of Registrars Application from Kristopher K. Aleksov, Esq.
7. Massachusetts General Law - Part I, Title VIII, Chapter 51, Section 15 Board Of Registrars In Certain Cities And Towns; Appointment; Term Of Office
8. Health Department Wayland COVID-19 Vaccination Update – July 27, 2021
9. Health Department Wayland COVID-19 Case Update – July 30, 2021
10. Memorandum To: School Committee From: L. Miller, Town Administrator, B. Keefe, Public Buildings Director, Re: Status Update School Capital Projects, dated July 27, 2021
11. Memorandum To: Board of Selectmen, School Committee cc: Dr. Omar Easy, School Superintendent Ellen Whittemore, School Department Director of Finance and Operations From: L. Miller, Town

- Administrator B. Keefe, Public Buildings Director Re: Status Update School Capital Projects, dated August 9, 2021
12. Memorandum To: L. Miller, Town Administrator From: S. Sarkisian, Town Planner Re: Bus Parking At Town Building, dated August 6, 2021 with attached schematics:
 - i. BETA Group, Inc. School Bus Parking: Existing Conditions
 - ii. BETA Group, Inc. School Bus Parking: Option 1
 - iii. BETA Group, Inc. School Bus Parking: Option 2
 13. Wayland Free Public Library Director's Report - July 21, 2021 with infographic
 14. Letter to Residents: Re: private road plowing: Board Of Selectmen's process to appeal a decision not to provide snow plowing service, dated July 26, 2021 with attachments
 - i. Final Version Residential Private Road Snow & Ice Policy Town of Wayland, Accepted by Board of Public Works October 10, 2017, Accepted by Board of Selectmen May 16, 2018, Policy Effective November 1, 2018
 - ii. Residential Private Road Snow & Ice Policy Appeal Application Form
 15. Memorandum To: L. Miller, Town Administrator From: J. Bugbee, Assistant Town Administrator re: Housing Production Plan Update, dated August 9th, 2021
 16. Report From: Elizabeth Rust RE: Regional Housing Services Office – FY21 Q3, Status Report
 17. Memorandum To: Board of Public Works, Board of Selectmen From: L. Miller, Town Administrator cc: S. Sarkisian, Town Planner; T. Holder, Public Works Director Re: Spencer Circle Easement and Order of Taking as a Public Road, dated August 9, 2021
 18. Link to the Cascade Wayland Revised 40B Decision as issued by the Housing Appeals Committee (<https://www.wayland.ma.us/zoning-board-appeals/pages/affordable-housing-projects>)
 19. Draft Board of Selectmen Minutes of July 12, 2021

Items Distributed For Information and Use By Board during the Meeting of August 9, 2021 Otherwise Not Included In The Packet (Handouts):

20. PowerPoint presentation prepared by Town Administrator dated August 9, 2021, re: Process for Licensing Medical Marijuana Treatment Facility
21. PowerPoint presentation prepared by Earth well Farms, LLC dated August 9, 2021, re: Proposed Medical Marijuana Treatment Center Located at 536 Boston Post Road, Wayland, MA
22. Earth Well Farms, LLC Business Plan for Review by the Town of Wayland Board of Selectmen
23. Memorandum from Town Clerk to Board of Selectmen re: Registrar Appointment and Vacancy, dated June 24, 2021
24. Draft Town of Wayland Principles and Policy dated 8.9.2021
25. Wayland Department of Health COVID-19 Case Update as of 8.6.2021
26. Wayland Department of Health COVID-19 Vaccine Update as of 8.3.2021
27. Memorandum from Town Administrator's Office to Town Staff dated August 9, 2021, re: New COVID-19 Safety Guidance and Protocols for Town Buildings and Staff
28. Memorandum from Town Administrator and Public Buildings Director to Board of Selectmen and School Committee dated August 9, 2021, re: Status Update of School Capital Projects
29. Memorandum from Town Administrator's Office to Board of Selectmen dated August 9, 2021, re: Community Preservation Funded Projects Update.
30. Memorandum from Town Administrator to Board of Selectmen dated August 9, 2021, re: PFAS Response Update
31. PowerPoint presentation prepared by Town Administrator dated August 9, 2021, re: A Framework for Capital Planning
32. Re-envision Route 20 Corridor Survey Final dated August 9, 2021

Correspondence:

1. Correspondence from Xfinity to Board of Selectmen dated July 21, 2021, re: Xfinity TV Service Changes
2. Correspondence from Massachusetts Department of Public Utilities dated July 16, 2021 and received July 26, 2021 re: Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of Deferral of Major Storm Threshold Amounts for 2020 Storms.

3. Correspondence from the MBTA Advisory Board to Tom Fay, Board of Selectmen Chair, dated July 23, 2021 and received July 26, 2021 re: Town Vacancy in the MBTA Advisory Board.
4. Correspondence from Massachusetts Department of Housing & Community Development to Board of Selectmen dated June 29, 2021, re: Approval of Project Eligibility under the Local Initiative Program (LIP), 12 Hammond Road.
5. Correspondence from Doug Stotz to Board of Selectmen dated July 28, 2021, re: Proposed 104, 106, and 110 Plain Road Conservation Restriction.
6. Correspondence from Mary Antes, Chair of Municipal Affordable Housing Trust, to Board of Selectmen dated July 23, 2021, re: The MAHT's interest in considering the parcel of land located at 212 Cochituate Road if available.
7. Correspondence from Mary Ann Borkowski to Board of Selectmen dated July 26, 2021, re: Seeking an update on Wayland Police Chief Search process.
8. Correspondence from Brian O'Herlihy to Board of Selectmen dated August 6, 2021, re: Municipal Affordable Housing Trust's interest in considering the parcel of land located at 212 Cochituate Road if available.

DRAFT
Meeting Minutes
EMRGENCY MEETING
BOARD OF SELECTMEN
Thursday, August 19, 2021
8:30 a.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

Attendance: Thomas J. Fay, Cherry C. Karlson, Carol B. Martin, David V. Watkins, Adam G. Gutbezahl

Absent: None

Also Present: Town Administrator Louise Miller, Management Analyst Seath Crandall

A1. Call to Order by Chair, Review the Agenda for Public: At 8:33 a.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present. T. Fay announced that pursuant to Chapter 20 of the Acts of 2021, the meeting would be conducted with remote access only, live-streamed and recorded for later broadcast on the local WayCAM Government Channel. T. Fay announced that there was no in person attendance and members of the public could participate remotely. T. Fay described how to participate in the meeting. T. Fay named each board member participating.

A2. Announcements and Public Comment: There were none.

A3. Executive Session:

I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to potential litigation related to the Happy Hollow Playground.

Prior to entering executive session, T. Fay lead a discussion of the appropriateness of the meeting posting and discussing this topic in executive session. L. Miller stated there is potential litigation over work being done on the Happy Hollow School playground. A family has retained an attorney, and town counsel is in settlement discussions with their attorney. The Board needs to make two decisions: review and vote on the terms of the potential settlement agreement and provide timely direction to the contractor as the work is underway. A. Gutbezahl asked if the family had given a deadline. L. Miller replied that she was not aware of one. The timing issue is to notify the contractor of how to proceed with the project. C. Karlson asked if the contractor works on the weekend and whether the School Committee had discussed the settlement in open session at its meeting last night. D. Watkins asked about the 48-hour notice required for meetings. L. Miller and T. Fay explained that an emergency meeting can be called if the set of circumstances demand immediate action. The Board understood that it cannot discuss the matter without calling a meeting.

Note: C. Martin had technical connection issues and was not present for all discussions or votes.

L. Miller concluded if the Board wants to wait and post a meeting for Saturday that town counsel can continue to work on the settlement agreement with the understanding that nothing can be finalized without the Board's review and approval. Given that it is raining today, and no construction will occur, the contractor can likely wait for directions until first thing on Monday.

T. Fay was inclined to wait and post a meeting for Saturday. L. Miller will research the posting requirements for a Saturday meeting. A quorum was available to meeting on Saturday at 10:00 am.

At 8:51 a.m., D. Watkins moved, seconded by A. Gutbezahl, to adjourn the meeting. Roll Call Vote: YEA: C. Karlson, D. Watkins, A. Gutbezahl, T. Fay. NAY: none. ABSENT: C. Martin. ABSTAIN: none. Adopted 4-0.

BOARD OF SELECTMEN
Monday, August 30, 2021
7:00 p.m.
Wayland Town Building
41 Cochituate Road, Wayland, MA

CONSENT CALENDAR

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving and ratifying the Town Administrators signature on Amendment #1 of agreement with Pare Corporation to include 2021 Phase 1 Dam Inspection for Snake Brook Dam.
4. Vote the question of accepting, as a gift, the donation of 900 Extra Large and 250 Large EMS Gowns from the David Scott Company of Franklin Massachusetts.
5. Vote the question of approving and signing agreement with Biodiversity, LLC, for Freshwater Mussel Translocation in the Sudbury River for the Stone's Bridge Project.

BOARD OF SELECTMEN
Monday, August 30, 2021
7:00 pm
Wayland Town Building
41 Cochituate Road, Wayland, MA

CORRESPONDENCE

1. Correspondence from Elizabeth Newton, Chair of Surface Water Quality Committee, to Board of Selectmen dated August 16, 2021 re: Resignation from the Surface Water Quality Committee.
2. Correspondence between Tom Fay, Chair of Board of Selectmen and Norm Marowitz, member of Surface Water Quality Committee dated August 22, 2021 re: Concerns regarding the Surface Water Quality Committee.
3. Correspondence from FEMA to Board of Selectmen dated August 13, 2021 re: Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Middlesex County.
4. Correspondence from Jared Nedzel to Board of Selectmen dated August 16, 2021 re: Route 20 Corridor Improvement Survey Critique.
5. Correspondence from Katherine Gardner-Westcott to Board of Selectmen dated August 19, 2021 re: Request for Board to recognize resident John Dyers' 50 years of dedication to Town.
6. Correspondence from MBTA Advisory Board to Board of Selectmen dated August 18, 2021 re: Municipal Elections to the Boston Region Metropolitan Planning Organization.