

**SUPPLEMENTAL
PACKET**

APRIL 19

6:30 PM

MARSH, MORIARTY, ONTELL & GOLDR, P.C.
Attorneys at Law
18 Tremont St., Suite 900
Boston, Massachusetts 02108

MMOG No. 53097

TITLE REPORT

Property: 400-440 Boston Post Road, Wayland, MA
Owners: See Owner Schedule
Property Examined: Town of Wayland Assessor Map 23
Lots/Parcels: 052P; 052O; 052Q; 052L; 052M;
052K; 052I and 052S

Encumbrances:

1. License and Easement Agreement to the Inhabitants of the Town of Wayland dated May 17, 1955 and filed as Document No. 294238.
2. Covenants, agreements and restriction set forth in deed to Raytheon Manufacturing Company dated September 8, 1955 and recorded in Book 8562, Page 316.
3. Easement to Boston Edison Company dated October 18, 1955 and recorded in Book 8611, Page 436.
4. Notice of Activity and Use Limitation dated October 21, 1997 and recorded in Book 27793, Page 141 and filed as Document No. 1044681.
5. Easement and Restriction Agreement dated October 21, 1997 and recorded in Book 27793, Page 167 and filed as Document No. 1044682, as affected by Amendment To Easement and Restriction Agreement dated November 13, 2008 and recorded in Book 53716, Page 187 and filed as Document No. 1516392, as further affected by Commercial Area Amendment To Easement and Restriction Agreement dated December 21, 2011 and recorded in Book 58135, Page 150 and filed as Document No. 1585835, as further affected by Residential Area Amendment To Easement and Restriction Agreement dated December 21, 2011 and recorded in Book 58135, Page 126 filed as Document No. 1585836.

6. Notice of Activity and Use Agreement dated February 16, 1999 and recorded in Book 30045, Page 132 and filed as Document No. 1103685.
7. Easements and agreements set forth in Order of Taking by the Town of Wayland dated October 25, 1999 and recorded in Book 30797, Page 5 and filed as Document No. 1122165, as affected by Release of Sewer Easement by the Town of Wayland dated June 16, 2014 and filed as Document No. 1673978 and recorded in Book 63800, Page 170.
8. Order of Sewer Betterment Assessments by the Town of Wayland Wastewater Management District Commission dated June 2, 2000 and recorded in Book 31496, Page 466 and filed as Document No. 1141821.
9. Easement and agreements as set forth in deed dated December 18, 2000 and recorded in Book 32174, Page 145 and filed as Document No. 1159167.
10. Order of Taking for sewer and wastewater systems dated February 7, 2011 and filed as Document No. 1558048.
11. Order of Taking for sewer and wastewater systems dated February 7, 2011 and filed as Document No. 1558125.
12. Supplemental Tax Agreement for Payment in Lieu of Taxes dated October 29, 2009 and recorded in Book 53713, Page 25.
13. Notice of Agreement Running with the Land dated October 21, 2009 and recorded in Book 53713, Page 30.
14. Covenant dated September 27, 2011 and filed as Document No. 1577267 and recorded in Book 57537, Page 289.
15. Temporary Access Easement dated December 1, 2011 and filed as Document No. 1584129 and recorded in Book 58030, Page 473.
16. Notice of Activity and Use Limitation dated December 21, 2011 and filed as Document No. 1585834 and recorded in Book 58135, Page 87, as affected by First Amendment of Notice of Activity and Use Limitation dated August 21, 2014 and filed as Document No. 1680817 and recorded in Book 64236, Page 51.
17. Grant of easement by Twenty Wayland, LLC and Wayland Town Center LLC to Boston Gas Company dated June 22, 2012 and filed as Document No. 1609747 and recorded in Book 59674, Page 49.
18. Easement to NStar Electric Company and Verizon New England, Inc. dated June 14, 2012 and filed as Document No. 1610662 and recorded in Book 59729, Page 98.

19. Declaration of Easements, Covenants and Restrictions by Twenty Wayland LLC and Wayland Town Center LLC dated October 23, 2012 and filed as Document No. 1620720 and recorded in Book 60431, Page 111.
20. Easement Agreement dated _____ and filed as Document No. 1659177 and recorded in Book 62930, Page 75.
21. Declaration of Restriction dated January 30, 2012 and filed as Document No. 1669332.
22. The benefit of Access Easement and Agreement dated June 19, 2012 and recorded in Book 60172, Page 136.

(Note: title to the burdened land was not examined)
23. Easement Agreement recorded November 14, 2013 in Book 62928, Page 34.
24. Order of Taking by the Commonwealth of Massachusetts for a State Highway (Boston Post Road) recorded in Book 63478, Page 118.
25. Order of Taking for Sewer Easements dated June 16, 2014 and filed as Document No. 1673979 and recorded in Book 63800, Page 175.

Environmental Encumbrances:

26. Order of Conditions by the Wayland Conservation Commission (File No. 322-2) dated June 28, 1973 and recorded in Book 12502, Page 167.
27. Order of Conditions by the Wayland Conservation Commission (File No. 322-20) dated October 21, 1975 and recorded in Book 12892, Page 550.
28. Order of Conditions by the Wayland Conservation Commission (File No. 322-350) dated October 5, 1996 and recorded in Book 26764, Page 286, as affected by Certificate of Compliance recorded in Book 27977, Page 48.
29. Order of Conditions by the Wayland Conservation Commission (File No. 322-43 5) dated June 3, 1999 and filed as Document No. 1132095, as affected by Order of Conditions by the Wayland Conservation Commission dated July 1, 1999 and filed as Document No. 1132096.
30. Order of Conditions by the Wayland Conservation Commission recorded in Book 36152, Page 51.
31. Order of Conditions by the Wayland Conservation Commission (File No. 322-553) recorded in Book 41163, Page 126 and filed as Document No. 1295524, as affected by Amended Order of Conditions recorded in Book 42121, Page 142 and filed as Document No. 1311354, as further affected by Extension Permit recorded in Book 48780, Page 362 and filed as Document No. 1431572, as further affected by Extension Permit recorded in Book 48780, Page 362, as further affected by Certificate of Compliance recorded in Book 55690, Page 351 and filed as Document No. 193851.

32. Order of Conditions by the Wayland Conservation Commission (File No. 322-564) recorded in Book 41559, Page 590 and filed as Document No. 1302006, as affected by Certificate of Compliance filed as Document No. 1547793.
33. Wetlands and Water Resources Protection By-Law Permit (amending Order of Conditions .File No. 322-553) filed as Document No. 1311354 and recorded in Book 42121, Page 142. Extension Permit filed as Document No. 1431572 and recorded in Book 48780, Page 362.
34. Order of Conditions (File No. 322-647) recorded in Book 48934, Page 277 and filed as Document No. 1434197, as affected by Certificate of Compliance recorded in Book 55704, Page 220.
35. Order of Conditions by the Wayland Conservation Commission (File No. 322-647) filed as Document No. 1434197.
36. Chapter 194 Permit by the Wayland Conservation Commission filed as Document No. 1572708 and recorded in Book 57244, Page 80.
37. Order of Conditions (File No. 322-752) filed as Document No. 1572709 and recorded in Book 57244, Page 90.
38. Superseding Order of Conditions (File No. 322-0701) recorded in Book 57284, Page 1.
39. Order of Conditions (File No. 322-762) filed as Document No. 1596515 and recorded in Book 58813, Page 155.
40. Massachusetts DEP Notice dated February 18, 2014 and filed as Document No. 1666519 and recorded in Book 63355, Page 592.
41. Order of Conditions (File No. 322-744) recorded in Book 57282, Page 113, as affected by . Certificate of Compliance recorded in Book 64252, Page 169, as further affected by Partial Certificate of Compliance recorded in Book 64252, Page 172.

Zoning Encumbrances:

42. Notice of Variance dated March 3, 1966 and recorded in Book 11106, Page 369 and filed as Document No. 432097.
43. Notice of Variance dated August 19, 1966 and recorded in Book 11238, Page 178 and filed as Document No. 437988.
44. Notice of Variance dated January 24, 1968 and recorded in Book 11485, Page 436 and filed as Document No. 453682.
45. Notice of Variance dated March 25, 1969 and recorded in Book 11661, Page 56 and filed as Document No. 464594.
46. Notice of Variance dated June 9, 1969 and filed as Document No. 467285.

47. Notice of Variance dated August 7, 1969 and recorded in Book 11737, Page 151 and filed as Document No. 469385.
48. Notice of Variance dated April 2, 1970 and recorded in Book 11853, Page 308 and filed as Document No. 476920.
49. Notice of Variance dated September 21, 1972 and recorded in Book 12301, Page 678.
50. Notice of Variance dated June 28, 1973 and recorded in Book 12491, Page 225.
51. Notice of Variance dated October 25, 1974 and recorded in Book 12730, Page 520.
52. Notice of Variance dated November 12, 1975 and recorded in Book 12902, Page 331.
53. Decision by the Wayland Board of Appeals dated March 30, 1981 and recorded in Book 14336, Page 181 and filed as Document No. 611682.
54. Decision by the Wayland Board of Appeals dated January 7, 1999 and recorded in Book 29685, Page 511 and filed as Document No. 1093747.
55. Decision by the Wayland Board of Appeals dated April 6, 1999 and recorded in Book 30147, Page 398 and filed as Document No. 1106049.
56. Decision by the Wayland Planning Board filed as Document No. 1573426 and recorded in Book 57283, Page 393.
57. Notice of Amended Planning Board Decision filed as Document No. 1573427 and recorded in Book 57283, Page 436.
58. Decision by the Wayland Planning Board filed as Document No. 1573428 and recorded in Book 57283, Page 523.
59. Decision by the Wayland Planning Board filed as Document No. 1573429 and recorded in Book 57283, Page 532.
60. Certificate of Vote by the Wayland Planning Board filed as Document No. 1573430 and recorded in Book 57283, Page 546.
61. Decision by the Planning Board filed as Document No. 1573431 and recorded in Book 57283, Page 549.
62. Decision by the Planning Board filed as Document No. 1573432 and recorded in Book 57283, Page 562.
63. Decision by the Planning Board filed as Document 1573433 and recorded in Book 57283, Page 573.

64. Decision by the Planning Board filed as Document No. 1573434 and recorded in Book 57283, Page 595.
65. Wetlands and Water Resources Bylaw Chapter 194 Permit dated May 29, 2009, revised May 28, 2010 (Also DEP File No. 322-701) dated May 28, 2010 and filed as Document No. 1573436 and recorded in Book 57284, Page 22.
66. Decision by the Wayland Planning Board filed as Document No. 1692496 and recorded in Book 64951, Page 87.

Examination Ends: May 7, 2018

Marsh, Moriarty, Ontell & Golder, P.C.



by: _____
Jeffrey L. Ontell, Esq.

G:\ej\53097-title report



Owner Schedule

Map 23, Lot 052P
Twenty Wayland Other LLC
Deed – Document No. 1662381, Certificate of Title No. 255799
Lot 15 on Land Court Plan No. 17983I

Map 23, Lot 052O
Twenty Wayland, LLC
Deed – Document No. 1386382, Certificate of Title No. 234881
Lot 14 on Land Court Plan 17983I

Map 23, Lot 052Q
Twenty Wayland Other LLC
Deed – Document No. 1662381, Certificate of Title No. 255799
Lot 16 on Land Court Plan No. 17983I

Map 23, Lot 052 L
Twenty Wayland, LLC
Deed – Document No. 1386382, Certificate of Title No. 234881
Lot 4-1 on Land Court Plan No. 17983I

Map 23, Lot 052M
Bos Retail 1, LLC
Deed – Book 65899, Page 495
Lot 9-1A on Plan No. 616 of 2015
Twenty Wayland LLC
Deed – Book 66628, Page 81
Lot 9-1B on Plan No. 616 of 2015

Map 23, Lot 052K
Twenty Wayland, LLC
Deed – Book 45981, Page 177
Lot 8-1 on Plan No. 305 of 2012

Map 23, Lot 052I
Twenty Wayland Infra LLC
Deed – Document No. 1719525, Certificate of Title No. 261279
Lot 8 on Land Court Plan 17983I
Deed – Book 6628, Page 78
Lot 3-1 on Plan No. 305 of 2012

Map 23, Lot 052S
Twenty Wayland, LLC
Deed – Book 45981, Page 177
Lot R-20 on Plan No. 305 of 2012

April 15, 2022

Katharine Lord Klein
kklein@k-plaw.com

BY FIRST CLASS MAIL AND E-MAIL

Hon. Thomas J. Fay and
Members of the Select Board
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778

Re: Town Center – Supplemental Title Opinion

Dear Members of the Select Board:

The Town of Wayland has entered into a Settlement Agreement dated January 20, 2022 (the “Settlement Agreement”) with Twenty Wayland, LLC (“Owner”) pursuant to which Owner and two of its affiliates will convey to the Town eight (8) parcels of land, with the improvements thereon (the “Town Parcels”), identified as follows:

Map 23, Lot 52P	Parcel 15 on Land Court Plan No. 17983I
Map 23, Lot 52O	Parcel 14 on Land Court Plan No. 17983I
Map 23, Lot 52Q	Parcel 16 on Land Court Plan No. 17983I
Map 23, Lot 52L	Lot 4-1 on Land Court Plan No. 17983I
Map 23, Lot 9-1B	Lot 9-1B on Plan No. 616 of 2015
Map 23, Lot 52K	Lot 8-1 on Plan No. 305 of 2012
Map 23, Lot 52I	Lot 3-1 on Plan No. 616 of 2015 (also shown as Parcel R-18 on Plan 305 of 2012 and Parcel 8 on Land Court Plan 17983I)
Map 23, Lot 52S	Parcel R-20 on Plan No. 305 of 2012

In 2018, at the Town’s request, this firm retained Marsh, Moriarty, Ontell & Golder, P.C. (MMOG) to examine title to the Town Parcels. MMOG issued a Title Report through May 7, 2018. By letter dated May 23, 2018, I reported on the May 7, 2018 Title Report, and provided copies of all of the instruments referenced therein. Thereafter, the Conservation Commission asked for a report solely on Parcels 14, 15 and 16, which I provided in a letter dated August 27, 2018 and an e-mail dated October 19, 2018. Recently, in connection with the Settlement Agreement, MMOG was asked to update title to the Town Parcels, as set forth in a Title Report through March 18, 2022 (copy enclosed).

This letter addresses the matters reported in the Title Report through May 7, 2018, as supplemented by the Title Report through March 18, 2022.

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April 15, 2022
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Items 2, 3, 6, 9, 10, 11, 20 and 23 of the Title Report have been determined to be non-locus, i.e., they do not affect the Town Parcels. The following addresses the remaining items noted in the Title Report.

Item 1: This License and Easement Agreement from Raytheon Manufacturing Company to the Town of Wayland conveys the right to dig and maintain a drainage ditch and lay and maintain underground pipes, between Old Sudbury Road and the Sudbury River. Raytheon reserved certain rights in connection with this conveyance. This Item may affect Parcel 14.

Item 4: This Notice of Activity and Use Limitation appears to affect all of the Town Parcels.

Item 5: This Easement and Restriction Agreement, as amended, from Wayland Meadows Limited Partnership to Raytheon Company conveyed an easement for access for the purpose of conducting investigations, tests, surveys and studies on the entirety of property referred to as the Downtown Property, which includes the Town Parcels, in connection with the remediation, reduction and/or elimination of hazardous substances. By subsequent instruments, both dated December 21, 2011, that portion of the Downtown Property owned by Twenty Wayland, LLC was divided into the “Commercial Area” and the “Residential Area.”

The Town Parcels are located within both the Commercial Area and the Residential Area. Lot 3-1 is in the Commercial Area and Lot 8-1, Lot 4-1, Parcel R-20, Lot 9-1B and Parcels 14, 15 and 16 are in the Residential Area.

These two instruments restrict the uses that can be made of both the Commercial Area and the Residential Area, beyond those limitations set forth in the Notices of Activity and Use Limitation, set forth in Items 4 and 16, below. Paragraph 2 of both instruments imposes additional covenants and restrictions for the benefit of Raytheon, as follows: (1) no use of groundwater without the approval of Raytheon, including for commercial purposes, domestic use, irrigation or any other purposes, and, except for assessment or remediation, no pumping of groundwater for the purpose of removing such water from the ground; (2) no on-site disposal of wastewater or discharge of stormwater to the ground; (3) prior to the construction of any building or structure for residential use, a vapor barrier must be installed; (4) prior to the construction of any buildings or structures, the owner shall install sub-slab venting facilities, the plans and specifications of which shall have been approved by Raytheon; (5) prior to commencing any subsurface excavation or site work requiring excavation on any portion of the property, the owner shall prepare a groundwater management and construction dewatering plan, which, among other things, addresses contingencies for the handling and disposal of contaminated groundwater, which plan must be presented to Raytheon for approval; (6) prior to commencing any subsurface excavation or site work requiring excavation on any portion

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of the property, the owner shall prepare a soil management plan which, among other things, addresses contingencies for the handling of contaminated soil and provides for oversight of activities involving the excavation, segregation and on-site management of such contaminated soil, said plan to be approved by Raytheon; (7) conditions related to the removal or demolition of any foundation slab of an existing building; and (8) all paving and other impermeable surfaces presently existing or hereafter constructed or installed shall be kept in good condition and repair, and all cracks and holes promptly repaired as reasonably necessary to mitigate any adverse impact on underground conditions or exposure to underground soils and vapors beneath such surfaces. These restrictions shall be enforceable by Raytheon for a period of 150 years.

In consideration of the agreement by Raytheon to permit development of the Commercial Area and the Residential Area, Twenty Wayland, LLC (and the Town of Wayland, as its successor and assign) agrees to “indemnify and hold Raytheon harmless from and against any direct or indirect damages, losses, costs, liabilities or expenses which may at any time be imposed upon, incurred by or asserted against Raytheon.” The Town would also indemnify and hold Raytheon harmless from and against any Additional Remediation Costs, which are defined as costs required to remediate any portion of the property to a standard appropriate for a “Non-Commercial Use,” or any other standard to which Twenty Wayland, LLC or any successor owner requires the property to be remediated in excess of the applicable standard imposed by law for commercial or industrial uses, which may require regulatory closure of the site with contamination left in place and the use of partial activity and use limitations to address specific areas of contamination, and other lawful measures, in accordance with applicable law, including, without limitation, Chapter 21E and the Massachusetts Contingency Plan.

This Agreement, as amended, imposes restrictions and limitations on the Town Parcels over and above those set forth in the applicable Notices of Activity and Use Limitation.

Item 7: This Order of Taking by the Town of Wayland is for a fee interest in a sewer treatment plant and appurtenant easements. The Order of Taking is affected by a Release of Sewer Easement by the Town of Wayland. The Release terminated the easements which affect the Town Parcels.

Item 8: The Town should secure evidence that there are no outstanding betterments assessed against the Town Parcels under this Order of Sewer Betterment Assessments.

Item 12: The Town should determine whether any monies under this Supplemental Tax Agreement for Payment in Lieu of Taxes are payable with respect to the Town Parcels.

Item 13: This Notice of Agreement refers to a Memorandum of Agreement, as amended, between Twenty Wayland, LLC and the Town of Wayland. The Memorandum of Agreement and

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amendment thereto are said to be on file with the Town Clerk. The Notice of Agreement provides that if Twenty Wayland, LLC proceeds with a mixed-use project on or before March 28, 2014, the obligations set forth in the Memorandum of Agreement, as amended, run with the land.

The documents in the Town Clerk's Office should be examined to determine if they affect the Town Parcels.

Item 14: This Covenant by Twenty Wayland, LLC provides that the private road running from Boston Post Road to Old Sudbury Road shall be accessible by the public.

Item 15: This Temporary Access Easement has been terminated by the recording of the Declaration of Easements identified in Item 19 and the Access Easement and Agreement identified in Item 22.

Item 16: This Notice of Activity and Use Limitation appears to affect many of the Town Parcels, including Parcels 14, 15 and 16 and Lot 3-1.

Item 17: This easement to Boston Gas Company affects at least Lot 3-1, but may affect other Town Parcels.

Item 18: This easement to NStar Electric Company and Verizon New England, Inc. may affect the Town Parcels. A survey would be required to confirm this.

Item 19: This Declaration of Easements, Covenants and Restrictions by Twenty Wayland, LLC and Wayland Town Center LLC (the "Declaration"), affects the entirety of the Downtown Property owned by Twenty Wayland, LLC. It identifies certain parcels, as shown on Exhibit A of the Declaration. The Town Parcels are as follows: Parcel 3 is Lot 3-1; Parcel 3B is Lot 8-1; Parcel 3C contains Lot 9-1B; Parcel 4 is Lot 4-1; and Parcel 5 contains Parcels 14, 15 and 16. The Declaration has been amended by First Amendment to ECR, dated December 3, 2013; Second Amendment to ECR, dated February 11, 2015 and Third Amendment to ECR, dated August 7, 2015.

The Declaration restricts the uses that may be made of the parcels comprising the Downtown Property, including the Town Parcels. The Residential Parcel, which is Parcel 5 shown on Exhibit A (Parcels 14, 15 and 16) "may be used only for residential purposes, and incidental office and storage uses which are not included in the definition of 'retail purposes,'" as defined therein. See Declaration, Exhibit C, Paragraph 1. The Municipal Building Parcel, which is Parcel 4 shown on Exhibit A (Lot 4-1) "may be used only for the construction of a building containing not more than forty thousand (40,000) square feet of Gross Floor Area and parking areas to be used in connection therewith." It may be used only for municipal purposes by the Town of Wayland, but may not be used for the storage of municipal public works vehicles or equipment. See Declaration, Exhibit C,

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Paragraph 2. The Town Common Parcels, which are Parcels 3 and 3B shown on Exhibit A (Lot 3-1 and Lot 8-1) “may be used only as a public park and for temporary events of the sort that are customarily held in a public park, such as fairs, concerts, speaking engagements, meetings and similar events open to the public.” The Town of Wayland must provide notice to the Occupants of the Retail Parcels of these public events. See Declaration, Exhibit C, Paragraph 3.

Each owner of a parcel within the Town Center Development grants to the other owners non-exclusive easements for Common Utility Facilities. Declaration, Paragraph 3.4(a).

The owner of the Residential Parcel (which are Parcels 14, 15 and 16 of the Town Parcels) grants to the owners of the retail development an easement to drain storm water into a catch basin located on the Residential Parcel. Declaration, Paragraph 3.5(a).

The Operator (defined in the Declaration as KGI Properties, LLC so long as it or an affiliate owns Parcel 1, Parcel 1A or Parcel 1E)¹, shall maintain, insure, repair and replace, as and when necessary or required, the portion of the Common Facilities located within Parcels 1B, 1C, 1D, 3A, 3C and the Town Common Parcels (which does not appear to include Parcel 3B); and the Common Utility Facilities located within the Retail Development and the Town Common Parcels. Maintenance of the Town Common Parcels shall include: “electricity for lighting at a level sufficient to provide for the security of those who frequent [the Town Common Parcels] after dark, but not for any level of lighting beyond that reasonably required for security purposes; replacement of burnt-out bulbs that provide said security lighting, emptying of trash and refuse receptacles, removing snow and ice from sidewalks and other walkways therein, repairs to said sidewalks and other walkways, and mowing and general upkeep of law areas therein.”

No buildings shall be constructed within Parcel 3C which contains Lot 9-1B.

Item 21: This Declaration of Restriction affects Parcels 15 and 16. It states that the subject property shall be maintained in perpetuity as protected habitat and open space. It is, in essence, a conservation restriction.

Item 22: This Access Easement and Agreement is between Twenty Wayland, LLC and Massachusetts Bay Transportation Authority (MBTA), and grants Twenty Wayland, LLC access for vehicular and pedestrian traffic and the right to place utilities across a portion of property owned by the MBTA. This easement provides access across a small gap between Boston Post Road and the Downtown Property, over land owned by the MBTA, being a portion of the Central Branch line. In 2012, Twenty Wayland, LLC paid \$228,262.23 for a period of twenty (20) years to use the access easement. Starting in 2032, the easement is extended automatically for successive five (5) year

¹ The Third Amendment to ECR amended the definition of Operator, in Paragraph 1.1(l) of the Declaration to state that the Operator is defined as the owner of Parcel 1 (the Shopping Center).

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terms, upon payment, on an annual basis, of \$24,846.02, with increases of 12.5% at the beginning of each five (5) year term. The easement is subordinate to MBTA's operating requirements, and may be terminated should the MBTA elect to resume rail or passenger service on the rail line. The easement is further subject to the provisions of a lease with the Department of Conservation and Recreation, and Twenty Wayland, LLC, its successors and assigns, are responsible to coordinate with DCR regarding this lease.

Commencing in 2032, payments will be due to the MBTA for this easement. It is not clear if the Town would share in the obligation to make these payments. If the easement is terminated, access from Boston Post Road will no longer exist to the Downtown Property.

Item 24: This Order of Taking by the Commonwealth relates to the widening/alteration of Boston Post Road.

Item 25: This Order of Taking is by the Town of Wayland for sewer easements off Boston Post Road and Old Sudbury Road. This may affect one or more of the Town Parcels.

Environmental Matters

The Settlement Agreement states, in the fifth Whereas clause, that the Owner "has represented that the [Town Parcels are] the site of a disposal site as the result of the release of oil and/or hazardous materials, which has been assigned Release Tracking Numbers ("RTN") 3-13302, 3-13574, and 4-14042 by the Massachusetts Department of Environmental Protection ("MassDEP"), and [are] subject to an Activity and Use Limitation ("AUL"), recorded with the Registry in Book 27793, Page 141 dated October 21, 1997; an AUL recorded with the Registry in Book 30045, Page 132 dated February 16, 1999; and an AUL recorded with the Registry in Book 58135, Page 87 dated December 21, 2011."

Except as set forth herein, this firm is not expressing an opinion on any environmental matters affecting the Town Parcels.

Zoning Matters

The Settlement Agreement states, at Paragraph 5, that "[a]ll obligations of the Master Special Permit and associated Special Permit decisions shall be satisfied by the Donor prior to Closing or, if not so satisfied, the Town shall be deemed to have accepted responsibility to satisfy same."

This firm has not examined the zoning and planning decisions, including, but not limited to, the Master Special Permit.



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Orders of Conditions

The Settlement Agreement states, at Paragraph 4, that the Owner “shall apply for, obtain, and record Certificates of Compliance from the Town of Wayland Conservation Commission and, if required, the MassDEP, Northeast Region, for all outstanding Orders of Conditions and Superseding Orders of Conditions related to the Development prior to Closing.”

This firm has not confirmed the status of the Orders of Condition affecting the Town Parcels.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Katharine Lord Klein".

Katharine Lord Klein

KLK/caa

Enc.

cc: Acting Town Manager

810574/WAYL/0046

MARSH, MORIARTY, ONTELL & GOLDER, P.C.

ATTORNEYS AT LAW

PLEASE REPLY TO:

Jeffrey L. Ontell
jontell@mmoglaw.com
99 ROSEWOOD DRIVE – SUITE 220
DANVERS, MASSACHUSETTS 01923
TEL. (617) 778-5100
TELECOPIER (617) 720-2565

March 22, 2022

KP|Law
101 Arch Street
Boston, MA 02110

Attn: Katharine L. Klein, Esq.

Re: 400-440 Boston Post Road, Wayland, Massachusetts
MMOG File No. 53097
KP|Law Client Matter Wayland-0046

Dear Ms. Klein:

An examination of title to the properties listed on Schedule A hereto from May 7, 2018 discloses as of March 18, 2022 title remains vested in the owners identified on Schedule B hereto, except as stated.

1. Deed by Twenty Wayland, LLC to Twenty Wayland Infra LLC dated August 9, 2018 and recorded in Book 71481, Page 24 conveying Lot 9-1B on Plan No. 616 of 2015.
2. Notice of Contract by Bowdoin Construction Corp. naming BOS Retail 1, LLC, Owner recorded April 17, 2020 in Book 74489, Page 522.

Note: Neither a Statement of Account or a Compliant has been recorded.

3. Certificate of Compliance recorded August 6, 2018 in Book 71432, Page 361 and filed as Document No. 1794160.

Note: Affects Chapter 194 Permit filed as Document No. 1573436 which is not included on the prior report.

99 ROSEWOOD DRIVE – SUITE 220, DANVERS, MASSACHUSETTS 01923
25 BRAINTREE HILL OFFICE PARK – SUITE 301, BRAINTREE, MASSACHUSETTS 02184

MARSH, MORIARTY, ONTELL & GOLDER, P.C.

KP|Law

Katharine L. Klein, Esq.

March 22, 2022

The following encumbrances identified on my report ending May 7, 2018 affect the properties on Schedule A:

Encumbrance:

1. License and Easement Agreement to the Inhabitants of the Town of Wayland dated May 17, 1955 and filed as Document No. 294238.
2. Notice of Activity and Use Limitation dated October 21, 1997 and recorded in Book 27793, Page 141 and filed as Document No. 1044681.
3. Easement and Restriction Agreement dated October 21, 1997 and recorded in Book 27793, Page 167 and filed as Document No. 1044682, as affected by Amendment To Easement and Restriction Agreement dated November 13, 2008 and recorded in Book 53716, Page 187 and filed as Document No. 1516392, as further affected by Commercial Area Amendment To Easement and Restriction Agreement dated December 21, 2011 and recorded in Book 58135, Page 150 and filed as Document No. 1585835, as further affected by Residential Area Amendment To Easement and Restriction Agreement dated December 21, 2011 and recorded in Book 58135, Page 126 filed as Document No. 1585836.
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6. Supplemental Tax Agreement for Payment in Lieu of Taxes dated October 29, 2009 and recorded in Book 53713, Page 25.
7. Covenant dated September 27, 2011 and filed as Document No. 1577267 and recorded in Book 57537, Page 289.
8. Notice of Activity and Use Limitation dated December 21, 2011 and filed as Document No. 1585834 and recorded in Book 58135, Page 87, as affected by First Amendment of Notice of Activity and Use Limitation dated August 21, 2014 and filed as Document No. 1680817 and recorded in Book 64236, Page 51.
9. Grant of easement by Twenty Wayland, LLC and Wayland Town Center LLC to Boston Gas Company dated June 22, 2012 and filed as Document No. 1609747

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and recorded in Book 59674, Page 49.

10. Easement to NStar Electric Company and Verizon New England, Inc. dated June 14, 2012 and filed as Document No. 1610662 and recorded in Book 59729, Page 98.
11. Declaration of Easements, Covenants and Restrictions by Twenty Wayland LLC and Wayland Town Center LLC dated October 23, 2012 and filed as Document No. 1620720 and recorded in Book 60431, Page 111 as affected by amendments recorded in Book 63059, Page 17, Book 64951, Page 92 and Book 65899, Page 477.
12. Declaration of Restriction dated January 30, 2012 and filed as Document No. 1669332.
13. The benefit of Access Easement and Agreement dated June 19, 2012 and recorded in Book 60172, Page 136.

(Note: title to the burdened land was not examined)

14. Order of Taking for Sewer Easements dated June 16, 2014 and filed as Document No. 1673979 and recorded in Book 63800, Page 175.

Environmental Encumbrances:

15. Order of Conditions by the Wayland Conservation Commission (File No. 322-2) dated June 28, 1973 and recorded in Book 12502, Page 167.
16. Order of Conditions by the Wayland Conservation Commission (File No. 322-20) dated October 21, 1975 and recorded in Book 12892, Page 550.
17. Order of Conditions by the Wayland Conservation Commission (File No. 322-350) dated October 5, 1996 and recorded in Book 26764, Page 286, as affected by Certificate of Compliance recorded in Book 27977, Page 48.
18. Order of Conditions by the Wayland Conservation Commission (File No. 322-435) dated June 3, 1999 and filed as Document No. 1132095, as affected by Order of Conditions by the Wayland Conservation Commission dated July 1, 1999 and filed as Document No. 1132096.

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19. Order of Conditions by the Wayland Conservation Commission recorded in Book 36152, Page 51.
20. Order of Conditions by the Wayland Conservation Commission (File No. 322-553) recorded in Book 41163, Page 126 and filed as Document No. 1295524, as affected by Amended Order of Conditions recorded in Book 42121, Page 142 and filed as Document No. 1311354, as further affected by Extension Permit recorded in Book 48780, Page 362 and filed as Document No. 1431572, as further affected by Extension Permit recorded in Book 48780, Page 362, as further affected by Certificate of Compliance recorded in Book 55690, Page 351 and filed as Document No. 193851.
21. Order of Conditions by the Wayland Conservation Commission (File No. 322-564) recorded in Book 41559, Page 590 and filed as Document No. 1302006, as affected by Partial Certificate of Compliance filed as Document No. 1547793.
22. Wetlands and Water Resources Protection By-Law Permit (amending Order of Conditions - File No. 322-553) filed as Document No. 1311354 and recorded in Book 42121, Page 142.
23. Extension Permit filed as Document No. 1431572 and recorded in Book 48780, Page 362.
24. Order of Conditions (File No. 322-647) recorded in Book 48934, Page 277 and filed as Document No. 1434197, as affected by Certificate of Compliance recorded in Book 55704, Page 220.
25. Order of Conditions by the Wayland Conservation Commission (File No. 322-647) filed as Document No. 1434197.
26. Chapter 194 Permit by the Wayland Conservation Commission filed as Document No. 1572708 and recorded in Book 57244, Page 80.
27. Order of Conditions (File No. 322-752) filed as Document No. 1572709 and recorded in Book 57244, Page 90.
28. Superseding Order of Conditions (File No. 322-0701) recorded in Book 57284, Page 1.
29. Order of Conditions (File No. 322-762) filed as Document No. 1596515 and recorded in Book 58813, Page 155.

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30. Order of Conditions (File No. 322-744) recorded in Book 57282, Page 113, as affected by Certificate of Compliance recorded in Book 64252, Page 169, as further affected by Partial Certificate of Compliance recorded in Book 64252, Page 172.

Note: I cannot be certain all of the Orders of Conditions are applicable as the locations were based upon assessor map and parcel references. Zoning decisions and Planning Board permits and decisions are not included in this report

Copies of items 1, 2, and 3 will be delivered with this report. Please do not hesitate to contact me to with any questions.

Very truly yours,



Jeffrey L. Ontell

JLO:ljs

Enclosure

G:\cj\ 57124\report.3.22.22

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SCHEDULE A

1. Assessor Map 23, Lot/Parcel 052P
2. Assessor Map 23, Lot/Parcel 052O
3. Assessor Map 23, Lot/Parcel 052Q
4. Assessor Map 23, Lot/Parcel 052L
5. Assessor Map 23, Lot/Parcel 052M
6. Assessor Map 23, Lot/Parcel 052K
7. Assessor Map 23, Lot/Parcel 052I
8. Assessor Map 23, Lot/Parcel 052S

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SCHEDULE B

Map 23, Lot 052P

Twenty Wayland Other LLC

Deed – Document No. 1662381, Certificate of Title No. 255799

Lot 15 on Land Court Plan No. 17983I

Map 23, Lot 052O

Twenty Wayland, LLC

Deed – Document No. 1386382, Certificate of Title No. 234881

Lot 14 on Land Court Plan 17983I

Map 23, Lot 052Q

Twenty Wayland Other LLC

Deed – Document No. 1662381, Certificate of Title No. 255799

Lot 16 on Land Court Plan No. 17983I

Map 23, Lot 052 L

Twenty Wayland, LLC

Deed – Document No. 1386382, Certificate of Title No. 234881

Lot 4-1 on Land Court Plan No. 17983I

Map 23, Lot 052M

Bos Retail 1, LLC

Deed – Book 65899, Page 495

Lot 9-1A on Plan No. 616 of 2015

Map 23, Lot 052K

Twenty Wayland, LLC

Deed – Book 45981, Page 177

Lot 8-1 on Plan No. 305 of 2012

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Map 23, Lot 052I

Twenty Wayland Infra LLC

Deed – Document No. 1719525, Certificate of Title No. 261279

Lot 8 on Land Court Plan 17983I

Deed – Book 66628, Page 78

Lot 3-1 on Plan No. 305 of 2012

Deed – Book 71481, Page 24

Lot 9-1B on Plan No. 616 of 2015

Map 23, Lot 052S

Twenty Wayland, LLC

Deed – Book 45981, Page 177

Lot R-20 on Plan No. 305 of 2012



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TOWN OF WAYLAND

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

DRAFT Meeting Minutes **Select Board**

Monday, April 4, 2022
6:30 p.m.

Wayland Town Building: Council on Aging Room
41 Cochituate Road, Wayland, MA

Present: Thomas J. Fay, Adam G. Gutbezahl, Carol B. Martin, David Watkins

Absent: Cherry C. Karlson

Also Present: Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee

A1. Call to Order, Review the Agenda for Public: At 6:31 p.m., Chair, T. Fay called to order the meeting of the Select Board when a quorum was present. T. Fay announced each member by full name and that A. Gutbezahl was expected to arrive at 7:15 p.m. T. Fay noted the meeting would be recorded for re-broadcast and the ways in which the public could view and participate. T. Fay reviewed the agenda for the public.

A2. Announcements and Public Comment: C. Martin announced that the Community Preservation Committee (CPC) would be hold a public hearing on Wednesday, April 13, 2022 to review the CPC sponsored Warrant Articles for the 2022 Annual Town Meeting. C. Martin announced that there would be two public forums on April 12, 2022 for the proposed Council on Aging and Community Center and for the Loker Grass Field Construction.

Yau-Wu Tang, School Street, joined the meeting in person and announced that the Wayland Chinese-American Association would be sponsoring a Select Board Candidate Event on Zoom on Thursday, April 7.

Martin Dyroff, Green Way, joined the meeting in person, seeking advice regarding the need for a resolution for deteriorating conditions of the road and retention pond owned by the Greenways developer. T. Fay indicated that he would reach out to M. Dyroff.

Carole Plumb, Bald Rock Hill Road, joined the meeting via teleconference to comment on the Loker Grass Field Project's proposed irrigation system and asked if the Finance Committee was informed about an increase in operating costs to fund the water expense. C. Plumb also commented on the letter from the Economic Development Committee (EDC) in the packet, 212 Cochituate Road and recommended the Board be better at long-term planning.

George Harris, Holiday Road, joined via teleconference to comment on a recent Open Meeting Law Complaint which he submitted in regard to the Town Administrator evaluation process and asked that all Board members review a document being withheld by Town Counsel.

Alexia Obar, Dean Road, joined the meeting via teleconference to request that the Board hold a forum to explain the Town Manager Act. A. Obar asked that the Board maintain a list of current public and private developments in Town or hold a forum to inform the public.

A3. Executive Session:

I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Office of Civil Rights Complaint #01-22-1035 Wayland Public Schools.

II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (3), to discuss strategy with respect to New England Police Benevolent Association Local 176 Grievance #2022-0001, Step 3.

III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with: • International Association of Firefighters, AFL-CIO Local 178:

At 6:49 p.m., Chair T. Fay moved, seconded by D. Watkins, that the Select Board enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Office of Civil Rights Complaint #01-22-1035 Wayland Public Schools; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (3), to discuss strategy with respect to New England Police Benevolent Association Local 176 Grievance #2022-0001, Step 3; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with International Association of Firefighters, AFL-CIO Local 178.

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. Martin, D. Watkins. NAY: None. ABSENT: A. Gutbezahl, C. Karlson. ABSTAIN: None. Adopted 3-0.

Chair, T. Fay invited attendance by Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee and Human Resources Manager Kate Ryan. T. Fay noted that the Board would return from the Executive Session to resume the meeting in open session after approximately twenty-five minutes. At 7:15 p.m., the Board returned to open session. A. Gutbezahl joined the meeting in open session.

A4. Review and discuss next steps regarding American Rescue Plan Act (ARPA) funds: S. Crane presented a slide deck regarding funds in the amount of \$4,135,376 from the American Rescue Plan Act, specifically through the Coronavirus Local Fiscal Recovery Fund (CLRF). He explained that the funds could be used for eligible expenditures incurred between March 2021 and December 2024, but the funds could not be expended on regularly recurring expenses. S. Crane explained that the funds that must be obligated by December 31, 2024 and spent by December 31, 2026. S. Crane reviewed the eligible use categories: loss of public sector revenues, public health & economic response, premium pay for essential workers and water, sewer, & broadband infrastructure. S. Crane noted the funds could be spent on COVID-19 related revenue losses and summarized the Town's revenue lost. S. Crane reviewed various departmental requests for funds.

D. Watkins suggested the Board develop a process to accept and discuss proposals for the funds. T. Fay noted that there may be a benefit to have a forum or allow a comment period to accept ideas for the funds. There was further discussion regarding ideas for the possible use of the funds.

A5. 2022 Annual Town Meeting (ATM) a. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet b. Discussion of any other topics relevant to ATM:

C. Martin moved, seconded by A. Gutbezahl, to approve Article H Personnel Bylaws and Wage & Classification Plan as presented in the packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

There was a discussion regarding the revised language in Article K. New Stonebridge Resolution Expenditure of Funds as presented in the packet. T. Fay announced that Article (N) 21. Appropriate Funds to Construct a New Council on Aging and Community Center was reviewed by the Permanent Municipal Building Committee (PMBC) and recommended that the cost be reduced to \$11 million dollars.

A. Gutbezahl moved, seconded by D. Watkins, to support Article (N) 21. Appropriate Funds to Construct a New Council on Aging and Community Center for \$11 million dollars, as presented in the supplemental packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A6. Acting Town Manager Update a. Anti-Idling recommendations by the Energy & Climate Committee b. Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) portal c. Town Manager Act Transition Highlights d. Council on Aging/Community Center Project e. Update on May Music Festival:

A6.a. Anti-Idling recommendations by the Energy & Climate Committee (ECC): S. Crane reviewed a memorandum from the Energy & Climate Committee (ECC), which recommended signage to create awareness and encourage drivers to be mindful of idling vehicles. The sense of the Board was to support the ECC recommendation in the memorandum in the packet.

A6.b. Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) portal: S. Crane reported that the Town had established a voicemail portal and that the HRDEI Committee would be drafting an intake form to allow HRDEI to collect data while maintaining confidentiality, the portal would go live when the intake form was ready.

A6.c. Town Manager Act Transition Highlights: S. Crane recommended the Board discuss the topic of the Town Manager Act as an agenda item. He reported that he recently appointed the Town Clerk to a term ending seven days after the close of Annual Town Meeting. S. Crane encouraged the Select Board to determine signatory authority and review the Board policies and procedures, which he noted needed to be updated to reflect the changes created by the Town Manager Act.

A6.d. Council on Aging / Community Center (COA/CC): S. Crane reported that the Permanent Municipal Building Committee (PMBC) and Recreation Commission both voted to endorse the COA/CC project. T. Fay noted that the COA/Community Center is designed to be multigenerational and will benefit Council on Aging services and Recreation users as well. T. Fay reported that the Board would hold a public forum on April 12, 2022.

A6.e. Update on May Music Festival: S. Crane and J. Bugbee updated the Board that there would be a Music Festival planned on May 21, 2022 at Town Center. There was a discussion about liability and insurance coverage for the event.

A7. Discuss and potential vote to support final language for the Debt Exclusion ballot questions:

A. Gutbezahl moved, seconded by C. Martin, that the Select Board adopt the proposition 2 ½ ballot question language as presented in the supplemental packet. A. Gutbezahl withdrew the previous motion and moved, seconded by D. Watkins, that the Board approve the ballot question language on Page 21 of the supplemental packet, as amended by changing Council of Aging to Council on Aging and including a Council on Aging / Community Center. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A. Gutbezahl moved, seconded by D. Watkins, that the Board approve the ballot language for Loker Field as contained on Page 23 of the supplemental packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A8. Select Board Liaison Roles: discussion to clarify responsibilities of role; review policy and update as necessary: T. Fay reviewed the existing Board liaison policy and gave an overview of his experience as a liaison. S. Crane noted the liaison role may differ for a regulatory body compared to an advisory body. D. Watkins requested the Board determine a methodology on how to empower boards and committees, and to align the objectives of the boards and committees with the Select Board objectives. D. Watkins also recommended that the communication between liaisons and boards be formalized. S. Crane recommended that the Board achieve consensus on whether a liaison to a board or committee speaks on behalf of the Board, after the Board has discussed the topic. A. Gutbezahl expressed his preference for some uniformity among liaisons and to provide guidance for new board and committee members. C. Martin indicated that a liaison should serve as a resource for chairpersons and to support agenda development and open meeting law compliance.

A9. Open Meeting Law: discussion of complaint received on March 25, 2022 from resident George Harris; review and vote on response: T. Fay provided some background on the complaint filed on March 25, 2022 by resident George Harris. S. Crane reviewed his recent consultation with Town Counsel and noted that the Town Manager is not a member of the Select Board and therefore the update is not subject to Open Meeting Law. S. Crane expressed disagreement with the notion that the Select Board or its chair would be aware of the contents of the Town Manager's Report ahead of the meeting. S. Crane reported that other towns

provide a written report in the packet, Board members read and hear the report and do not participate in further deliberation. S. Crane noted that when further deliberation or action is required, the topic could be listed as an agenda item. S. Crane stressed the distinction between whether or not the Board is being transparent and whether or not the public is fully informed. S. Crane noted that the Board spends valuable time discussing and responding to complaints for an open meeting technicality at the expense of better local government and achieving the greatest good for the greatest number. D. Watkins noted that that it is good for the government to follow the law and provide information to the public.

D. Watkins moved, seconded by C. Martin, to authorize S. Crane in conjunction with the Chair and Town Counsel to provide a response to the Open Meeting Law complaint submitted by complainant George Harris dated March 25, 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A10. Consent: Review and Vote to Approve:

1. Vote the question of designating and approving signing authority to Stephen Crane, Acting Town Manager on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving sandwich board requests by the Wayland High School Scholarship Committee during the dates of Saturday, April 9-Saturday, April 16, 2022 at the Route 20/Old Connecticut Path by Coach Grill as well as the Old Connecticut Path and Cochituate Road (five paths).
4. Vote the question of approving the contract with Emerging Compound Treatment technologies, Inc. for construction services related to Happy Hollow Wellfield Treatment System for PFAS Removal OPP-2021-03-15-011153 Change Order #1. The appropriation number is 42451300 54199, and the line item is PFAS Remediation.
5. Vote the question of approving an amendment to include a Task Order for the contract with Tata & Howard, entitled "On-Call Engineering Services Contract NO. 18-2005 Task Order NO. 20 Baldwin Pond WTP Membrane Replacement Assistance" for Engineering Services associated with the Baldwin Pond WTP Membrane Replacement Assistance. The appropriation number is 61451002 52101, and the line item is Professional Services.
6. Vote the question of approving the five (5) year contract with Option Technologies International, LLC, for Electronic Voting Services for Town Meeting. The appropriation number is 10123002-52310, and the line item is Town Meeting Expense.
7. Vote the question of approving the Grant Award Acceptance-RRFR 223127 from the Department of Health for Local Support for COVID-19 Case Investigation and Contact Tracing-total \$242,875.00.
8. Vote the question of approving invoice #136085 with KP Law for legal services through February 28, 2022 in the amount of \$15,020.64.
9. Vote the question of approving invoice #136086 with KP Law for legal services through February 28, 2022 in the amount of \$120.00.
10. Vote the question of authorizing Acting Town Manager Stephen Crane to approve and extend existing outdoor dining permits for sixty days subject to a full department review and full inspection.
11. Vote the question of approving the Memorandum of Agreement between the Town of Wayland Public Employee Committee (PEC) from July 1, 2022 through June 30, 2025.
12. Vote the question of approving \$2,500.00 in funding from the Automated External Defibrillator Equipment Program offered by the Executive Office of Public Safety and Security's Office of Grants and Research (OGR).
13. Vote the question of approving the contract with Leo Vigeant Co. Inc. for the purpose of the cleaning of catch-basins.

A. Gutbezahl moved, seconded by D. Watkins, to approve the Consent Calendar. A. Gutbezahl rescinded the motion and moved, seconded by D. Watkins, that the Board approve the Consent Calendar while modifying Items #1 one to state Acting Town Manager instead of Administrator and modifying Items# 10 to replace

“for sixty days” with “until April 1, 2023.” Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A11. Minutes: Review and vote to approve the minutes of March 14 and March 21, 2022:

C. Martin moved, seconded by A. Gutbezahl, that the Board approve the minutes of March 14, 2022 and March 21, 2022, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A12. Correspondence: The Board reviewed the correspondence in the packet. C. Martin announced correspondence from the Massachusetts Department of Public Utilities regarding two hearings that would be held on May 3 and May 5 regarding the reduction of emissions.

A13. Selectmen’s Reports and Concerns: A. Gutbezahl reported that the Town Crier would no longer print paper newspapers and noted the need to change the Board’s policy regarding where the Board posts notices. S. Crane reported that Town Counsel opined on alternative mediums for posting notices. S. Crane noted that there was a recent press release regarding the remediation of per-and Polyfluoroalkyl substances (PFAS) in the drinking water. S. Crane reported that the Town would be phasing out the rebate program and the water levels were below the state’s Maximum Contaminant Level (MCL) thresholds, he expected the Town would be released from non-conformance with MassDEP. C. Martin reported on a recent Boston Globe article regarding tax lien law and asked S. Crane for the FY 2022 Quarter 1 and Quarter 2 reports. S. Crane indicated he would provide the reports soon. T. Fay reported that he had attended the Diversity Town Hall event at the First Parish Church and commended D. King and members of the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC) for organizing the event. T. Fay also acknowledged some concerns raised by Board members regarding the budget, and suggested it would be worth considering a cost savings initiative in conjunctions with the Finance Committee and the School Committee.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A15. Adjourn: At 9:50 p.m., C. Martin moved, seconded by D. Watkins, that the Board adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

Items included in the packet and updated during the Board of Selectmen Meeting of April 4, 2022:

1. Agenda: Board of Selectmen Meeting, April 4, 2022 6:30 p.m.
2. Notice: Re: Notification of Free Cash Approval - Town of Wayland; From: D.A.Wagner, Director of Accounts, Massachusetts Department of Revenue Division of Local Services (DOR-DLS) cc: Board of Assessors, Geoffrey E. Snyder, Commissioner Sean R. Cronin, Senior Deputy Commissioner of Local Services, sent: Wednesday, March 30, 2022; with attached charts
3. Table: Article List 2022 Annual Town Meeting, revised March 28, 2022
4. Draft: Article H Personnel Bylaws and Wage & Classification Plan
5. Draft: Article K. New Stonebridge Resolution Expenditure of Funds with attachments
6. Memorandum: To: Select Board From: Energy & Climate Committee (ECC); Anne Harris, Co-Chair cc: Energy and Climate Committee members Date: March 20, 2022 Subject: Recommendations for Idle Reduction Policy; via email: From: Harris, Anne, Co-Chair Energy & Climate Committee, Sent: Thursday, March 24, 2022 10:20:08 AM
7. Memorandum: Re: 212 Cochituate Road Potential Use; From: Becky Stanizzi, Chair of Economic Development Committee (EDC) To: Select Board, Municipal Affordable Housing Trust Fund (MAHT) Board, Wayland Housing Authority, Wayland Housing Partnership, Planning Board Date: March 24, 2022
8. Memorandum: Re: Proposed Redevelopment of Wayland Village (297 Boston Post Road) ; From: Becky Stanizzi, Chair of Economic Development Committee (EDC) To: Select Board, Planning Board; Wastewater Management District Commission (WWMDC) Date: March 24, 2022
9. Plans: Re: Proposed Council on Aging / Community Center Project; 1) BETA Group Plan 01; 2) DAI Proposed First Floor Plan A-200

10. Letter: Legal Notice Re: Aerial Applications to Control Mosquito Larvae; From: Brian Farless Superintendent; Commonwealth of Massachusetts State Reclamation & Mosquito Control Board East Middlesex Mosquito Control Project
11. Board Policy: Policy on Proposition 2½ Ballot Questions², Adopted on November 12, 2002; revision prepared October 1, 2010
12. Board Policy: Policy on Liaison Program, Approved on May 1, 2017.
13. Letter: Response to Complaint of George Harris dated March 4, 2022 To: C. Benedon, Esq. Director, Division of Open Government, Office of the Attorney General, Re: Town of Wayland Board of Selectmen, From: T. Fay; with attachments
14. Open Meeting Law Complaint Form: filed by complainant George Harris, dated March 25, 2022 with attached exhibits
15. Draft: Board of Selectmen Meeting Minutes March 14, 2022

Supplemental Packet:

1. Draft: Article 21. Appropriate Funds to Construct a New Council on Aging and Community Center
2. Slide deck: American Recovery Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund Final Rule Summary, dated April 4, 2022, 13 slides
3. Draft: Article Motion and Ballot Questions for Article 21. Appropriate Funds to Construct a New Council on Aging and Community Center
4. Draft: Article Motion and Ballot Questions for Article 25. Loker Grass Field Construction
5. Draft: Board of Selectmen Meeting Minutes March 21, 2022

Items Distributed For Information and Use By the Board during the Meeting of April 4, 2022 Otherwise Not Included In The Packet (Handouts):

1. There were none.

Correspondence

1. Correspondence from Anette Lewis to Select Board dated March 18, 2022 re: correspondence from February 28, 2022.
2. Correspondence from the Town Clerk to Select Board dated March 21, 2022 re: the resignation of Susan Green from the Board of Health.
3. Correspondence from Brian O’Herlily to Select Board dated March 22, 2022 re: 212 Cochituate Road.
4. Correspondence from Alice Boelter to Select Board dated March 22, 2022 re: audio during Select Board meetings as well as potentially returning to the Select Board meeting room for the meeting location.
5. Correspondence from Brian O’Herlily to Select Board dated March 23, 2022 re: 212 Cochituate Road.
6. Correspondence from Gretchen Schuler to Select Board dated March 23, 2022 re: the Community Preservation Committee’s Public Hearing on April 13, 2022.
7. Correspondence from George Harris to Select Board dated March 23, 2022 re: the posting of regular meeting minutes.
8. Correspondence from Paul and Gretchen Dressens to Select Board dated March 23, 2022 re: the cleanup of the gas station on the corner of Main Street and West Plain Street.
9. Correspondence from Thomas Antonellis to Select Board dated March 23, 2022 re: the Wayland Youth Fishing Derby 2022.
10. Correspondence from Dovie King to Board of Selectmen dated March 24, 2022 re: Wayland Diversity Town Hall.
11. Correspondence from Elaine K. Donnelly to Select Board dated March 25, 2022 re: the Cable Advisory Committee’s upcoming negotiation with Verizon on WayCAM behalf.
12. Correspondence from Doug Leard to Select Board dated March 28, 2022 re: a proposed “built-in generator” in the new COA Community Center.
13. Correspondence from Karen Moriarty to Select Board dated March 29, 2022 re: Notice of Filing and Public Hearing issued by the Department of Utilities. Re: “the role of gas local distribution companies as the Commonwealth achieves its target 2050 climate goals.”
14. Correspondence from Michael Babineau, Arborist with Eversource Energy, to Board of Selectmen dated March 15, 2022 re: vegetation work scheduled to begin in the Winter-Spring 2022 across the Town of Wayland, west of 376 Boston Post Road.

15. Correspondence from Elizabeth Hughes from the Town of Concord to Select Board dated March 30, 2022 re: the Town of Concord's comment letter to Secretary Michael Kennealy of the Executive Office of Housing and Economic Development regarding the DHCD draft MBTA Communities Compliance Regulations.



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SELECT BOARD
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DRAFT Meeting Minutes **Select Board**

Tuesday, April 12, 2022

5:45 p.m.

Wayland Town Building: Council on Aging Room
41 Cochituate Road, Wayland, MA

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

Also Present: Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee

A1. Call to Order, Review the Agenda for Public: At 5:46 p.m., Chair, T. Fay called to order the meeting of the Select Board when a quorum was present. T. Fay announced each member by full name and that A. Gutbezahl and C. Karlson were expected to arrive late. T. Fay noted the meeting would be recorded for re-broadcast and the ways in which the public could view and participate. T. Fay reviewed the agenda.

A2. Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of March 21, 2022 and April 4, 2022; Approve and Hold: Executive Session minutes of March 21, 2022 and April 4, 2022 II. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel (Acting Town Manager).

At 5:47 p.m., Chair T. Fay moved, seconded by D. Watkins, that the Select Board enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the Executive Session minutes of March 21, 2022; Approve and Hold: Executive Session minutes of March 21, 2022; and pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel, Acting Town Manager.

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. Martin, D. Watkins. NAY: None. ABSENT: A. Gutbezahl, C. Karlson. ABSTAIN: None. Adopted 3-0.

Chair, T. Fay invited attendance by Acting Town Manager Stephen Crane. T. Fay noted that the Board would return from the Executive Session to resume the meeting in open session after approximately forty-five minutes. At 6:31 p.m., the Board returned to open session.

Present: C. Karlson joined the meeting in open session.

A3. Public forum to review and discuss ATM Article 21, Council on Aging/Community Center Project: At 6:32 p.m., T. Fay opened the forum with a summary of the project history, and acknowledged that Article 21 was a culmination of the efforts over many years by residents and staff, which included two prior public forums and two prior resident surveys.

T. Fay reviewed the proposed location for the COA/CC at Wayland Town Center, which was initially approved at the 2006 Town Meeting. In 2014, the Board established a Council on Aging Community Center Advisory Committee charged to study the feasibility of redeveloping the unfinished building at 400-440 Boston Post Road. At the 2015 Town Meeting voters authorized the Select Board to negotiate the acquisition of the municipal parcels where the proposed COA/CC building sits. At the 2018 Annual Town Meeting, a super majority of voters approved funding to prepare design documents for a COA/CC, with work to commence upon acquisition of the parcels. Initial design studies were created, and the Council on Aging Community / Center Advisory Committee was disbanded after having completed its charge.

T. Fay noted more recently in 2020 and 2021, there were lengthy negotiations that did not result in an agreement with Twenty Wayland, LLC, regarding the ownership of the municipal parcels, so the Select Board pursued negotiations with the owner of the Town Center, X-Golf to possibly purchase a separate parcel behind X-Golf. T. Fay reported that the negotiations for the X-Golf parcel proved fruitless, while negotiations with Twenty Wayland, LLC continued. The Select Board approved a Settlement Agreement with Twenty Wayland, LLC in January 2022 which placed the municipal parcels under agreement, a closing on the land is expected by June 30, 2022.

T. Fay reported that as a result of the settlement with Twenty Wayland, LLC, the Town Administrator established a Council on Aging / Community Center Working Group comprised of town staff and board and committee members. The working group soon after secured DiGiorgio Associates, Inc. (DAI) an architectural firm from the Town's pre-qualified on-call firms. T. Fay reported that DAI had created a schematic design and cost estimates that would be presented at the forum.

T. Fay summarized that the project was essentially a renovation of the existing building, but for two new entrance vestibules, needed to comply with the building code. T. Fay reported that while the Council of Aging would plan to utilize the facility during weekdays, the facility would serve residents of all ages given its ability to host meetings, activities and programs, including Recreation programs on nights and weekends.

T. Fay noted that many ideas have been conveyed as to what should be included within a new COA/CC, including a new gymnasium, or town offices, but due to the cost and Conservation restrictions, the final design does not include these items. T. Fay noted that the proposed renovation would include solar panels and the design has a goal of net-zero greenhouse gas emissions. The project area will include walking trails that will permit residents to further enjoy the Sudbury River and the nearby Conservation areas.

T. Fay noted that the working group representatives have met with the Planning Board regarding Site Plan Review and it would continue to work with the Planning Board, the Conservation Commission, and other boards and committees that have a role in the process. T. Fay reported that the Town's Permanent Municipal Building Committee (PMBC) had reviewed the architects' estimate of \$8.4 million dollars and approved an \$11 million dollar budget, which added contingencies. T. Fay announced that there would be a debt exclusion ballot question on the Tuesday, May 10, 2022 ballot for the COA/CC project and that 2022 Town Meeting voters would have the opportunity to vote on the funding of the project on Sunday, May 15, 2022.

T. Fay introduced architect, John Zychowicz, Vice President, Design of DiGiorgio Associates, Inc. to present the schematic design and Council on Aging Board members Bill Sterling and Mark Foreman were present to answer any questions. J. Zychowicz presented a proposed conceptual schematic plan with parking and access routes, a building floor plan and various exterior site elevations.

Kathy Heckscher, Rich Valley Road, joined the meeting in person, asked where the solar panels would be located. J. Zychowicz answered that they would be located on the roof.

Barbara Scolnick, Magnolia Drive, joined the meeting via teleconference and asked about adding a second floor to the existing building. J. Zychowicz answered that the plan was to include just one main level with an attic for mechanical functions. B. Scolnick also asked about windows on the main level and if a gymnasium would be included. J. Zychowicz described the windows and there was not a gymnasium planned. B. Scolnick asked about environmental concerns on the site. B. Keefe, Public Buildings Director answered that there was an Environmental Site Assessment being conducted, in addition to a previous 2015 study and that the site was also being tested for PFAS in the soil.

Sue Flykoff, Lillian Way, an abutter, joined the meeting in person and asked about the location of the solar panels and the entrance to the parking lot off of Lillian Way. J. Zychowicz indicated the panels would be on the roof, and described the access to the parking lot off of Lillian Way. S. Flykoff asked if the Board had considered any policy regarding hours for evening use of the building and if alcohol would be allowed. C. Karlson noted that alcohol was not permitted on Town property without a license from the Select Board for which there would be a public hearing.

Rawson Hubell, 25 Lillian Way, joined the meeting via teleconference and asked how the number of needed parking space was determined. B. Sterling, Council on Aging Board explained the formula used to determine the appropriate parking spaces needed for this Council on Aging/Community Center Building. R. Hubell asked a question about fuel service to the building. J. Zychowicz answered there wouldn't be fuel service to the building.

Present: A. Gutbezahl arrived at 7:00 p.m.

Kay Gardner-Westcott, Richard Road, joined the meeting in person and asked if there was adequate storage and the size of staff offices. J. Zychowicz and J. Secord answered there was storage space planned and the staff were satisfied with the size of the office spaces.

Neil Gordon, 1 Trinity Place, joined the meeting in person and congratulated the Select Board for moving the project along, he asked about the mold in the existing building which has been vacant for 20 years. J. Zychowicz answered that the plan was to remove all existing structures with the exception of the frame of the building.

Anette Lewis, Claypit Hill Road, joined the meeting via teleconference and asked J. Zychowicz to show where the building could be expanded or how much it could be expanded in the future. A. Lewis noted there was underground piping from the Wastewater Treatment Plant that would obstruct any expansion.

C. Martin reported that the Local Emergency Planning Committee (LEPC) recommended to install a generator in the building so the building could be used as a shelter in emergency situations. S. Crane noted that the workgroup received and discussed the recommendation with the Fire and Police Chief and opted to invest in a portable generator with a connection point at the COA/CC building, and the building would be used more as warming and cooling station for extreme weather.

B. Scolnick, Magnolia Drive, re-joined the meeting via teleconference and noted that A. Lewis confirmed the building could not be expanded and asked if the officials were aware of the easement. B. Sterling responded that the easement A. Lewis referenced was believed it to be beyond the back of the existing building where the walking trail is shown on the site plan. B. Sterling indicated that the workgroup and the architect were aware of the wastewater easement for about ten years and opined it would not impede any future expansion.

The Board went into recess and resumed in open session at 7:30 p.m.

A5. Consent: Review and Vote to Approve:

1. Vote the question of designating and approving signing authority to Stephen Crane, Acting Town Manager on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote to authorize the Town Manager to execute and award all contracts up to \$100,000 in annual value pursuant to Section 6 (f) of Chapter 33 of the Acts of 2022 (the Select Board-Town Manager Act).
4. Vote the question of approving the Proposed Request for Proposals (RFP) document-Town Manager Recruitment Services. The appropriation number is 10122002-52100, and the line item is Select Board expenses, contractual service.
5. Vote the question of approving the three (3) year contract with Melanson, Heath, and Co., P.C. for financial audit services. The appropriation number is 10135002-52100, and the line item is Contractual Services Expense.
6. Vote the question of approving a new Task Order #19 for contract number 18-2003 with TEC, Inc. for On-Call Engineering Services regarding Stormwater drainage. The appropriation number is 40457300-54199, and the line item is Stormwater.
7. Vote the question of approving invoice #135264 with KP Law for legal services through December 31, 2021 in the amount of \$3,266.27.
8. Vote the question of approving invoice #135265 with KP Law for legal services through December 31, 2021 in the amount of \$60.00.

9. Vote the question of approving invoice #135442 with KP Law for legal services through January 31, 2022 in the amount of \$9,440.26.
10. Vote the question of approving the Unicon School Student Storage Contract to perform all work required for the project known as “22-1078-IFB Wayland Elementary Schools Student Storage”. The appropriation number is 41607964-54199-3881, and the line item is FY2022 School Capital.

C. Karlson moved, seconded by A. Gutbezahl, to approve the Consent Calendar. In discussion, the Board discussed Item #3 and Item #4. A. Gutbezahl recommended Item #3 and Item #4 be omitted from the Consent Calendar and be discussed at a future meeting. C. Karlson amended the motion to approve the Consent Calendar and exclude items #3 and #4, seconded by A. Gutbezahl. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A6. Minutes: Review and vote to approve the minutes of April 4, 2022: No action was taken on the minutes of April 4, 2022.

A7. Correspondence: The Board reviewed the correspondence in the packet. A. Gutbezahl thanked Kaat Vander Straeten for her service to the Energy and Climate Committee. A. Gutbezahl acknowledged correspondence from M. Lowery regarding the Special Town Meeting articles and requested an update on the 2021 Special Town Meeting articles. C. Martin noted there may be a need to review the five priorities for the Board and discuss the next priorities on which to focus. C. Karlson reviewed the five priorities that were identified by the Board during the transitional period of the Town Administrator to the now Acting Town Manager; the five priorities were American Rescue Plan Act (ARPA), 2022 Annual Town Meeting, collective bargaining negotiations, supporting staff to prepare for capital projects that were planned to be completed in FY2022, and the River’s Edge project. C. Martin referenced a letter from the Department of Revenue and a letter sent by M. Wegerbauer regarding concern for traffic related to the proposed childcare center in Weston. S. Crane reported that he had coordinated with the Town Planner, Weston’s Planning Board and Weston Town Administrator and recommended that Weston postpone the scheduled hearing to allow the Town of Wayland time to review the proposal with the Wayland Planning Board.

A8. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: C. Martin noted that there would be a Candidates Night event hosted by the League of Women Voters on Thursday, April 14, 2022 on Zoom. The link was available on the League of Women Voters website.

The Board went into recess and resumed in open session at 8:00 p.m.

A3. Public joint forum with Recreation Commission to review and discuss ATM Article 25, Loker Grass Field Construction: At 8:00 p.m., T. Fay opened the forum with a summary of the project proposed as Article 25: Loker Grass Field Construction, cosponsored by the Recreation Commission. T. Fay summarized that the Loker property was purchased by the Town for \$1.7 million dollars in 2000. T. Fay noted that there had been three field designs on the property, first as a baseball field, then as a multi-field site, and later a synthetic turf field. T. Fay noted that at the 2021 Special Town meeting in October, 82% percent of voters approved a three year moratorium on synthetic turf playing fields and 73% percent of voters supported an article to design a grass field at the Loker Recreation Area. The arguments made supporting a new field at the Loker site included referencing expert studies demonstrating that: a) approximately 6,000 children, adults, and seniors use Wayland recreation sites annually and b) the current Town fields are significantly over-utilized, deteriorating, and are deficient. T. Fay reported that the Town meeting votes last October were a big reason why the Select Board joined with the Recreation Commission to sponsor a grass Loker Field article, which was unanimously supported by the Select Board and Recreation Commission. T. Fay reported that the Permanent Municipal Building Committee (PMBC) had reviewed the designers’ estimate of \$2.7 million dollars and approved a \$3 million dollar budget, which added contingencies. He added that the Conservation Commission supported the permit and would issue an order of conditions with a vote of 3-1.

T. Fay noted that apart from the surfacing, which was now planned for natural grass, most other aspects of the project remained the same: the sports lighting, parking lot, storm water, and avoidance of wetland and historically sensitive areas. T. Fay reported that the project was ready to go.

A quorum of the Recreation Commission called to order its posted meeting. T. Fay introduced the project designers from Weston & Sampson Engineers, Inc. Brandon Kunkel and Amanda Gaal; as well as Town officials: Facilities Director Ben Keefe, Recreation Director Katherine Brenna and DPW Superintendent Joe Doucette. B. Kunkel presented a slide deck covering the project timeline, parking and traffic, lighting, irrigation, environmental protection as well as the storm water control plans. B. Kunkel reported he expected for the Town to bid the project in the coming days and know a true cost of the project by May 12.

David Bernstein, Glezen Lane, joined the meeting in person and asked what metric was used to indicate the quality of drainage to determine if the field could be used sooner rather than later after a rain. B. Kunkel explained how the design team quantified the storm water drainage, he added that there was an 80:20 ratio of sand to organic material, which was also reason why the irrigation system was needed. B. Kunkel indicated it was a premium drainage plan that would be able to capture rainfall within the field without any runoff up to a six inch storm event, and added if more drainage was added it would starve the grass of needed moisture. D. Bernstein asked about repositioning the field. K. Brenna explained how the field can be striped for different uses. B. Wright spoke about how many of Wayland fields cannot be rotated but can be repositioned, and noted that the Loker site does not allow for shifting because of the Conservation restrictions. D. Bernstein asked if there was a slide regarding the cost estimate. K. Brenna presented the Cost Estimate slide showing the \$2.7 million dollar estimate and the total of \$3.0 million dollar project total to account of unprecedented bid environment. B. Wright also indicated that there was also approximately \$507,000 of funds that would offset the borrow amount if approved at Annual Town Meeting.

Carole Plumb, Bald Rock Road, joined the meeting via teleconference and asked about the impact of the water costs due to the irrigation system and suggested that a cistern be considered. K. Brenna answered that the users of the field pay fees that cover the irrigation costs. B. Kunkel answered that tying into the existing water system was more reliable than a cistern. C. Plumb asked about how the light bulbs would be changed and if DPW had equipment that could reach the light bulbs. K. Brenna answered that the lighting system comes with a 25 year warranty and the manufacturer provides the service to replace the bulbs. C. Plumb asked if the 6" screen to keep the crumb rubber on the field would still be installed on the fence. B. Kunkel noted there was no need to contain crumb rubber, but the Conservation Commission had not issued a final order of conditions. C. Plumb asked if there was an alternate plan if ledge was encountered. B. Kunkel reported that ledge was not expected to be encountered and the contingencies would cover any added costs for encountering ledge.

Paul Dale, Grace Road, joined the meeting in person and expressed concern that the Town could get a lot more playing hours on an artificial field than one could get on a natural grass field, estimated to be between 400-600 annual hours on a grass field. B. Kunkel explained the industry standard of public recreational fields given the averages given the available operations and maintenance. B. Kunkel added that the number of hours is really reflective of the operations and maintenance programs, and Wayland currently averages about 1,000 hours on its fields. The Loker grass field will not give as many hours as a synthetic turf field. B. Wright added that different types of use and users can change how many total hours a field can supply. B. Kunkel reported that from a design and engineering standpoint, Wayland was getting a top of the line field that would provide the most opportunity for success, with a combination of seed varieties so that you get the early spring, and then summer, late fall growth; and it depends on the operations and maintenance plan, and rest periods are vital.

David Bernstein, Glezen Lane, noted that the irrigation plan shows one small corner of the field not being fully irrigated, and asked what that is going to mean operationally. B. Kunkel noted it was an order from the Conservation Commission. K. Brenna noted there was one corner of Town Building field without irrigation heads due to the proximity to the wetlands.

Cliff Lewis, Claypit Hill Road, joined the meeting in person and asked if there was room for spectators and parking for spectators. B. Kunkel noted that there were 63 spaces in the parking lot and the team felt that was an adequate number of spaces for one field.

Kay Gardener-Westcott, joined the meeting in person and asked how many hours the field would be rented out to out-of-town users. K. Brenna answered that because Wayland does not currently have enough field space for its existing in-town users, the field would not likely be rented to out-of-town groups.

D. Pearlman, Pequot Road, Recreation Commission joined the meeting in person and asked about the expected costs. K. Brenna explained that the \$3 million dollars was the ceiling for the project's cost estimate, and as comparison that the previous Loker Turf Project had a \$3.75 million estimate and the lowest bid was \$2.1 million, but that was prior to the pandemic. K. Brenna reported that team was working on an estimated average cost per household for Annual Town Meeting. A. Gutbezahl noted that the bond rates are at a historic low, but if the project is delayed the costs could certainly be expected to go up. The Recreation Commission adjourned its meeting.

A9. Adjourn: At 8:58 p.m., C. Karlson moved, seconded by A. Gutbezahl, that the Board adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Items included in the packet and updated during the Board of Selectmen Meeting of April 12, 2022:

1. Article 25. Loker Grass Field Construction

Supplemental Packet:

2. Article 21. Appropriate Funds to Construct a New Council on Aging and Community Center

Items Distributed For Information and Use By the Board during the Meeting of April 12, 2022 Otherwise Not Included In The Packet (Handouts):

1. Slide Deck: DAI Associates, site plans for COA/CC
2. Slide Deck: Weston & Sampson Public Forum presentation, B. Kunkel, A. Gaal, dated April 12, 2022
3. Slide Deck: Recreation, K. Brenna, re: Loker Grass Field Cost Estimates

Correspondence

1. Correspondence from Mike Lowery to Select Board dated April 8, 2022 re: status of study of 195 Main St. for field use.
2. Correspondence from the Town Clerk to Select Board dated April 7, 2022 re: Kaat Vander Straeten's resignation from the Energy and Climate Committee.
3. Correspondence from Department of Revenue to Board of Selectmen dated February 23, 2022 re: annual lists of all new and renewed licenses to conduct a business trade or profession issued during the previous calendar year.
4. Correspondence from Michael Wegerbauer to Select Board dated April 8, 2022 re: Proposed day care facility on 863 Boston Post Road in Weston