

Packet

October 3, 2022

7:00 PM



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

STEPHEN CRANE
ACTING TOWN MANAGER
TEL. (508) 358-3620
www.wayland.ma.us

SELECT BOARD

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

WAYLAND TOWN CLERK
OCT 29 PM 3:53

SELECT BOARD Monday, October 3, 2022

7:00 p.m.

HYBRID

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

Agenda

Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. All topics may be subject to deliberation and vote

One may watch or may participate remotely with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid>.

Pursuant to Chapter 107 of the Acts of 2022, this meeting will be conducted in person and via remote means, in accordance with applicable law. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

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.

- 7:00 pm 1. Call to Order, Review Agenda for Public
- 7:02 pm 2. Announcements and Public Comment
- 7:10 pm 3. 27 Sherman's Bridge Road: review and approve real estate closing documents
- 7:20 pm 4. ARPA: discussion and approval of funds for emergency MWRA connection
- 7:35 pm 5. Affordable Housing Discussion: status of potential locations; Housing Production Plan follow up items; Housing group charges and reporting structures; next steps
- 8:05 pm 6. Town Manager Recruitment:
 - a. Update on process
 - b. Review and approve brochure
 - c. Screening Committee: create charge
 - d. Job Description
 - e. Clarification of Board member contact with consultant
- 8:30 pm 7. Open Meeting Law – request for documents: request for regular and executive session minutes by resident George Harris; discussion of next steps

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

- 8:35 pm 8. Acting Town Manager position: discussion of succession planning including potential approval of current Assistant Town Manager John Bugbee as Acting Town Manager beginning on or about November 1, 2022; authorization for additional contractual management assistance; next steps
- 9:00 pm 9. Acting Town Manager Update
- a. Glezen Lane traffic studies and sidewalk installation cost estimates
 - b. Loker field update
 - c. Snake Brook Dam comfort letter
 - d. All in Energy letter
 - e. Safety Committee meeting
- 9:30 pm 10. Minutes: review and approve the minutes of September 12, 2022 and September 19, 2022.
- 9:35 pm 11. Consent
- 9:40 pm 12. Review Correspondence
- 9:45 pm 13. Select Board Members' Reports and Concerns
- 9:55 pm 14. Topics not Reasonably Anticipated by the Chair 48 hours in advance, if any
- 10:00 pm 15. Executive Session
- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7), to review and consider for potential release the following executive session minutes related to discussing strategy with respect to collective bargaining with:
 - Local 690 Wayland-1 American Federation of State, County, and Municipal Employees (AFSCME 690 Wayland-1)
 - Local 690 Wayland-2 American Federation of State, County, and Municipal Employees (AFSCME Local 690-2)March 15, 2021, June 14, 2021, July 26, 2021, September 2, 2021, October 4, 2021, November 22, 2021, December 13, 2021, December 20, 2021, January 3, 2022, January 10, 2022, January 18, 2022, January 24, 2022, March 14, 2022, and March 21, 2022; and
 - II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7), to review and consider for potential release the August 29, 2022 executive session minutes related to reviewing the minutes of David Bernstein v. Planning Board of Wayland et al and with respect to litigation Duane Galbi v. Wayland Zoning Board of Appeals and CELLCO Partnership d/b/a Verizon Wireless.

SELECT BOARD
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HYBRID

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10:30 pm

16. Adjourn



TOWN OF WAYLAND
MASSACHUSETTS
01778

CONSERVATION DEPARTMENT

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
conservation@wayland.ma.us

DATE: September 26, 2022
TO: Stephen Crane, Acting Town Manager; Select Board
FROM: Linda Hansen, Conservation Administrator
SUBJECT: 27 Sherman Bridge Road Purchase & Sale Agreement

The Select Board agenda packet includes a Purchase & Sale Agreement for 27 Sherman Bridge Road signed by the current owners of the estate. Katie Klein, of KP Law, prepared the Purchase & Sale Agreement on behalf of the Conservation Commission. The current owners have signed this agreement with the closing scheduled for November 22, 2022.

Approximately a year ago, Keystone Development submitted applications to the Planning Board and Conservation Commission for a 5-house conservation cluster subdivision at 57 Sherman Bridge Road. The developer withdrew his applications, allowing the current owners to offer the property to the Conservation Commission for the preservation of open space. This parcel has been listed in the Open Space and Recreation Plan (2106) for preservation due to its high natural resource value and connectivity to other open space parcels.

The timeline:

October 19, 2021	The Conservation Commission unanimously voted to submit a CPC application for the acquisition of 27 Sherman Bridge Road
November 16, 2021	Avery Associates provided an appraisal for the property funded by CPC
January 5, 2022	The Conservation Commission voted to approve the revised CPC application
January 12, 2022	The Community Preservation Committee voted to approve \$1.5 million for the acquisition of 27 Sherman Bridge Road
May 14, 2022	Article 15 proposed by the CPC was approved at Town Meeting with a vote of 155-2 to acquire 27 Sherman Bridge Road

PURCHASE AND SALE AGREEMENT

1. Information and Definitions

(a) DATE OF AGREEMENT: _____, 2022

(b) PREMISES: A parcel of land, with any improvements thereon, located on Sherman Bridge Road (formerly known as Sudbury Road), Wayland, containing 8.34 acres, more or less, shown as Assessors Map 07-023F, and described in a deed recorded with the Middlesex South District Registry of Deeds in Book 25958, Page 306. See also Affidavit Under M.G.L. c. 183, §5B recorded with said Registry in Book 77486, Page 32.

(c) SELLER: **William Alan Dunlay and Kathleen Elizabeth Dunlay, Successor Co-Trustees of the 27 Sherman Bridge Road Realty Trust** u/d/t November 13, 1995 and recorded with said Registry of Deeds in Book 25958, Page 301, c/o William Alan Dunlay, 825 River Road, Hollis Center, ME 04042 and c/o Kathleen Elizabeth Dunlay, 27 Sherman Bridge Road, Wayland, MA 01778

Seller's Attorney:

Phone: _____ Fax: _____

Email: wdunlay@gmail.com kathleendunlay@icloud.com

(d) BUYER: **Town of Wayland**, 41 Cochituate Road, Wayland, MA 01778

Buyer's Attorney: Katharine Lord Klein, Esq., KP Law, P.C., 101 Arch Street, Boston, MA 02110

Phone: (617) 654-1834 Fax: (617) 654-1735

Email: kklein@k-plaw.com

(e) PURCHASE PRICE: The total purchase price for the Premises is One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), which sum is to be paid (subject to adjustments) at the time of delivery of the deed by certified,

Town Treasurer's check, bank check or by wire transfer, at BUYER'S discretion.

- (f) CLOSING DATE: November 22, 2022, at 11:00 a.m. (or an earlier date, upon BUYER providing SELLER at least seven (7) days' prior written notice thereof). Time is of the essence.
- (g) PLACE: Middlesex South Registry of Deeds, or a closing by mail, at BUYER'S election.
- (h) TITLE: Quitclaim Deed

2. Covenant. SELLER agrees to sell and BUYER agrees to buy the Premises upon the terms hereinafter set forth.

3. Buildings, Structures, Improvements, Fixtures. Included in the sale as a part of said Premises are the buildings, structures, and improvements now thereon, and the fixtures used in connection therewith including, if any, all wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, garbage disposers, electric and other lighting fixtures, chandeliers, mantels, outside television antennas, fences, gates, trees, shrubs, plants, built-in refrigerator, ventilators, and dishwashers. **BUYER agrees to demolish the existing single-family residence located at the Premises within twelve (12) months from the closing.**

4. Title Deed. Said Premises are to be conveyed by a good and sufficient quitclaim deed running to BUYER, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except: (a) provisions of existing building and zoning laws; (b) such taxes for the then current year as are not due and payable on the date of the delivery of such deed, except as provided in Section 13; (c) any liens for municipal betterments assessed after the date of this Agreement, any betterments assessed before the date of this Agreement shall be paid by SELLER in full; and (d) easements, restrictions and/or reservations of record, if any, provided the same do not interfere with the use of the Premises for open space, conservation and passive recreation purposes.

5. Deed; Plans. SELLER shall prepare the deed. If said deed refers to a plan necessary to be recorded therewith SELLER shall, at its sole cost and expense, prepare a survey plan approved by BUYER and in form adequate for recording or registration.

6. Registered Title. In addition to the foregoing, if the title to said Premises is registered, said deed shall be in a form sufficient to entitle BUYER to a Certificate of Title of said Premises, and SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. Possession and Control of Premises. Full possession of said Premises, free of all tenants and occupants, is to be delivered at the time of the delivery of the deed, said Premises to

be then: (a) in the same condition as they now are, reasonable use and wear thereof excepted, (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of Section 4 hereof. Notwithstanding anything herein to the contrary, SELLER acknowledges that BUYER is purchasing the Premises for conservation and open space purposes and agrees that, from and after the date of the closing, SELLER shall not and shall not permit others to: cut or remove any trees (except dead trees) and/or vegetation on the Premises, construct, install or place any buildings, structures, fencing, utilities and/or other objects on the Premises, or otherwise disturb the natural condition of the Premises. BUYER shall be entitled to inspect said Premises personally prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this Section.

8. Extension to Perfect Title or Make Premises Conform. If SELLER shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, or if at the time of the delivery of the deed the Premises do not conform with the provisions hereof, then SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said Premises conform to the provisions hereof, as the case may be, and thereupon the time for performance hereof shall be extended for a period of up to thirty (30) calendar days.

9. Failure to Perfect Title or Make Premises Conform. If at the expiration of the extended time SELLER shall have failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, then any payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto.

10. Buyer's Election to Accept Title. BUYER shall have the election, at either the original or any extended time for performance, to accept such title as SELLER can deliver to the said Premises in their then condition and to pay therefore the purchase price, without deduction, in which case SELLER shall convey such title.

11. Acceptance of Deed. The acceptance of a deed by BUYER, or its assignee or nominee, as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

12. Use of Money to Clear Title. To enable SELLER to make conveyance as herein provided, SELLER may, at the time of delivery of this deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed, or, for institutional mortgages only, within a reasonable time thereafter in accordance with customary Massachusetts conveyancing practices.

13. Adjustments. Taxes on the Property for the then-current fiscal year shall be apportioned as follows: if taxes are outstanding as of the closing date, taxes will be apportioned as of the closing date in accordance with G.L. c. 59, §72A; if, however, SELLER has paid taxes through and past the closing date, such payments shall not be refunded, it being acknowledged

that BUYER has no funds to refund SELLER for such taxes paid and BUYER, being tax exempt, has no obligation to pay taxes upon acquisition of the Premises. Water and sewer charges, if any, shall be adjusted as of the closing date.

14. Buyer's Contingencies. BUYER'S obligation to perform under this Agreement is subject to the following conditions, at BUYER'S option:

- (a) Compliance with the provisions of G.L. c. 30B (the Uniform Procurement Act) for acquisition of real property, in this case, being the filing of a uniqueness determination with the Central Register;
- (b) SELLER shall have waived any rights SELLER may have to relocation benefits under the provisions of G.L. c. 79A, and SELLER shall sign and shall have obtained waivers of relocation benefits under G.L. c. 79A and CMR 27.03 from all tenants or occupants, if any, of the Premises or any portion thereof. SELLER shall represent and warrant in writing at closing that all such waivers have been provided as to all occupants. SELLER shall defend, indemnify and hold harmless BUYER as to any claim for relocation benefits brought against BUYER by any tenant or occupant of the Premises and pay any costs incurred by BUYER resulting from any such claim. The provisions of this paragraph shall survive the delivery of the deed;
- (c) BUYER shall have inspected the condition of the Premises and SELLER'S title to the Premises and be satisfied with the same, in its sole and absolute discretion, notwithstanding anything herein to the contrary; and
- (d) Compliance by BUYER and SELLER with any other requirements of Massachusetts General or Special Laws or regulations relative to the acquisition of real property by the BUYER, and BUYER and SELLER agree to diligently pursue full compliance with said laws and regulations except BUYER agrees that SELLER shall have no obligation to cause any building or structure on the property to comply with applicable law since BUYER will demolish the existing residence and will be responsible for verifying compliance of any remaining buildings or structures for their intended use.

Provided, however, that if any of the conditions are not satisfied by the closing date, BUYER shall have the right to extend the closing for up to ninety (90) days by giving SELLER written notice thereof prior to the Closing Date, and shall inform SELLER of the new closing date at least seven (7) days prior to the Closing.

15. Title to Premises. Notwithstanding anything herein contained, the Premises shall not be considered to be in compliance with the provisions of this Agreement with respect to title unless: (a) no building, structure or improvement of any kind, including driveways and utilities, belonging to any person or entity encroaches upon or under the Premises from other premises except BUYER acknowledges a minor encroachment of the abutter's lawn on the Premises shown on Attachment A ; (b) title to the Premises is insurable, for the benefit of BUYER, by a title insurance company acceptable to BUYER, in a fee owner's policy of title insurance at normal premium rates, in the American Land Title Association form currently in use; and (c) the

Premises shall abut a public way, duly laid out or accepted as such by the municipality in which the Premises are located, or have the benefit of a permanent easement to the Premises.

16. In further consideration, BUYER agrees that it shall, within 24 months of closing, grant Sudbury Valley Trustees a permanent conservation restriction on the Premises acceptable to BUYER and Sudbury Valley Trustees and substantially in the same form and on the same terms as the Conservation Restriction set forth in Exhibit B attached hereto and incorporated herein, as the same may be modified to obtain the approval of the Secretary of the Executive Office of Energy and Environmental Affairs as required for a perpetual conservation restriction pursuant to G.L. c. 184 on terms acceptable to the BUYER and Sudbury Valley Trustees (the "SVT Conservation Restriction"). In the unlikely event that the BUYER is unable to obtain the SVT Conservation Restriction, the BUYER and SELLER shall negotiate a reasonable resolution to achieve the permanent protection of the Premises for conservation purposes.

17. Affidavits, etc. Simultaneously with the delivery of the deed, SELLER shall execute and deliver: (a) affidavits and indemnities under oath with respect to parties in possession and mechanic's liens to induce BUYER's title insurance company to issue lender's and owner's policies of title insurance without exception for those matters, and SELLER shall indemnify and hold harmless the title insurance company for any losses, costs, or damages sustained as a result of issuing a policy without exceptions covered by such representations; (b) an affidavit, satisfying the requirements of Section 1445 of the Internal Revenue Code and regulations issued thereunder, which states, under penalty of perjury, SELLER'S United States taxpayer identification number, that SELLER is not a foreign person, and SELLER'S address (the "1445 Affidavit"); (c) Internal Revenue Service Form W-8 or Form W-9, as applicable, with SELLER'S tax identification number, and an affidavit furnishing the information required for the filing of Form 1099S with the Internal Revenue Services and stating SELLER is not subject to back-up withholding; (d) an updated certification of the warranties and representations contained herein; (e) a Disclosure Statement for Transaction with a Public Agency Concerning Real Property, as required under G.L. c.7C, §38; and (f) such additional and further instruments and documents as may be consistent with this Agreement and customarily and reasonably required by BUYER and/or BUYER'S title insurance company to complete the transactions described in this Agreement.

18. Title Standards. Any matter or practice arising under or relating to this Agreement which is the subject of a title standard or a practice standard of the Real Estate Bar Association for Massachusetts at the time for delivery of the deed shall be covered by said title standard or practice standard to the extent applicable.

19. Representations and Warranties. SELLER represents and warrants to BUYER, effective as of the date of this Agreement and also effective as of the date of closing (subject to any subsequent notice from SELLER as hereinafter set forth), that:

- (a) To the best of SELLER'S knowledge, SELLER holds good and clear, record and marketable title to the Premises in fee simple subject to exceptions of record;

- (b) SELLER has not granted or entered into any options, rights of first refusal, or other contracts which give any other party a right to purchase or acquire any interest in the Premises which have not lapsed or have been relinquished in writing;
- (c) SELLER has not entered into leases, licenses, or other occupancy agreements (whether written or oral) in effect with respect to any part of the Premises;
- (d) SELLER'S execution of this Agreement does not violate any other contracts, agreements, or any other arrangements of any nature whatsoever that SELLER has with third parties that could affect the Premises;
- (e) SELLER has the right, power and authority to enter into this Agreement and to sell the Premises in accordance with the terms and conditions hereof. This Agreement, when executed and delivered by SELLER, will be a valid and binding obligation of SELLER in accordance with its terms;
- (f) SELLER is not a party to any litigation affecting the Premises, and SELLER knows of no litigation or threatened litigation affecting the Premises, or affecting SELLER, or any basis for any such litigation, which would either enjoin SELLER'S performance under this Agreement or adversely impact the Premises;
- (g) To SELLER'S knowledge: (i) no Hazardous Waste (defined in Section 19) has been generated, released, or disposed of at or from the Property; (ii) there has been no release of any Hazardous Waste from the Property; (iii) there are no underground storage tanks or other subsurface facilities currently in use or previously abandoned on the Property except for a demolished subsurface concrete swimming pool, and (iv) chlordane has not been used as a pesticide on the Property;
- (h) SELLER has not received written notice from any governmental authority or agency having jurisdiction over the Premises of any environmental contamination, or the existence or release of any Hazardous Waste (defined in Section 19), at or near the Premises; and
- (i) No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against or contemplated by SELLER.

SELLER will not cause nor, to the best of SELLER'S ability, permit any action to be taken which would cause any of SELLER'S representations or warranties to be false as of closing, and in any event shall notify BUYER promptly of any change in these representations and warranties. SELLER shall confirm these representations and warranties at closing, which will survive the same.

20. Inspection Rights. BUYER and its agents, employees, consultants, contractors or licensees shall have the right, upon at least twenty-four (24) hours prior notice to SELLER, which notice may be oral notice, to enter the Premises at BUYER'S own risk for the purposes of

conducting such inspections, surveys, tests and analyses as BUYER deems advisable, including, without limitation, environmental site assessments. SELLER or its agents may choose to accompany BUYER and/or BUYER'S agents. BUYER shall, as soon as practicable, restore the Premises to substantially the same condition as prior to such entry if the closing does not occur. BUYER'S performance hereunder is expressly conditional, at BUYER'S option, upon BUYER being satisfied with the condition of the Premises, including, without limitation, on not having found on the Premises any oil, hazardous waste or hazardous materials, as such terms are used in G.L. c.21E and any applicable federal and/or state laws, rules, and regulations ("Hazardous Waste"). In the event Hazardous Waste is found, or the BUYER is not satisfied with the condition of the Premises, BUYER shall notify SELLER of the Hazardous Waste identified and SELLER and BUYER shall discuss an appropriate remedy after which BUYER shall have the right, to be exercised in its sole and absolute discretion, to terminate this Agreement, whereupon all the rights and obligations of the parties shall cease except those that are stated herein to survive such termination. Nothing herein shall affect BUYER'S rights under this Agreement to walk through and inspect the Premises at any time prior to the delivery of the deed. Nothing herein shall obligate the SELLER to pay more than \$10,000 to cure a Hazardous Waste condition.

21. Brokers. BUYER and SELLER each represent and warrant to the other that each has not contacted any real estate broker in connection with this transaction, and agree to defend, indemnify the other against and hold the other harmless, to the extent permitted by law, from any claim, loss, damage, costs or liabilities for any brokerage commission or fee which may be asserted against the other by any broker in connection with this transaction. The provisions of this paragraph shall survive delivery of the deed.

22. Closing. The deed and other documents required by this Agreement are to be delivered and the Purchase Price, less the permitted adjustments, paid at the Date and Time of Closing and at the Place of Closing. All documents and funds are to be delivered in escrow subject to prompt rundown of title and recording, which term shall include registration in the case of registered land. BUYER'S proceeds may be in the form of a Town Treasurer's check, and the check shall be held in escrow by BUYER'S attorney who shall release the check to SELLER only following the recording of the deed.

23. Condition of Premises at Closing. SELLER agrees to deliver the Premises in a condition substantially similar to their condition on the date of this Agreement and in the condition required hereunder, removing all debris and all of SELLER'S personal property therefrom which is not being sold to BUYER, or left for its benefit, as consented to by it.

24. Taking; Casualty. Notwithstanding anything herein to the contrary, in the event of a taking of all or part of the Premises or access thereto by eminent domain by any entity other than BUYER, or in the event that the Premises are damaged or destroyed by fire, vandalism or other casualty, the BUYER may, at its sole option, terminate this Agreement without recourse. All risk of loss shall stay with the SELLER until the recording of the deed.

25. Liability of Trustee, Shareholder, Fiduciary, etc. If SELLER or BUYER executes this Agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither SELLER or BUYER so executing, nor any shareholder

or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

26. Notices. Any notice required or permitted to be given under this Agreement shall be in writing and signed by the party or the party's attorney or agent and shall be deemed to have been given: (a) when delivered by hand, or (b) when sent by Federal Express or other similar courier service, or (c) when mailed by certified mail, return receipt requested, or (d) upon electronically confirmed receipt of facsimile delivery, to the parties at the addresses set forth in Section 1.

27. Extensions. BUYER and SELLER hereby authorize their respective attorneys (as the case may be) to execute on their behalf any extensions to the time for performance and any change of location and/or time for delivery of the deed. BUYER and SELLER shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge before the execution or other consent to such extensions, that either party has disclaimed the authority granted herein to bind them. For purposes of this Agreement, facsimile and scanned signatures shall be construed as original.

28. Errors. If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice thereof is given within six (6) months of the date of delivery of the deed to the party to be charged, then such party agrees to make payment to correct the error or omission. The provisions of this Section shall survive the closing and delivery of the deed.

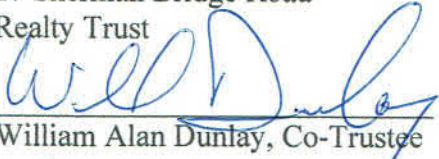
29. Construction of Agreement. This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both SELLER and BUYER. If two or more persons are named herein as SELLER, their obligations hereunder shall be joint and several. Any claims arising under this Agreement shall be brought in the courts of the Commonwealth of Massachusetts.

30. Captions. The captions and headings throughout this Agreement are for convenience of reference only and the words contained therein shall in no way be held or deemed to define, limit, explain, modify, amplify or add to the interpretation, construction or meaning of any provisions of, or the scope or intent of this Agreement, nor in any way affect this Agreement, and shall have no legal effect.


[Signature Page Follows]

In Witness Whereof, the parties hereto sign this Agreement under seal as of the date and year written above.

SELLER:
27 Sherman Bridge Road
Realty Trust



William Alan Dunlay, Co-Trustee



Kathleen Elizabeth Dunlay, Co-Trustee

BUYER: TOWN OF WAYLAND,
By its Select Board

Cherry C. Karlson, Chair

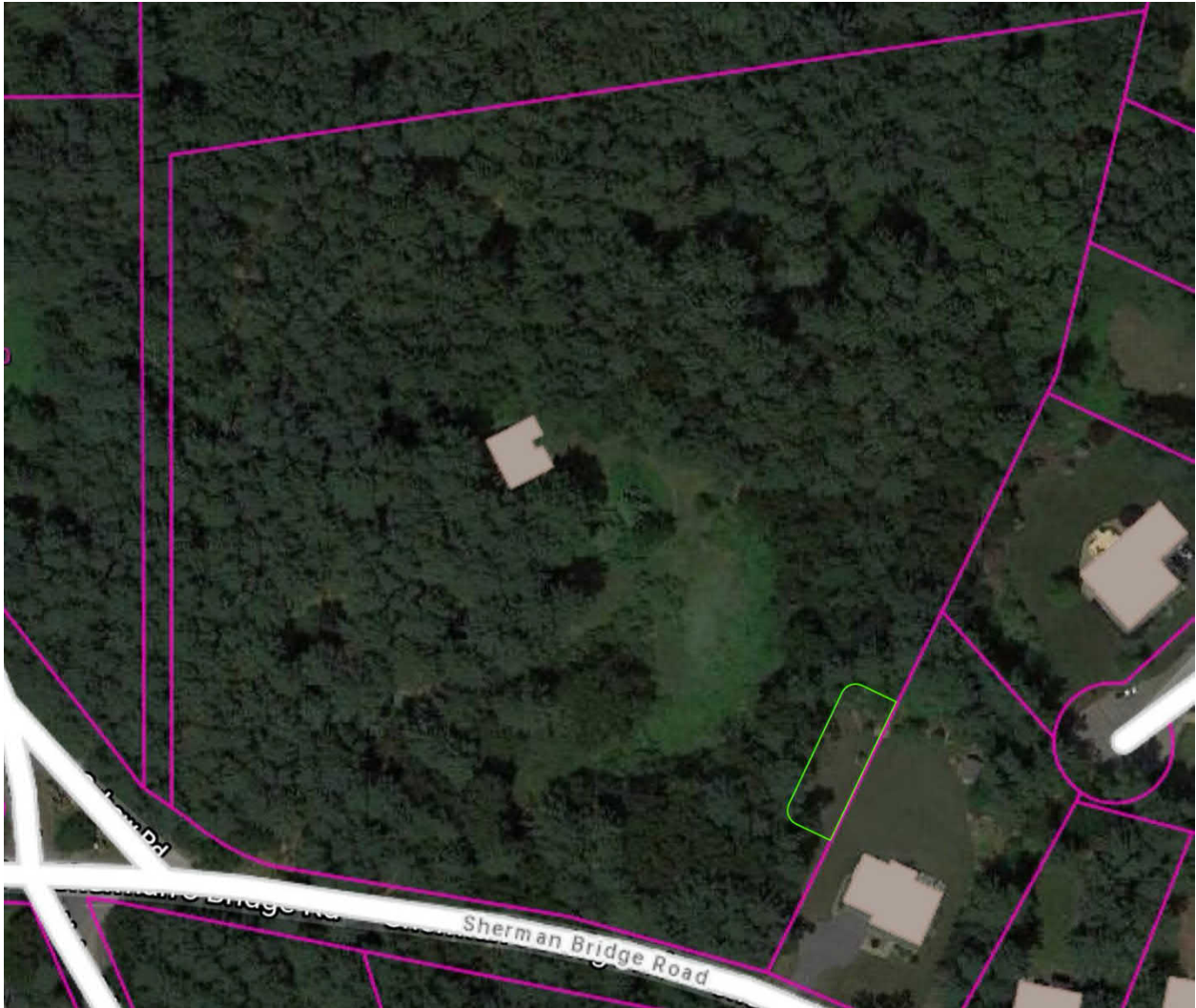
Dave V. Watkins, Vice Chair

Thomas J. Fay, Member

Adam Garrett Gutbezahl, Member

Carol B. Martin, Member

ATTACHMENT A
Lawn encroachment from 19 Sherman Bridge Road (green outline)



Pessimato, Joe

From: Lewis, Clifford
Sent: Monday, September 26, 2022 1:31 PM
To: Karlson, Cherry; Watkins, David; Fay, Thomas; Gutbezahl, Adam; Martin, Carol
Cc: Holder, Thomas; Crane, Stephen; Keveny, Brian
Subject: Request for Engineering Funds for Emergency MWRA Connection to the Hultman Aqueduct
Attachments: Hultman Connection Engineering Funds Request Rev 4 9-20-2022.docx

All,

At the BoPW Meeting on September, the BoPW passed the attached resolution requesting funds to perform the necessary engineering and permit application to make an emergency connection to MWRA water at the Hultman aqueduct. See resolution attached.

This connection would be for emergency use. It is not a permanent connection. The BoPW is also considering a permanent connection to MWRA water via the Metro West Deep Tunnel. The Deep Tunnel connection will be considered separately and we should have a recommendation on the Deep Tunnel connection in the next 60 days.

Please see request for the emergency connection.

Best Regards,

Clifford Lewis, Chair
Wayland Board of Public Works,



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

MEMORANDUM

To: Wayland Select Board
From: Board of Public Works
Date: September 20, 2022
Cc: Thomas Holder, Director, Wayland Department of Public Works
Stephen, Crane, Acting Wayland Town Manager
Carol Martin, Member Select Board
Brian Keveny, Finance Director, Town of Wayland
Subject: Engineering for Hultman Emergency MWRA Water Connection

The Board of Public Works (BoPW) respectfully requests that the Wayland Select Board authorize an expenditure not to exceed Two Hundred Thousand Dollars (\$200,000) to conduct the required engineering studies and to complete the Application needed for the Town to make an appropriate, emergency connection to the Hultman Water Aqueduct. The connection would be made at the existing municipal tap located in the vicinity of the intersection of the Hultman aqueduct right-of-way and Main Street. See map attached.

The engineering work in this request would be performed under the auspices of the Director of the Wayland Department of Public Works and is to include design of and the construction drawings for the connections, piping, pump stations, controls and any other items necessary to bring water from the Hultman Aqueduct into the Wayland water system.

The Board of Public Works requests that this work be initiated immediately in keeping with the nature of an emergency connection.

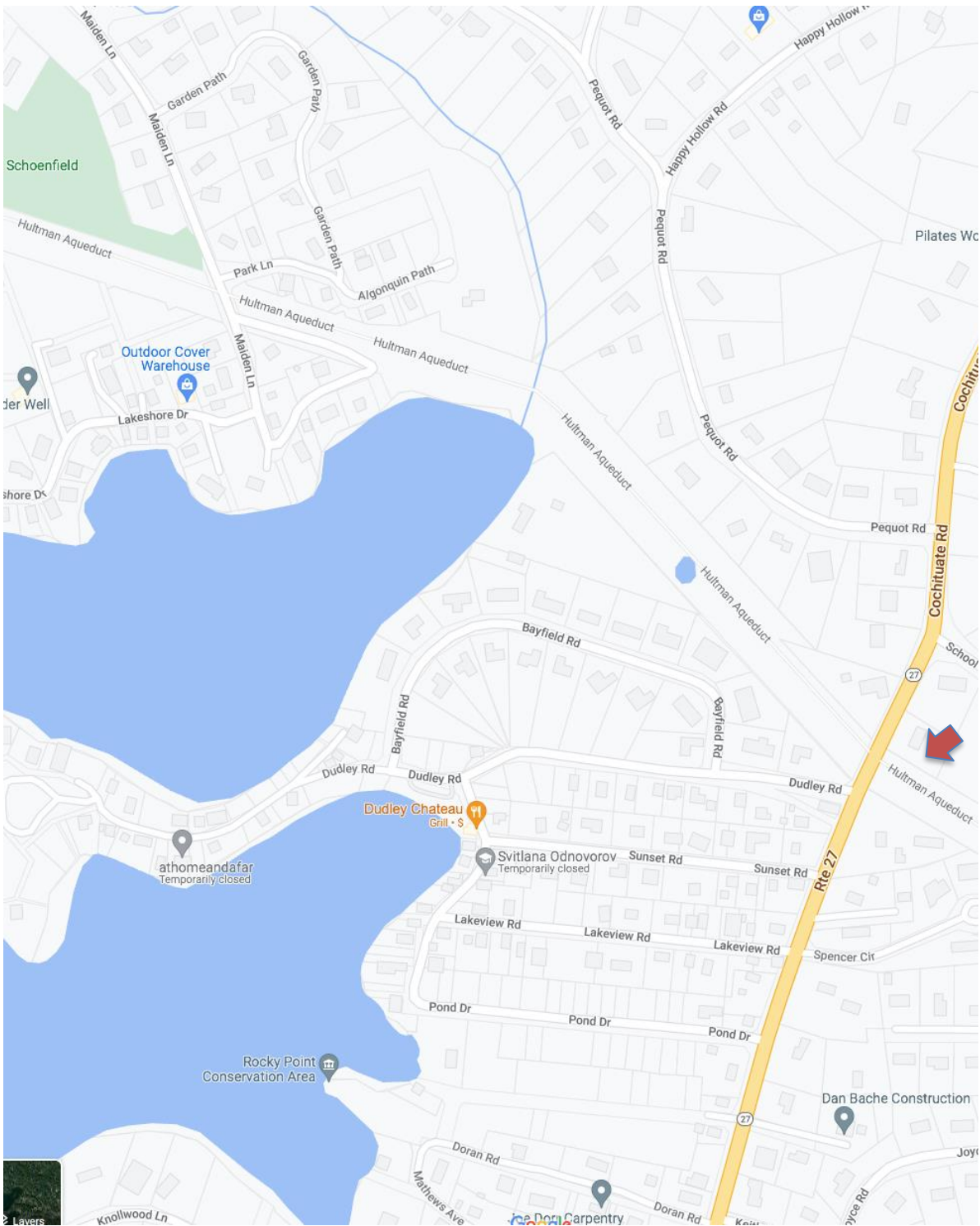
We would expect the engineering and application to be complete in three to four months. At that time, we expect to return with a request of which will probably be between one and \$1.2 million to construct the connection.

Voted by the Board of Public Works

Quantum of Vote 4 – 0 – 0

Date: September 20, 2022

By: *Clifford Lewis.*
Chair, Board of Public Works



Connection in this vicinity

MEMO

TO: Wayland Select Board Members

FROM: Thomas J. Fay and Carol B. Martin

RE: Report of American Recovery Plan Act (ARPA) Select Board Subcommittee

DATE: September 14, 2022

BACKGROUND

The American Recovery Plan Act (ARPA) is federal legislation that came into effect in March 2021. Under this law, Massachusetts has and will receive federal aid to respond to public health and economic impacts of the COVID-19 pandemic. The Massachusetts Office of Inspector General (OIG), as well as the federal government, other state agencies and private organizations, put forth certain rules and resources related to ARPA. For example, ARPA funds designated for Wayland must be obligated by December 31, 2024, and spent by December 31, 2026.

On May 2, 2022, the Wayland Select Board (“Board”) listened to a presentation concerning initial expenditure recommendations relative to ARPA. At that time, the total sum of monies committed to the Town of Wayland relative to this Act was \$4,135,376.

As we were reminded, during the May 2, 2002 presentation, the eligible use categories include:

1. Public sector revenues;
2. Public health and economic response;
3. Premium pay for essential workers; and
4. Water, sewer, and broadband infrastructure.

MEETINGS RECAP

In order to continue a productive discussion concerning ARPA expenditures, within Wayland, the Board created the ARPA subcommittee. This two-person subcommittee met on July 25, 2022, August 17, 2022, August 23, 2022, September 6, 2022, and September 14, 2022. The subcommittee was assisted by Acting Town Manager Stephen Crane.

On July 25, 2022, the subcommittee focused on the applicable federal, state and local statutes, and guidelines, that provide direction for eligibility to ARPA monies. We also discussed the impact of the COVID-19 pandemic within Wayland.

At the August 16, 2022 meeting, the subcommittee met with Wayland's Acting Town Manager, as well as numerous town department heads. The focus of this meeting was to gather input and suggestions on how to best disburse the town's ARPA funds. Approximately \$325,000 of the \$4.1M available ARPA funds have been expended to date, pursuant to the Board's approval. This leave a balance of about \$3.7M. During this meeting, department heads made approximately 25 suggestions, totaling \$4.7M, for use of the ARPA monies. They ranged in cost from a \$15,000 mower for use on conservation land, to a \$1.2 million-dollar emergency MWRA connection.

At the August 23, 2022 meeting, the subcommittee narrowed the list of asks that were likely to be recommended for funding, based on the statute and other factors, and it was agreed that a spreadsheet would be created by the subcommittee, based on the subcommittee's recommendations to date. The subcommittee confirmed its intent to focus on one-time expenditures/projects, as opposed to operating expenses.

At the September 6, 2022 meeting, the subcommittee focused on the spreadsheet that included a list of projects that were likely to be recommended for funding. The subcommittee's criteria for its recommendations included the four eligible use categories listed above. Not every funding request qualified under the statute. For example, no funding requests involved public sector revenues. It was agreed that the spreadsheet would include only those projects that the subcommittee recommends for funding.

At its September 14, 2022 meeting, the subcommittee reviewed three recent additional requests totaling \$540,000, which it chose not to recommend for funding at this time.

The subcommittee voted to recommend to the Board ten capital projects totaling \$3.1M, eight of which are in the water, sewer, broadband infrastructure category, and two in the public health and economic response category.

SUMMARY AND RECOMMENDATIONS

It is the consensus of the subcommittee that expenditures on one-time purchases or projects are preferable to funding ongoing operating requests.

The subcommittee is committed to public input regarding ARPA expenditures. Thus, the subcommittee looks to the Board to schedule a public forum where residents can provide their thoughts on where ARPA monies should be spent, given the statutory limitations.

The recommendations include both large projects and smaller requests.

As noted above, of the \$4.1M available ARPA funds, \$325,000 have been expended to date, pursuant to the Board's approval. This leaves a balance of about \$3.7M, of which the subcommittee currently recommends \$3.1M in expenditures.

The subcommittee chose not to recommend expenditures of \$700K, at this time, pending input from the Board and the public.

The subcommittee found input from Acting Town Manager Stephen Crane most helpful.

	ARPA FUNDS DRAFT RECOMMENDATION				\$4.1M
		9/19/2022			
Already Expended	Department	Eligibility	Operating/Capital	Amount	Recommendation
Custodial Expenses	School	Public Health/Econ Response	Operating	269,200	269,200
Nursing/Contact Tracing	Health	Public Health/Econ Response	Operating	52,600	52,600
Total				\$ 321,800	\$ 321,800
Request	Department	Eligibility	Operating/Capital	Amount	Recommendation
FS II Generator	Fire	Public Health/Econ Response	Capital	\$ 120,000	\$ 120,000
Public Safety Building Upgrades/Mod	Police	Public Health/Econ Response	Capital	\$ 300,000	\$ 300,000
Emergency MWRA Connection	DPW	Water/Sewer/Broadband Infrastructure	Capital	\$ 1,200,000	\$ 1,200,000
Engineering: MWRA Connection	DPW	Water/Sewer/Broadband Infrastructure	Capital	\$ 350,000	\$ 350,000
Membranes - Baldwin Well	DPW	Water/Sewer/Broadband Infrastructure	Capital	\$ 176,000	\$ 176,000
FY22/23 Stormwater Shortfall	DPW	Water/Sewer/Broadband Infrastructure	Capital	\$ 300,000	\$ 300,000
FS II Building Project	Facilities	Water/Sewer/Broadband Infrastructure	Capital	\$ 300,000	\$ 300,000
Fiber Optics @ COACC	Facilities	Water/Sewer/Broadband Infrastructure	Capital	\$ 40,000	\$ 40,000
Security Cameras for Town Building	Facilities	Water/Sewer/Broadband Infrastructure	Capital	\$ 250,000	\$ 250,000
AV Upgrades for COACC	IT	Water/Sewer/Broadband Infrastructure	Capital	\$ 50,000	\$ 50,000
Total				\$ 3,086,000	\$ 3,086,000
GRAND TOTAL					\$ 3,407,800
TBD					700K



TOWN OF WAYLAND Housing Production Plan

2022-2027

Prepared for the Town of Wayland by
Barrett Planning Group LLC



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Section 1

INTRODUCTION

BACKGROUND

This plan is an update to Wayland’s 2016 Housing Production Plan (HPP), which expired in September 2021. Recognizing the significant housing challenges faced by its residents, the Town of Wayland has actively worked to develop and approve a new HPP to guide the next five years of affordable housing development. In the five years since Wayland adopted the last HPP, the local affordable housing landscape has changed. In 2016, Wayland had 257 affordable units on its Chapter 40B Subsidized Housing Inventory (“SHI”), totaling 5.2 percent of all year-round units.¹ That number has more than doubled to over 11 percent of all units as of Fall 2021 due to the addition of 292 new units to Wayland’s SHI.² This impressive achievement has been accomplished primarily through a single 218-unit project – Alta at River’s Edge - that is under construction as of the writing of this plan. Despite the progress made by permitting this major project and meeting the 10 percent affordability minimum under Chapter 40B, Wayland still has many housing challenges left to address.

What is a Housing Production Plan?

A Housing Production Plan is a comprehensive analysis of a municipality’s housing issues and a guide to strategies that will help address them. An HPP describes a community’s housing needs using data from sources such as the U.S. Census Bureau, housing market reports, municipal records, and community interviews. Using this analysis of the supply and demand of affordable housing and potential barriers to further housing development, the HPP sets a series of qualitative and quantitative affordable housing goals, including a yearly affordable housing production goal. Based on these goals, the document must then lay out a plan for achieving them through a set of specific strategies. In Wayland’s case, based on DHCD guidelines, this plan recommends that the Town produce an average of 26 affordable unit per year. A completed HPP requires approval by the Massachusetts Department of Housing and Community Development (DHCD). New affordable housing production under a DHCD-approved HPP may lead to certification, which can provide several important benefits to a town, discussed below.

While the HPP can consider many types of housing needs, its primary purpose is to help communities reach the threshold in Massachusetts General Laws (G.L.) Chapter 40B, §§ 20-23, of 10 percent of total year-round housing units being restricted as affordable for low-income households. “Low-income” in this context means a household with income at or below 80 percent of the region’s Area Median Income (AMI), calculated by the U.S. Department of Housing and Urban Development (HUD). A summary of 2021 income limits in the Boston Metropolitan Area, of which Wayland is a part, is in Table 1-1. Whether a community has reached the 10 percent affordable housing threshold is

¹ SHI calculations are based on the most recent available Census data. At the time of writing, the 2010 Census was the most recent for which town-level housing data had been released. Upon the release of 2020 Census data, the number of SHI units Wayland is obligated to produce will change.

² Several days before the Wayland Select Board was set to vote to approve this plan, DHCD released new data showing that 72 unbuilt units had been removed from Wayland’s SHI. As a result, the town has fallen to 9.62 percent subsidized units. This possibility was anticipated and accounted for in the document- see the “Subsidized Housing Inventory” section of the Housing Profile.



determined by the Chapter 40B Subsidized Housing Inventory (SHI), a periodically updated list of all affordable units recognized by DHCD. Housing included on the SHI must be safe and suitable for the size of the household living in it in addition to meeting the deed restriction requirements.³

Table 1-1: 2021 HUD Income Limits				
Household Size		80% AMI	50% AMI	30% AMI
1-Person	Income	\$70,750	\$47,000	\$28,200
	Affordable Rent	\$1,768	\$1,175	\$705
2-Person	Income	\$80,850	\$53,700	\$32,200
	Affordable Rent	\$1,895	\$1,258	\$755
3-Person	Income	\$90,950	\$60,400	\$36,250
	Affordable Rent	\$2,273	\$1,510	\$906
4-Person	Income	\$101,050	\$67,100	\$40,250
	Affordable Rent	\$2,627	\$1,745	\$1,046

Source: MassHousing, HUD

Why Have a Housing Production Plan?

Adopting an HPP not only helps a community to assess and plan for its long-term housing needs, but it also works as a vehicle for achieving “Safe Harbor” status from DHCD. Once DHCD certifies the community’s progress under the approved HPP, the Zoning Board of Appeals may invoke “Safe Harbor” status in response to a comprehensive permit application. This means that the Town, despite not meeting the 10 percent statutory minimum, may impose conditions on or outright deny the issuance of a comprehensive permit. This results in more control over the type, location, and design of residential development while continuing to meet housing needs through HPP strategies. Note that meeting the state’s 10 percent affordable minimum or achieving “Safe Harbor” does *not* mean that comprehensive permit applications can no longer be filed; the Town simply has greater latitude to modify or deny applications.

In addition to having an approved HPP, achieving an annual increase of SHI units equal to 0.5 percent of total year-round housing units qualifies a community to ask DHCD for HPP certification and one year of “Safe Harbor.” Reaching a production goal of one percent or greater allows for two years of “Safe Harbor.” Wayland is currently above the 10 percent affordable housing minimum and would fall below 10 percent only if units are removed from the SHI. This possibility is discussed in the “Subsidized Housing Inventory” section of this plan. If Wayland did fall below the 10 percent minimum between now and 2030,

Meeting the state’s 10 percent affordable minimum does *not* mean that comprehensive permit applications can no longer be filed; the Town simply has greater latitude to deny or modify applications.

³ DHCD requires that SHI units have a use restriction recorded at the registry of deeds that restricts the unit to occupancy by households at 80 percent of AMI or below. The restriction must last at least 15 years for rehabilitated housing or 30 years for newly created housing and may last in perpetuity.



it is likely that the Town would need to produce about 26 new SHI units in one calendar year to qualify for HPP certification from DHCD, which grants “Safe Harbor” status.

As of this writing, about 11 percent of Wayland’s housing is affordable and listed on the SHI, raising a question that bears addressing: what is the utility of a Housing Production Plan for a community that has already met its affordable housing obligations under Chapter 40B? There are two key answers:

1. Wayland might fall below the 10 percent threshold again if the total number of year-round units grows or any units listed on the SHI are lost as affordability restrictions expire or permitted projects are modified, delayed, or cancelled.
2. Wayland, like every other community in the Commonwealth, has housing issues outside the scope of Chapter 40B, such as meeting needs of very low-income households, individuals with disabilities, or older adults. An HPP can facilitate efforts to address those needs.

A NOTE ON THE DATA

This HPP relies heavily on United States Census data (especially on the 2019 American Community Survey [ACS] five-year estimates) and other official sources. During the drafting of this plan, the Census Bureau released Redistricting Data (P.L. 94-171) which provides official Census 2020 population, race, housing unit, and household counts for all municipalities in the United States. While Wayland’s HPP can use up-to-date Census results to report some information about the Town, the detailed demographic and housing statistics that a Housing Needs Assessment depends on will continue to rely on the ACS which reports much more detailed demographic information than the decennial Census.

This plan uses a set of comparison communities to place Wayland’s demographic data in context. These communities (see Table 1-2) include some of the Town’s direct neighbors, such as Natick and Weston, and nearby “peer towns” picked from an existing list that the Wayland Finance Committee considers similar enough to look to as benchmark communities. By using comparison communities that are nearby but not like Wayland, those farther afield but more like Wayland, and some (like Sudbury) that are both close and similar, this plan places the Town’s demographic trends and housing issues in a regional context. Tables may use these comparison communities in different combinations depending on the needs of each section, and comparisons to Middlesex County and Massachusetts are also included where illustrative.

	Wayland	Sudbury	Natick	Weston	Hopkinton	Medfield	Westwood
Population (2020)	13,943	18,934	37,006	11,851	18,758	12,799	16,266
Households (2020)	5,013	6,386	14,956	3,799	6,395	4,346	5,519
Median Household Income (2019)	185,375	191,310	115,545	207,702	157,353	160,963	160,132
Housing Units (2020)	5,296	6,556	15,680	4,043	6,645	4,450	5,801
Avg. Household Size (2019)	2.63	2.96	2.47	3.12	2.93	2.95	2.95

Source: American Community Survey 5-Year Estimates (2019), US Decennial Census 2020



Neighborhood-Level Analysis

To better capture the geographic diversity within Wayland, the Housing Needs Assessment examines selected data at the Census tract and block group level.⁴ The Town contains three Census tracts as shown on **Map 1**. Table 1-3 summarizes the characteristics of each tract as well as Census block groups, which are the next smallest geographic unit used by the Census Bureau.

	Description	Population	Households	MHI*
Tract 3662.01	North Wayland	3,750	1,243	\$236,181
<i>Block Group 1</i>	<i>Northernmost Wayland</i>	<i>2,720</i>	<i>932</i>	<i>\$250,001</i>
<i>Block Group 2</i>	<i>Northeastern corner north of Route 20</i>	<i>1,030</i>	<i>311</i>	<i>\$149,167</i>
Tract 3662.02	Central/South Wayland	5,241	1,965	\$183,906
<i>Block Group 1</i>	<i>North of Cochituate</i>	<i>2,270</i>	<i>892</i>	<i>\$169,803</i>
<i>Block Group 2</i>	<i>Western Rt. 20, between Rt. 27 and Stonebridge Rd.</i>	<i>1,972</i>	<i>710</i>	<i>\$204,875</i>
<i>Block Group 3</i>	<i>Eastern Rt. 20</i>	<i>999</i>	<i>363</i>	<i>\$222,109</i>
Tract 3661	Cochituate	4,952	1,805	\$151,136
<i>Block Group 1</i>	<i>Mass Pike area</i>	<i>846</i>	<i>314</i>	<i>\$183,333</i>
<i>Block Group 2</i>	<i>Bounded by Rt. 27 and Commonwealth Road</i>	<i>1,168</i>	<i>375</i>	<i>\$160,313</i>
<i>Block Group 3</i>	<i>East Dudley Pond</i>	<i>859</i>	<i>319</i>	<i>\$126,250</i>
<i>Block Group 4</i>	<i>West Dudley Pond</i>	<i>991</i>	<i>374</i>	<i>\$197,566</i>
<i>Block Group 5</i>	<i>Lake Cochituate</i>	<i>1,088</i>	<i>423</i>	<i>\$126,435</i>

Source: Census 2020, *American Community Survey 5-Year Estimates (2019)

Map 2 shows the population density of Wayland’s Census block groups. The Town’s population is most highly concentrated in Cochituate in southern Wayland with some moderate density in the eastern Route 20 area.

Community Participation

Gathering data for this plan involved multiple opportunities for Wayland residents to share their housing experiences, thoughts, and concerns. The consulting team conducted a series of small-group interviews with key local stakeholders and interested citizens, distributed an online survey that received 400 responses, and held two community webinars where members of the public were invited to ask questions and talk about their perception of local housing priorities. Summaries of these community outreach efforts are included as appendices to this plan and anonymous insights and quotes from the public are incorporated throughout.

⁴ A Census tract is a type of geographic area used by the US Census Bureau to divide counties and municipalities into smaller pieces to help with census-taking; sometimes they are roughly equivalent to “neighborhoods” in scale.

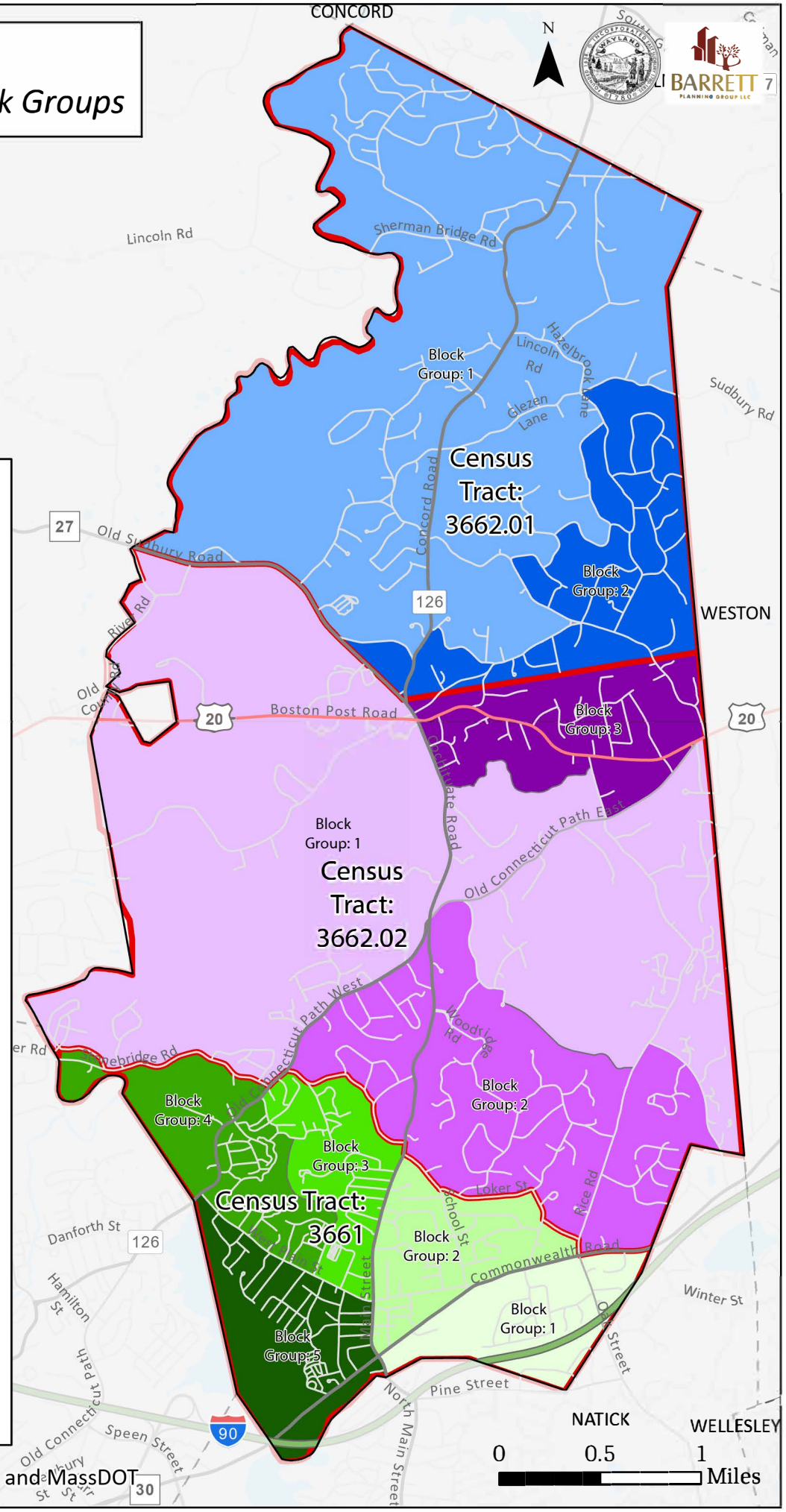


MAP 1

Census Tracts and Block Groups

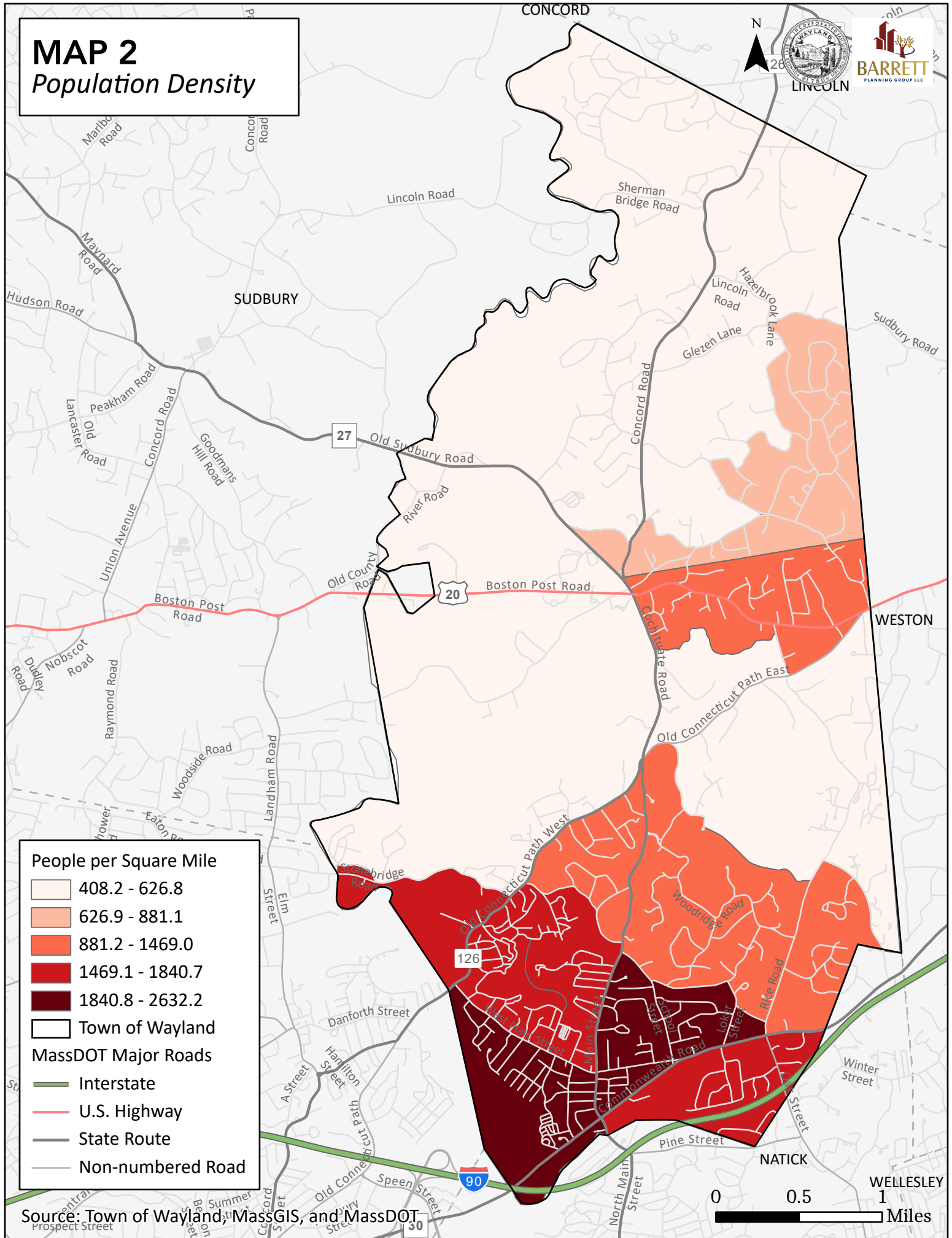


- Block Group**
- Census Tract 3661, Block Group 1
 - Census Tract 3661, Block Group 2
 - Census Tract 3661, Block Group 3
 - Census Tract 3661, Block Group 4
 - Census Tract 3661, Block Group 5
 - Census Tract 3662.01, Block Group 1
 - Census Tract 3662.01, Block Group 2
 - Census Tract 3662.02, Block Group 1
 - Census Tract 3662.02, Block Group 2
 - Census Tract 3662.02, Block Group 3
- Census Tracts**
- Census Tract 3661
 - Census Tract 3662.01
 - Census Tract 3662.02
- MassDOT Major Roads**
- Interstate
 - U.S. Highway
 - State Route
 - Non-numbered Road
- Other Features**
- Town of Wayland
 - Surrounding Towns
 - Water



Source: Town of Wayland, MassGIS, and MassDOT

MAP 2 Population Density



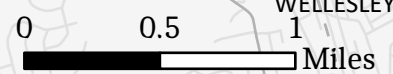
People per Square Mile

- 408.2 - 626.8
- 626.9 - 881.1
- 881.2 - 1469.0
- 1469.1 - 1840.7
- 1840.8 - 2632.2

Town of Wayland

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road



Source: Town of Wayland, MassGIS, and MassDOT

HOUSING NEEDS ASSESSMENT

DEMOGRAPHIC PROFILE

Key Findings

The following are the major findings based on an analysis of Wayland’s demographic trends.

- **High income, low unemployment.** Wayland is economically diverse, but on average households have high incomes compared to most other Massachusetts towns. High income correlates with a high percentage of married-couple families, high education levels, and low unemployment, all of which are present in Wayland.
- **A growing population once more.** After registering a population decline in the 2010 Census, Wayland has experienced modest growth over the past decade, reaching an all-time high number of residents in 2020.
- **Increasing diversity.** While a majority of Wayland residents still self-identity as White, the Town has seen consistent growth in most other racial groups tracked by the Census Bureau. Wayland’s White population has been shrinking in terms of both percentage and absolute numbers for several decades.
- **Demographic diversity across Town.** Many of the statistics discussed in this section differ greatly within Wayland from area to area or from neighborhood to neighborhood. Income, racial makeup, and household size can differ greatly between Census tracts.
- **In line with regional trends.** Many of Wayland’s demographic indicators are in line with regional trends, which differ significantly from statewide trends in areas like income, educational attainment, and disability status.

Population Change

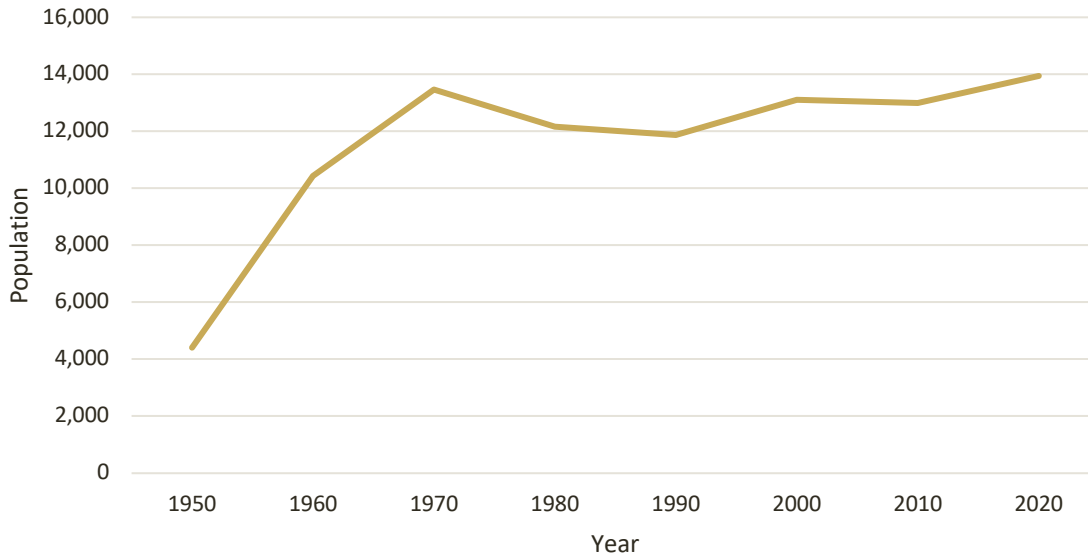
Traditionally a small agricultural community, Wayland experienced a suburban population boom in the 1950s and 1960s as the population more than tripled between the years 1950 and 1970 (see Figure 2-1). The following decades saw a modest decline in population, but since 1990 the number of Wayland residents has been slowly growing despite a small population decrease in 2010, reaching an all-time peak of 13,943 in 2020. It is typical to include some discussion of available population projections in this section of a Housing Production Plan. However, the most recent projections for Wayland (MAPC and the UMass Donahue Institute) are several years old. They have recently been proven inaccurate by 2020 Census results and have therefore been omitted. Based in part on the Town’s declining population between 2000 and 2010, these projections assumed that the decline would continue.⁵

⁵ For example, the Donahue Institute projected that Wayland’s population would fall to 12,527 by 2020, which is about 10 percent lower than the Town’s actual current population of 13,943. Note that this is an issue with all population projections: assumptions about the future must be made using existing trends and can be rendered inaccurate by an unexpected change in those trends. The population projection sources discussed in this section are still the most reliable available and are accurate for many communities.



Figure 2-1: Wayland Census Population 1950-2020

Source: US Census 1950-2020



Population Age

The age distribution of Wayland’s population does not differ significantly from that of its comparison communities. Table 2-1 shows that the Town has a somewhat higher proportion of children and a lower proportion of young adults in their twenties and thirties than Middlesex County as a whole and a higher proportion of adults over 65 years old than most comparison communities.

Table 2-1: Population by Age Group

	Wayland		Sudbury		Natick		Weston		Middlesex County	
	#	%	#	%	#	%	#	%	#	%
17 or under	3,659	26.5%	5,383	28.2%	8,655	24.0%	3,086	25.5%	319,479	20.0%
18-24	811	5.9%	1,174	6.1%	1,855	5.1%	1,271	10.5%	158,038	9.9%
25-34	964	7.0%	869	4.5%	4,602	12.7%	544	4.5%	246,588	15.4%
35-44	1,666	12.1%	2,462	12.9%	4,890	13.5%	1,137	9.4%	210,197	13.1%
45-54	2,108	15.3%	3,275	17.1%	5,652	15.6%	1,842	15.2%	220,267	13.8%
55-64	2,066	15.0%	2,945	15.4%	4,908	13.6%	1,690	14.0%	206,358	12.9%
65-74	1,417	10.3%	1,702	8.9%	3,431	9.5%	1,104	9.1%	135,467	8.5%
75 or over	1,111	8.0%	1,312	6.9%	2,135	5.9%	1,438	11.9%	104,448	6.5%
Total	13,802	100%	19,122	100%	36,128	100%	12,112	100%	1,600,842	100%

Source: American Community Survey 5-Year Estimates (2019)

Map 3 shows the concentration of households with someone 65 years old or older by Census block group. At least 20 percent of households in every block group have a member 65 or older, but the highest concentration of these households is found in the center of Town; the two block groups that



Route 20 runs through have between 39 to 45 percent 65-and-over households. Wayland has several age-restricted residential developments that contribute to these trends. **Map 4** shows the concentration of the under-18 population, along with the location of Wayland’s public schools. The highest concentrations of children are found in the farthest north and south Census block groups.

Household Type and Size

Most Wayland households consist of families and most families are married couples (see Table 2-2). The Census Bureau defines a family household as a group of individuals living together who are related by blood, marriage, or adoption. Conversely, a nonfamily household is classified either as a single person or a group of two or more unrelated people living together. The Town’s breakdown of household types is similar to that of neighboring communities, although Wayland and Sudbury have a higher proportion of married-couple families than Natick and Weston. Wayland has the highest proportion of married-couple families and the lowest proportion of families that are not headed by a married couple.

Table 2-2: Households by Type

	Wayland		Sudbury		Natick		Weston		Hopkinton	
	#	%	#	%	#	%	#	%	#	%
Married-Couple Family	3,534	94.2%	5,058	92.6%	8,291	88.5%	2,727	87.7%	4,581	87.8%
Family - male Householder, no spouse present	109	2.1%	122	1.8%	389	2.5%	75	2.4%	51	1.0%
Family - female householder, no spouse present	232	3.7%	306	5.6%	1,163	9.0%	281	9.9%	584	11.2%
Nonfamily Households	911	19.0%	900	14.1%	4,694	32.3%	704	18.6%	1,088	17.3%
Total Households:	4,786	100%	6,386	100%	14,537	100%	3,787	100%	6,304	100%

Source: American Community Survey 5-Year Estimates (2019)

“In the next 6 months if my situation doesn’t improve, I may be forced to leave town with my kids. Even the apartments are too expensive for a single mom.”

-Survey Response

About 74 percent of Wayland households include children under 18 years old and most of these households are married-couple families. Table 2-3 shows the proportion of Wayland families that have children under 18 living with them, separated by family type. Most married-couple families in town, over 94 percent, have dependent children while other types of families are much more likely to be composed of adults only.

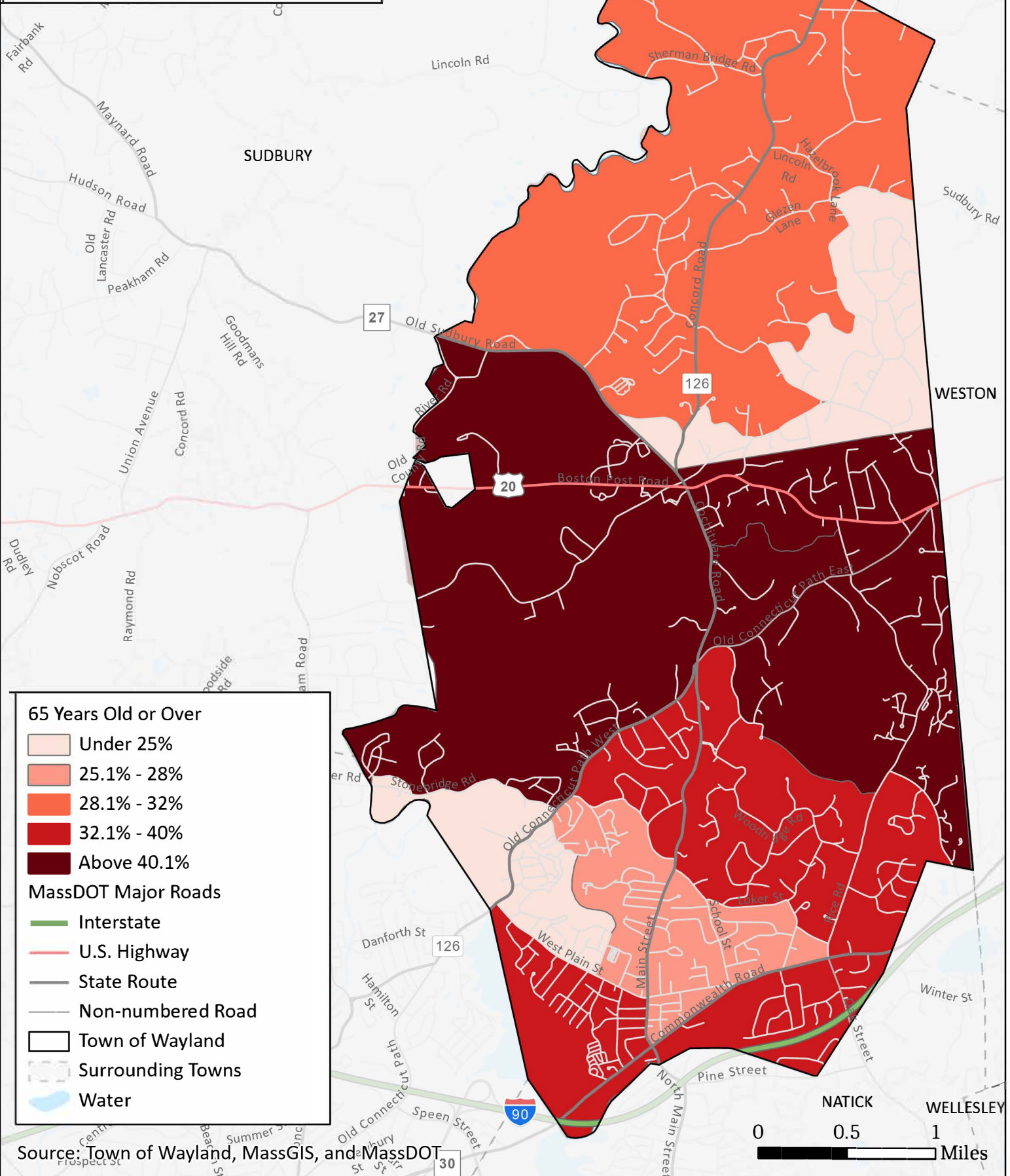


MAP 3

Households with Someone 65 Years Old or Older

CONCORD

N



65 Years Old or Over

- Under 25%
- 25.1% - 28%
- 28.1% - 32%
- 32.1% - 40%
- Above 40.1%

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road
- Town of Wayland
- Surrounding Towns
- Water

Source: Town of Wayland, MassGIS, and MassDOT

0 0.5 1 Miles

Table 2-3: Wayland Families by Presence of Children

	#	%
Married-couple families	3,534	91.20%
<i>with children</i>	3,324	94.06%
<i>without children</i>	210	5.94%
Male householder, no spouse present families	109	2.81%
<i>with children</i>	74	67.89%
<i>without children</i>	35	32.11%
Female householder, no spouse present families	242	6.25%
<i>with children</i>	131	56.47%
<i>without children</i>	111	47.84%
Total Families	3,875	100%

Source: American Community Survey 5-Year Estimates (2019)

Table 2-4 presents household size statistics. In Wayland and comparison communities, the majority of households have three or fewer people. The largest group in each of these municipalities is two-person households, while large households of six or more people are uncommon.

Table 2-4: Household Size

	Wayland		Sudbury		Natick		Weston		Hopkinton	
	#	%	#	%	#	%	#	%	#	%
1-Person Household	798	16.7%	737	11.5%	4,209	29.0%	650	17.2%	980	15.5%
2-Person Household	1,522	31.8%	2,185	34.2%	4,613	31.7%	1,223	32.3%	2,349	37.3%
3-Person Household	897	18.7%	1,214	19.0%	2,346	16.1%	626	16.5%	1,100	17.4%
4-Person Household	983	20.5%	1,559	24.4%	2,381	16.4%	689	18.2%	1,317	20.9%
5-Person Household	478	10.0%	543	8.5%	749	5.2%	427	11.3%	359	5.7%
6-Person Household or larger	108	2.3%	148	2.3%	239	1.6%	172	4.5%	199	3.2%
Total	4,786	100%	6,386	100%	15,537	100%	3,787	100%	6,304	100%

Source: American Community Survey 5-Year Estimates (2019)

Table 2-5 shows the same household size data for Wayland’s Census tracts, revealing significant variation within the Town. North Wayland has a very small proportion of single-person households compared to the Town as a whole and its comparison communities, while three-and four-person households are more common. In the tract covering Cochituate, on the other hand, one-person households are the largest group by a slim margin and household size is more evenly distributed in general. The prevalence of smaller households in the south may be partially explained by the presence of over 100 units of rental housing owned and operated by the Wayland Housing Authority.



	3662.01 (North)		3662.02 (Central)		3661 (Cochituate)	
	#	%	#	%	#	%
1-Person Household	92	7.7%	326	17.0%	380	22.8%
2-Person Household	426	35.5%	723	37.6%	373	22.4%
3-Person Household	272	22.7%	278	14.5%	347	20.8%
4-Person Household	290	24.2%	335	17.4%	358	21.5%
5-Person Household	92	7.7%	218	11.3%	168	10.1%
6-Person Household	27	2.3%	36	1.9%	40	2.4%
7-or-More Person Household	0	0.0%	5	0.3%	0	0.0%
Total	1,199	100%	1,921	100%	1,666	100%

Source: American Community Survey 5-Year Estimates (2019)

Group Quarters

According to the Census Bureau, the term “group quarters” means a residence that is not a housing unit, e.g., institutional facilities such as college dormitories or nursing homes. People living in group quarters are housed by an institution of which they are a member rather than settling within individual households. Therefore, group quarters population counts towards a municipality’s total population but is not included in any household-level data. Table 2-6 compares the group quarters population of Wayland to comparison communities. Wayland has a relatively small group quarters population, comprising less than half of a percent of the Town’s total population. Weston’s relatively high proportion of group quarters population is likely explained by the presence of Regis College.

	#	% Total Population
Weston	822	6.8%
Natick	382	1.1%
Sudbury	175	0.9%
Hopkinton	89	0.5%
Wayland	52	0.4%
Medfield	45	0.3%
Westwood	29	0.2%

Source: American Community Survey 5-Year Estimates (2019)

Race, Ethnicity, and Culture

Wayland, like most Massachusetts towns, is a majority-White community, but the data reveals that the Town is becoming increasingly diverse. Table 2-7 shows the 2020 Census breakdown of race in Wayland and its comparison communities. In all these municipalities, White residents make up over 70 percent of the total population, and those identifying as Asian are the second-largest group everywhere but Medfield. Wayland falls roughly in the middle of the comparison communities in terms of total percentage of White residents. Wayland has the lowest proportion of Black residents, at



less than one percent (although all comparison communities have a very small Black population), but has a higher proportion of Asian residents.

Table 2-7: Race/Ethnicity⁶

	Wayland		Sudbury		Natick		Weston		Hopkinton	
	#	%	#	%	#	%	#	%	#	%
American Indian/Alaska Native	8	0.1%	2	0.0%	42	0.1%	9	0.1%	8	0.0%
Asian	1,887	13.5%	1,697	9.0%	4,431	12.0%	1,892	16.0%	3,342	17.8%
Black	119	0.9%	239	1.3%	783	2.1%	241	2.0%	183	1.0%
Hispanic	541	3.9%	687	3.6%	1,762	4.8%	486	4.1%	733	3.9%
Native Hawaiian/Pacific Islander	6	0.0%	5	0.0%	1	0.0%	1	0.0%	1	0.0%
White	10,703	76.8%	15,321	80.9%	27,985	75.6%	8,768	74.0%	13,733	73.2%
Two or more races	618	4.4%	864	4.6%	1,581	4.3%	400	3.4%	638	3.4%
Other	61	0.4%	119	0.6%	421	1.1%	54	0.5%	120	0.6%
Total	13,943	100%	18,934	100%	37,006	100%	11,851	100%	18,758	100%

Source: US Census 2020

Table 2-8 shows race by census tract in Wayland. Tract 3661, which contains much of Cochituate, has the highest proportion of Asian and Black residents. North Wayland has the highest percentage of residents who identify as White, more so than the Town as a whole (80.8 percent in North Wayland vs. 76.8 percent town-wide).

Table 2-8: Race/Ethnicity by Census Tract

	3662.01 (North)		3662.02 (Central)		3661 (Cochituate)	
	#	%	#	%	#	%
American Indian/Alaska Native	1	0.0%	7	0.1%	0	0.0%
Asian	368	9.8%	721	13.8%	798	16.1%
Black	23	0.6%	27	0.5%	69	1.4%
Hispanic	125	3.3%	215	4.1%	201	4.1%
Native Hawaiian/Pacific Islander	1	0.0%	5	0.1%	0	0.0%
White	3,030	80.8%	4,016	76.6%	3,657	73.8%
Two or more races	188	5.0%	230	4.4%	200	4.0%
Other	14	0.4%	20	0.4%	27	0.5%
Total	3,750	100%	5,241	100%	4,952	100%

Source: US Census 2020

⁶ The Census Bureau classifies Hispanic/Latino as an ethnic category separate from race (for example, someone might fill out their Census form to indicate that their race is White, but mark that they are Hispanic). This HPP uses data that separates the Hispanic population into a separate category regardless of race. All other race categories contain the non-Hispanic members of that category.



Finally, Table 2-9 shows the changing racial makeup of Wayland over the past three decades. While White residents still make up a significant majority of the Town’s population, Table 2-9 reveals that most minority groups have been growing consistently since at least 2000. Not only has the proportion of White residents fallen over the years, but the three most recent decennial censuses reported a net loss in the total number of White residents. Therefore, it is fair to say that Wayland’s modest population growth in recent years has been due to the arrival of individuals and families from a diverse set of racial and ethnic backgrounds.

	2000		2010		2020	
	#	%	#	%	#	%
American Indian/Alaska Native	10	0.10%	4	0.00%	8	0.10%
Asian	699	5.30%	1,284	9.90%	1,887	13.50%
Black	97	0.70%	101	0.80%	119	0.90%
Hispanic	151	1.20%	315	2.40%	541	3.90%
Native Hawaiian/Pacific Islander	4	0.00%	2	0.00%	6	0.00%
White	11,971	91.40%	11,082	85.30%	10,703	76.80%
Two or more races	155	1.20%	185	1.40%	618	4.40%
Other	13	0.10%	21	0.20%	61	0.40%
Total	13,100	100%	12,994	100%	13,943	100%

Source: US Decennial Census 2020, 2010, & 2000

Tables 2-10 and 2-11 show characteristics of Wayland’s foreign-born population, which makes up about 15 percent of the Town’s total population. While Wayland’s overall proportion of foreign-born residents is similar to its comparison communities, the Town has the highest proportion of naturalized citizens (80 percent of all foreign-born residents). Most foreign-born residents have become citizens in every comparison community but Natick.

	Wayland		Sudbury		Natick		Weston		Hopkinton	
Native-born	11,761	85.2%	16,701	87.3%	29,331	81.2%	9,983	82.4%	15,401	87.5%
<i>Born in MA</i>	7,791	66.2%	10,058	60.2%	19,960	68.1%	5,738	57.5%	9,686	62.9%
<i>Born elsewhere</i>	3,970	33.8%	6,643	39.8%	9,371	31.9%	4,245	42.5%	5,715	37.1%
Total native-born	11,761	100%	16,701	100%	29,331	100%	9,983	100%	15,401	100%
Foreign-born	2,041	14.8%	2,421	12.7%	6,797	18.8%	2,129	17.6%	2,197	12.5%
<i>Naturalized Citizen</i>	1,630	79.9%	1,698	70.1%	3,104	45.7%	1,365	64.1%	1,244	56.6%
<i>Not a US Citizen</i>	411	20.1%	723	29.9%	3,693	54.3%	764	35.9%	953	43.4%
Total foreign-born	2,041	100%	2,421	100%	6,797	100%	2,129	100%	2,197	100%
Total	13,802	100%	19,122	100%	36,128	100%	12,112	100%	17,598	100%

Source: American Community Survey 5-Year Estimates (2019)



Table 2-11 lists the top ten countries of origin for foreign-born Wayland residents. China and India are the most common countries of origin for foreign-born residents, making up a combined 30 percent of the total. About a third of foreign-born Wayland residents were born in countries outside of the top ten.

Table 2-11: Foreign-Born Residents by Country of Origin		
Country of Origin	#	% Foreign-Born Population
China	373	18.3%
India	235	11.5%
Russia	142	7.0%
Mexico	128	6.3%
United Kingdom	115	5.6%
Canada	102	5.0%
Brazil	82	4.0%
Israel	76	3.7%
Australia	57	2.8%
Taiwan	56	2.7%
Other Countries	675	33.1%
Total	2,041	100%
<i>Source: American Community Survey 5-Year Estimates (2019)</i>		

Table 2-12 shows that the majority of Wayland residents report being proficient in speaking English. Ninety-six percent either speak only English or speak it “very well” alongside some other language. While only 4 percent speak English less than “very well,” this still represents a group of nearly 500 individuals who may have difficulty communicating in English.

Table 2-12: English Proficiency in Wayland		
All Residents Ages 5 and up		
	#	%
Speak only English	10,445	81.5%
Speak English “very well”	1,888	14.7%
Speak English less than “very well”	486	3.8%
Total	12,819	100%
Foreign-Born Residents Ages 5 and up		
	#	%
Speak only English	632	31.0%
Speak English “very well”	1,059	51.9%
Speak English less than “very well”	350	17.1%
Total	2,041	100%
<i>Source: American Community Survey 5-Year Estimates (2019)</i>		



Table 2-13 shows that Wayland is roughly in line with its comparison communities in terms of English proficiency, but that, as a group, they are above the statewide average.

Table 2-13: English Proficiency in Wayland and Comparison Communities (Age 5 or Over)

	Wayland		Sudbury		Natick		Weston		Massachusetts	
	#	%	#	%	#	%	#	%	#	%
Speak only English	10,445	81.5%	15,519	86.1%	26,893	79.1%	9,166	79.9%	4,942,231	76.2%
Speak English "very well"	1,888	14.7%	2,059	11.4%	5,024	14.8%	1,915	16.7%	948,059	14.6%
Speak English less than "very well"	486	3.8%	438	2.4%	2,073	6.1%	389	3.4%	599,247	9.2%
Total (age 5+)	12,819	100%	18,016	100%	33,990	100%	11,470	100%	6,489,537	100%

Source: American Community Survey 5-Year Estimates (2019)

Public School Enrollment

Participants in the community interviews conducted for this plan touted Wayland Public Schools as a major draw for families with young children. Table 2-14 displays student enrollment data for Wayland’s three public elementary schools alongside the district. The locations of all the Town’s public schools are shown on **Map 4**. Wayland participates in the METCO program and 135 students from Boston attend the local public schools in grades 1 through 12.^{7,8}

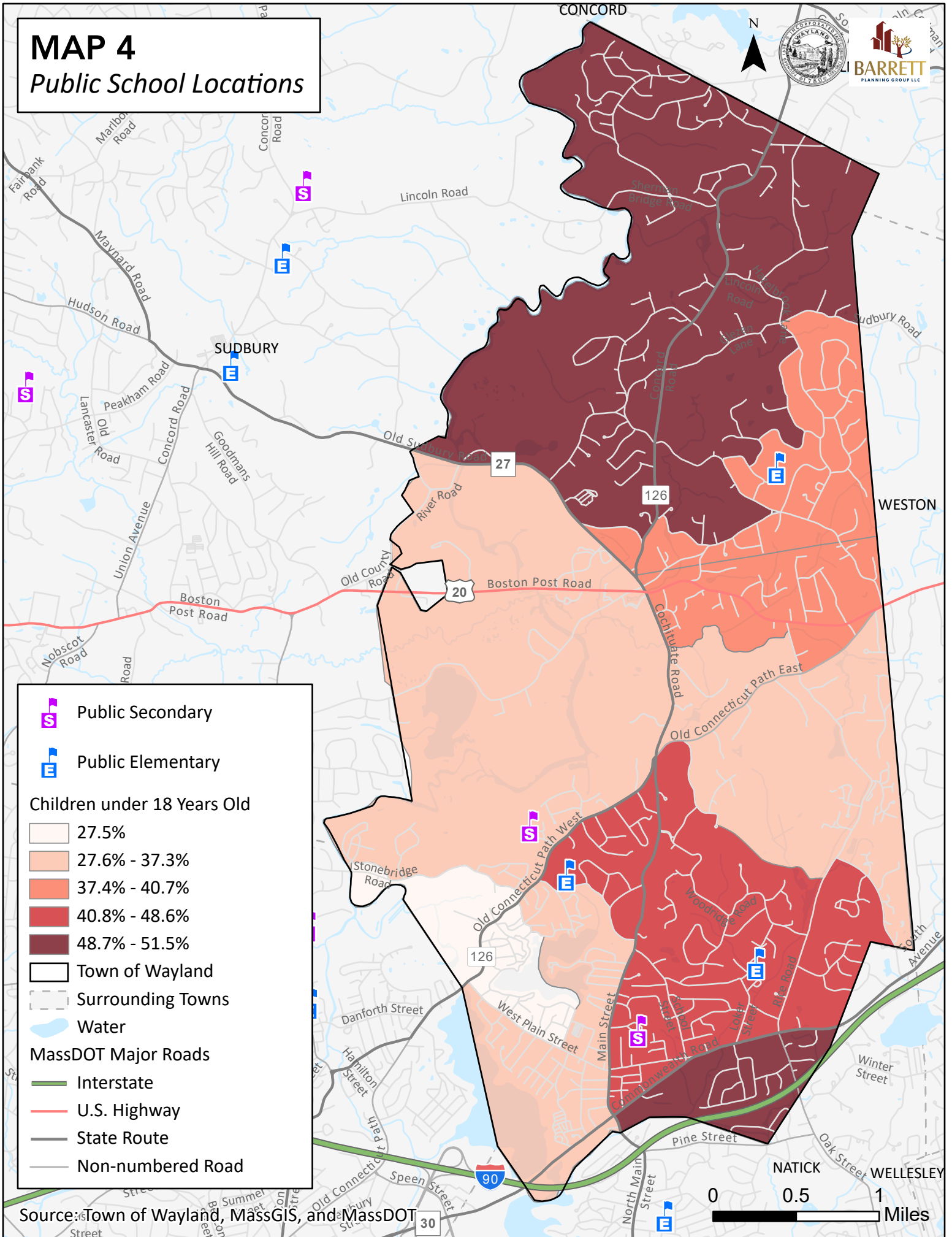
⁷ The Metropolitan Council For Educational Opportunity (METCO) buses students from Boston to suburban schools with the aim of countering regional racial education imbalances and promoting educational desegregation.

⁸ Wayland Public Schools



MAP 4

Public School Locations



- Public Secondary
- Public Elementary

Children under 18 Years Old

- 27.5%
- 27.6% - 37.3%
- 37.4% - 40.7%
- 40.8% - 48.6%
- 48.7% - 51.5%

- Town of Wayland
- Surrounding Towns
- Water
- MassDOT Major Roads
 - Interstate
 - U.S. Highway
 - State Route
 - Non-numbered Road

Source: Town of Wayland, MassGIS, and MassDOT

0 0.5 1 Miles

The first section of Table 2-14 shows the racial makeup of the schools’ students, which are consistent with that of the general population. The Loker School in Cochrane has the highest proportion of Asian and Hispanic students and the lowest proportion of White students, while the other two elementary schools correspond more closely to Wayland’s overall population trends. The racial makeup of Wayland’s entire school district, shown in the final column of Table 2-14, shows that the younger generation of Wayland residents is more diverse than the adult population.

Table 2-14: Public Elementary School Data				
	Claypit Hill School	Happy Hollow School	Loker School	District Total*
Location	North Wayland	South Wayland	South Wayland	N/A
Accountability Classification**	Meeting or exceeding targets	School of recognition	Meeting or exceeding targets	Meeting or exceeding targets
Enrollment	504	361	357	2,700
White	72.6%	74.5%	65.8%	68.0%
Asian	11.3%	10.2%	16.5%	15.4%
Hispanic	5.4%	4.4%	6.7%	5.0%
African American	4.4%	3.9%	4.2%	5.0%
Other	6.4%	6.9%	6.7%	6.6%
First language not English	12.9%	14.7%	19.3%	13.1%
English Language Learner	4.2%	6.1%	7.3%	3.5%
Students w/ disabilities	14.9%	15.0%	8.4%	17.9%
Economically disadvantaged	4.2%	7.8%	5.3%	6.6%
High Needs***	24.6%	25.8%	21.8%	26.7%
<i>*Includes all students of Wayland Public Schools, not just those at the elementary level **Describes how well a school is meeting MCAS score targets. “School of recognition” indicates a school that not only meets targets but excels compared to other schools that are meeting their goals. ***A student is high needs if they are designated as either low income, economically disadvantaged, English Language Learner (ELL) or former ELL, or a student with disabilities. Enrollment data are reported for the 2020–2021 school year, accountability and assessment data are reported for the 2018–2019 school Source: Massachusetts Department of Elementary and Secondary Education</i>				

The second section of Table 2-14 shows the proportion of students whose first language is not English, and who fall into a series of categories that the Massachusetts Department of Elementary and Secondary Education (DESE) groups under the umbrella term “High Needs.” Over one-quarter of the school district’s students qualify as High Needs, and the three elementary schools report similar percentages. Out of the High Needs categories, students with disabilities form the largest group. About 15 percent of students at Claypit Hill and Happy Hollow schools belong to this category. Loker School has the highest proportion of English Language Learner (ELL)⁹ students and Happy Hollow School has the highest proportion of economically disadvantaged students.

⁹ The DESE defines an English Language Learner or English Learner as a student who either does have English as a native language or comes from an environment where English is not the primary language, and who has difficulty performing classroom work in English.



Education, Work, and Earnings

Wayland and the surrounding communities have higher levels of education than Massachusetts in general, with a much lower proportion of adults who have not completed a high school education and a higher proportion of people with bachelor’s, master’s, and professional degrees (see Table 2-15).

Table 2-15: Educational Attainment (25 Years or Older)

	Wayland		Sudbury		Natick		Weston		Massachusetts	
	#	%	#	%	#	%	#	%	#	%
Less than high school	181	1.9%	138	1.1%	740	2.9%	78	1.0%	441,944	9.2%
High School (or equivalent)	590	6.3%	1,171	9.3%	3,196	12.5%	750	9.7%	1,148,525	24.0%
Some college or Associate degree	1,027	11.0%	1,144	9.1%	4,061	15.9%	507	6.5%	1,102,149	23.0%
Bachelor's degree	3,254	34.9%	4,652	37.0%	8,229	32.1%	2,576	33.2%	1,151,870	24.1%
Master's degree	2,588	27.7%	3,414	27.2%	6,995	27.3%	2,098	27.1%	656,508	13.7%
Professional degree	912	9.8%	991	7.9%	1,244	4.9%	909	11.7%	145,317	3.0%
Doctorate	780	8.4%	1,055	8.4%	1,153	4.5%	837	10.8%	135,370	2.8%
Total	9,332	100%	12,565	100%	25,618	100%	7,755	100%	4,781,683	100%

Source: American Community Survey 5-Year Estimates (2019)

A community’s labor force includes all its residents 16 years and over who have a job or are looking for work. Table 2-16 breaks down Wayland’s labor force by occupation. The two largest categories combined make up most of the kinds of jobs held by Wayland’ labor force, encompassing jobs in fields like education, management, health care, and professional services.

Table 2-16: Wayland Workforce by Occupation

Occupation	#	%
Educational Services; Health Care; Social Assistance	1,976	27.9%
Professional, Scientific, and Management; Administrative; Waste Management Services	1,786	25.2%
Manufacturing	680	9.6%
Retail Trade	577	8.1%
Finance and Insurance; Real Estate; Rental And Leasing	538	7.6%
Arts, Entertainment, and Recreation; Accommodation and Food Services	416	5.9%
Other Services, Except Public Administration	319	4.5%
Information	243	3.4%
Public Administration	202	2.9%
Wholesale Trade	168	2.4%
Construction	128	1.8%
Transportation and Warehousing; Utilities	53	0.7%
Agriculture; Forestry; Fishing and Hunting; Mining	0	0.0%
Total Employed Population 16+	7,086	100%

Source: American Community Survey 5-Year Estimates (2019)



Table 2-17 shows unemployment rates from the 2019 American Community Survey (ACS) alongside more up-to-date figures from the Department of Unemployment Assistance. Unemployment increased significantly across the country due to the COVID-19 pandemic, but rates are currently closer to pre-pandemic levels. In both data sets, Wayland has the lowest unemployment rate among the comparison communities, which is much lower than the state or county figures. The 2019 data indicates a particularly large gap between unemployment in Wayland and the comparison communities, but the 2021 data shows that this gap has closed.

Area	Unemployment Rate 2019	Unemployment Rate 2021
Framingham	5.0%	4.1%
Massachusetts	4.8%	5.3%
North Reading	4.3%	4.4%
Lincoln	4.2%	4.3%
Weston	4.0%	3.3%
Hopkinton	3.9%	3.6%
North Andover	3.8%	4.8%
Middlesex County	3.8%	4.3%*
Sudbury	3.6%	3.3%
Westford	3.0%	3.7%
Natick	3.0%	3.7%
Wayland	1.4%	3.2%

*Source: American Community Survey 5-Year Estimates (2019), MA Department of Unemployment Assistance (September 2021), *US Federal Reserve*

Disability

The American Community Survey, the source of disability data in this section, defines a “disability” as when a physical, sensory, cognitive, or mental health issue causes an individual difficulty in carrying out basic life activities such as work or school.¹⁰ The incidence of disability in Wayland is lower than the state and county averages, as shown in Table 2-18. The same is true when looking at only the population 65 years or older, although the prevalence of disability for Wayland’s older adults is higher than in comparison communities.

“It is difficult to find one level homes for large families so it’s accessible for [a] family member with a physical disability.”

- Survey Response

¹⁰ US Census Bureau, *American Community Survey 2019 Subject Definitions*. The ACS definition is consistent with that of the Americans with Disabilities Act of 1990, as amended (ADA).



Table 2-18: Disability

	Wayland		Sudbury		Natick		Middlesex County		Massachusetts	
	#	%	#	%	#	%	#	%	#	%
Total pop. w/ a disability	915	6.6%	1,268	6.7%	3,010	8.4%	147,133	9.3%	784,593	11.6%
Total pop. without a disability	12,849	93.4%	17,679	93.3%	32,781	91.6%	1,438,875	90.7%	5,992,875	88.4%
Pop. 65+ w/ a disability	666	26.7%	595	20.7%	1,425	26.3%	69,312	29.7%	340,368	31.8%
Pop. 65+ without a disability	1,832	73.3%	2,275	79.3%	3,984	73.7%	163,715	70.3%	730,602	68.2%

Source: American Community Survey 5-Year Estimates (2019)

Household Wealth

Wayland can fairly be called a wealthy town, although there is significant economic diversity within the community. While Wayland has households at many different income levels, its median household income (MHI) is one of the highest out of the comparison communities in Table 2-19 and more than double the state median.

Table 2-19: Median Household Income (MHI)

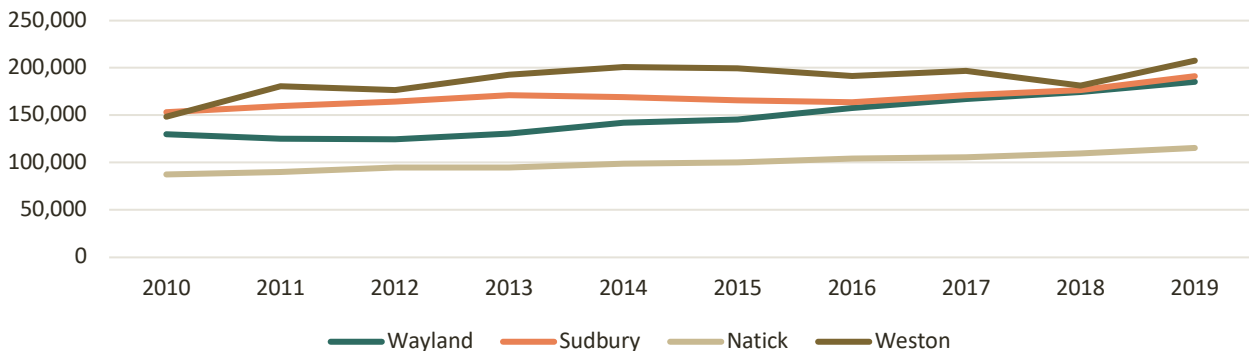
Location	MHI	Location	MHI
Weston	\$207,702	North Reading	\$128,651
Sudbury	\$191,310	Lincoln	\$124,507
Wayland	\$185,375	Natick	\$115,545
Medfield	\$160,963	North Andover	\$108,070
Westwood	\$160,132	Middlesex County	\$102,603
Hopkinton	\$157,353	Framingham	\$82,709
Westwood	\$144,917	Massachusetts	\$81,215

Source: American Community Survey 5-Year Estimates (2019)

Figure 2-2 uses American Community Survey data to chart the growth of MHI in Wayland and the comparison communities since 2010. Since the most recent low of \$124,702 in 2012, the Town’s MHI has grown steadily each year and narrowed the gap with Sudbury and Weston.

Figure 2-2: Median Household Income by Year

Source: American Community Survey Estimates (2010-2019)



Map 5 shows Wayland’s median household income by Census block group (see also Table 1-3). There is more than a \$100,000 disparity between the highest MHI Census block group (\$220,000 or more in North Wayland) and the lowest (\$127,000 or less in Cochituate). The lower MHI in Cochituate may be partially because much of Wayland’s existing affordable housing stock is located in the area and that there are generally smaller, more affordable homes. While **Map 5** demonstrates that Wayland households have a wide range of incomes, even the block group with the lowest MHI places higher than several comparison communities in Table 2-19.

Table 2-20 compares the median household incomes of owner-occupied households and renter-occupied households. Owner MHI is higher and renter MHI is lower than overall MHI in every comparison community. Wayland has the second-highest owner MHI after Weston and the second-lowest renter MHI after Medfield. While factors such as household size partially explain the difference in these two figures, Table 2-20 points to a very large wealth disparity between owners and renters in Wayland. A likely explanation for this gap is that Wayland has few market-rate rental units. Over one-quarter of all renter households live in income-restricted affordable units, most of which are administered by the Wayland Housing Authority.

Table 2-20: Median Household Income for Homeowners and Renters							
Household Type	Wayland	Sudbury	Natick	Weston	Hopkinton	Medfield	Westwood
Owner-occupied	\$201,691	\$197,880	\$148,257	\$243,448	\$185,298	\$185,845	\$175,441
Renter-occupied	\$41,250	\$43,750	\$71,264	\$72,847	\$66,250	\$36,324	\$48,125
Overall MHI	\$185,375	\$191,310	\$115,545	\$207,702	\$157,353	\$160,963	\$160,132

Source: American Community Survey 5-Year Estimates (2019)

Poverty and Homelessness

Wayland’s family poverty rate is half that of Middlesex County, which itself has a lower poverty rate than Massachusetts as a whole (see Table 2-21). While Wayland’s poverty rate is indeed low, it is higher than several of its neighbors. When considering only families that are not made up of married couples, the rate jumps up to 11.4 percent, which is still lower than the state and county averages but represents dozens of Wayland families. The bottom half of Table 2-21 shows individual poverty rates, which are higher than family poverty rates but follow similar trends. In many places the poverty rate for children under 18 is higher than that of older adults aged 65 or older, but in Wayland and Natick older adults have the higher poverty rate.

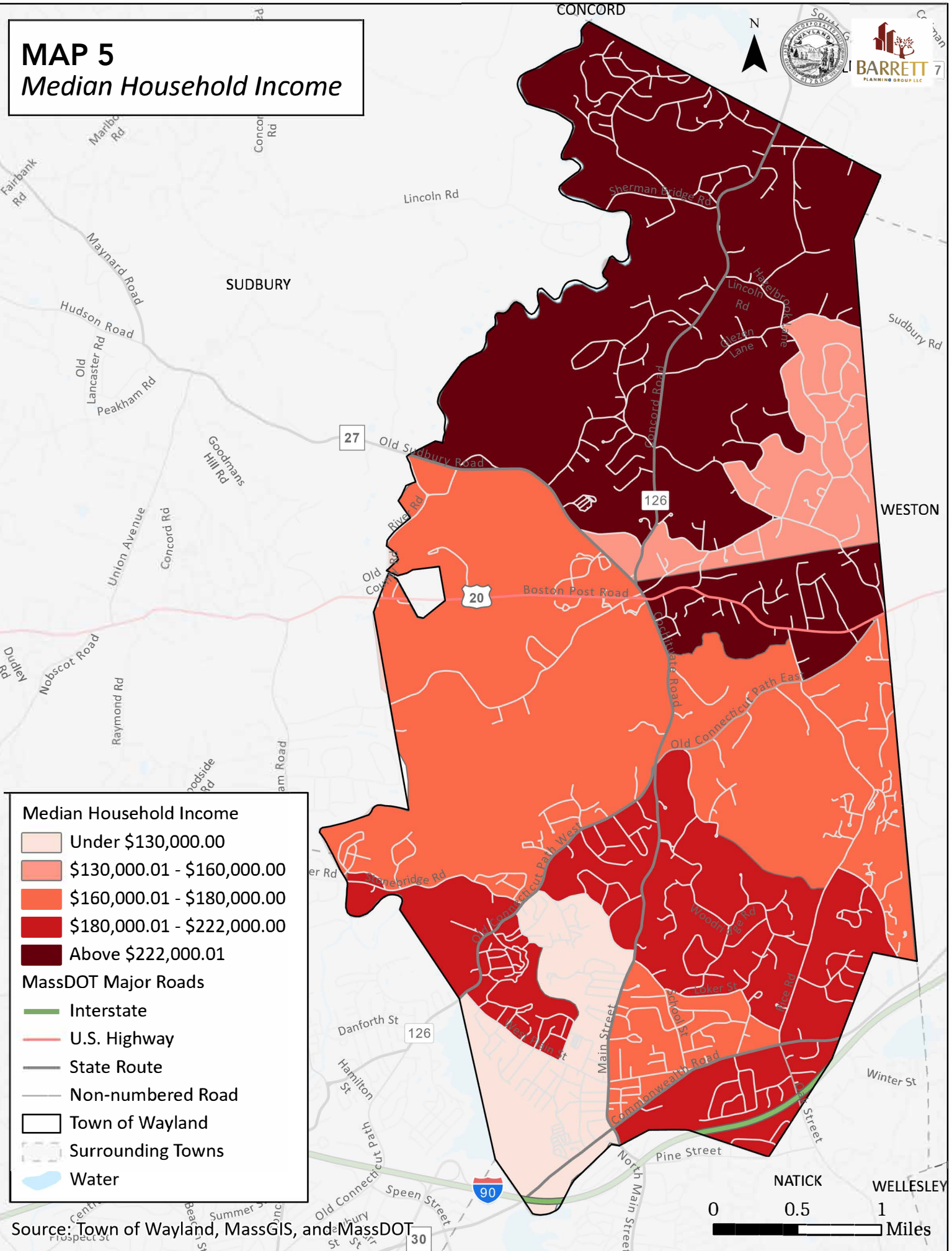
“Our Cub Scout pack has about one family per year that moves to a more affordable town.”

- Survey Response



MAP 5

Median Household Income



Median Household Income

- Under \$130,000.00
- \$130,000.01 - \$160,000.00
- \$160,000.01 - \$180,000.00
- \$180,000.01 - \$222,000.00
- Above \$222,000.01

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road

Town of Wayland

Surrounding Towns

Water

Source: Town of Wayland, MassGIS, and MassDOT

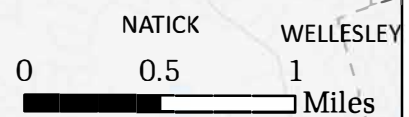


Table 2-21: Income Below Poverty Level (past 12 months)

Group	Wayland		Sudbury		Natick		Weston		Middlesex County		Massachusetts	
	#	Poverty rate	#	Poverty rate	#	Poverty rate	#	Poverty rate	#	Poverty rate	#	Poverty rate
Families Below Poverty Level	90	2.3%	73	1.3%	164	1.7%	207	6.7%	18,078	4.6%	115,654	7.0%
<i>Married-Couple Families below poverty level</i>	51	1.4%	73	1.4%	56	0.7%	57	2.1%	6,401	2.1%	35,598	2.9%
<i>Other Families below poverty level</i>	39	11.4%	0	0.0%	108	7.0%	150	42.1%	11,677	14.7%	80,056	18.7%
Individuals below poverty level	411	3.0%	470	2.5%	1,036	2.9%	866	7.6%	114,942	7.4%	680,962	10.3%
<i>Under age 18 below poverty level</i>	40	1.1%	178	3.3%	117	1.4%	305	10.0%	25,131	8.0%	177,630	13.2%
<i>Age 65+ below poverty level</i>	70	2.8%	35	1.2%	224	4.1%	71	2.9%	17,198	7.4%	96,081	9.0%

Source: American Community Survey 5-Year Estimates (2019)

Services for individuals and families experiencing homelessness are coordinated through local or regional Continuum of Care (CoC) programs, which receive funding from HUD. Wayland, like other communities that do not have a local or regional CoC may receive funding through the state’s “Balance of State” CoC program. The Balance of State CoC does not report data on a town-by-town basis, but it is likely that those experiencing homelessness in the region would be drawn towards urban areas like Framingham where services are more readily available; nearly all of the services listed for Wayland by the Balance of State CoC are located in other communities. The number of unhoused people in Wayland is likely low or possibly nonexistent, but the true number is unknown.



HOUSING PROFILE

Key Findings

- **Limited housing diversity.** The housing stock is overwhelmingly comprised of owner-occupied single-family detached dwellings, indicating that Wayland lacks housing diversity in terms of size and tenure.
- **High and rising home prices.** Wayland is an expensive place to buy a house and home prices are becoming less affordable over time.
- **Major cost burdens at lower income levels.** While most of Wayland’s moderate-to-high income households do not struggle to pay their monthly housing costs, lower income households are facing affordability problems. About a quarter of owners and renters pay more than 30 percent of their income on housing.
- **Geographic concentration of affordability.** Many of Wayland’s SHI units are concentrated in a few large developments and most affordable housing developments are located in Cochituate and along Route 20.
- **Potential to fall below 10 percent affordable units.** Despite the impressive achievement of reaching and exceeding the 10 percent affordable threshold required under Chapter 40B, it is possible that Wayland could fall back below 10 percent if unbuilt units are removed from the Town’s SHI.

Characteristics of Housing Stock

Table 2-22 shows the residential building permits issued in Wayland since 2016, the year that the previous Housing Production Plan was completed. Since then, single-family residential development has been slow. The Building Department has issued an annual average of 5 demolition permits for residential dwellings, while issuing permits for an average of 16 new units. Notably, at no point did Wayland produce a net 26 or more single-family residences, meaning that even in a hypothetical situation where all new units were SHI-eligible, the Town could likely not meet its DHCD annual affordable unit production target (a 0.5 percent increase in year-round housing stock) with single-family development alone.



Table 2-22: Wayland Building Department Permitting Records

Year	1 and 2 Family Dwelling Units	Residential Demolition Permits*	Net New Residential Structures Permitted
2016	23	4	19
2017	11	5	6
2018	17	5	12
2019	11	8	3
2020	16	6	10
2021	20	3	17
Total	98	31	67
Average	16	5	11

**If a demolition permit also included the reconstruction of a unit, it was not counted as a net loss*
 Source: Town of Wayland

“[I’m] thankful there is an apartment complex here now. It’s a place where divorced women and pre-nursing home elderly folks can go to stay in town after selling their houses. But there’s only one choice and it’s full.”

-Survey Response

While the analysis in this section shows that single-family units are the primary form of residential development in Wayland, available building permit data does not clearly describe the multifamily development that does happen in Town. For example, permits for multifamily development are not clearly categorized. Based on data provided by the Wayland Building Department, it is not possible to determine how many of the residential building permits resulted in a new housing unit- as opposed to a renovation or addition to an existing unit.

The physical characteristics of Wayland’s housing supply are typical for a suburban Massachusetts town. Table 2-23 shows that just over 90 percent of Wayland’s housing units are in single-unit structures (mostly detached), with less than 5 percent found in buildings that contain five or more units. Wayland has a relatively high number of “1 unit; attached” units; this category describes housing like condominiums or townhouses



Figure 2-3: Residential Structures by Year Built

Source: American Community Survey Estimates (2019)

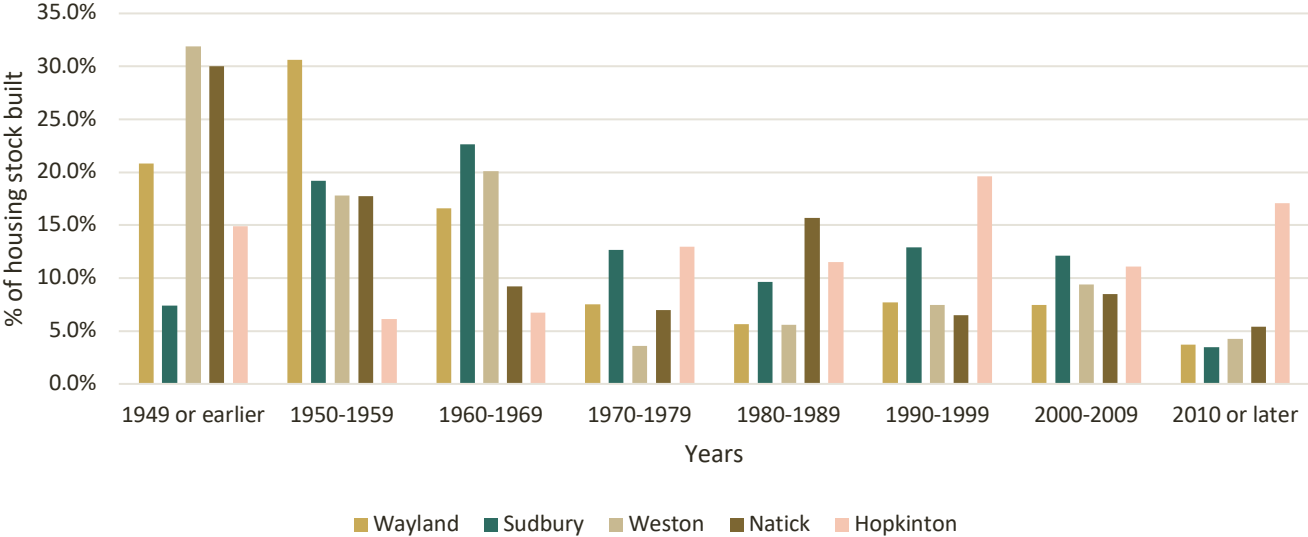


Table 2-23: Units in Structure

	Wayland		Sudbury		Natick		Weston		Hopkinton	
	#	%	#	%	#	%	#	%	#	%
1 unit; detached	4,215	82.0%	5,709	87.9%	8,844	57.9%	3,397	85.7%	4,876	74.9%
1 unit; attached	441	8.6%	371	5.7%	642	4.2%	109	2.7%	682	10.5%
2 units	127	2.5%	52	0.8%	1,126	7.4%	40	1.0%	137	2.1%
3-4 units	56	1.1%	106	1.6%	520	3.4%	163	4.1%	223	3.4%
5-9 units	8	0.2%	36	0.6%	1,169	7.7%	28	0.7%	54	0.8%
10-19 units	73	1.4%	48	0.7%	1,182	7.7%	17	0.4%	116	1.8%
20-49 units	46	0.9%	134	2.1%	751	4.9%	55	1.4%	203	3.1%
50 or more	111	2.2%	38	0.6%	972	6.4%	146	3.7%	222	3.4%
Other (mobile home, boat, etc.)	64	1.2%	0	0.0%	63	0.4%	9	0.2%	0	0.0%
Total	5,141	100%	6,494	100%	15,269	100%	3,964	100%	6,513	100%

Source: American Community Survey 5-Year Estimates (2019)

Age of Housing

Compared to nearby communities, a large proportion of Wayland’s housing stock dates to the mid-twentieth century, and a relatively low number of housing units were built since the 1990s (see Figure 2-3). This trend corresponds with the nationwide boom in suburban housing development following World War II and indicates that in recent decades, Wayland has been slower to build new housing than its neighbors. A slight majority (about 51 percent) of the Town’s current housing was built before 1960, the 1950s being the most active period for new construction. However, compared to neighbors like Weston and Natick, Wayland has fewer old homes from before the 1950s.



Occupancy and Tenure

Wayland and its nearby communities have low residential vacancy rates. All municipalities surveyed in Table 2-24 have at least 94 percent of their residential units occupied. However, Wayland has the second-highest residential vacancy rate out of all the comparison communities after Weston, with 283 vacant units accounting for about 5 percent of total housing units. Wayland has a higher number of vacant housing units than neighboring Sudbury, despite having a smaller number of overall units. There is not enough information available from the 2020 Census to understand the reasons for this, but estimates for 2019 indicate that about 40 percent of Wayland’s vacant units are only occupied seasonally or occasionally.

Table 2-24: Housing Unit Vacancy Rates (2020)

	Wayland		Sudbury		Natick		Weston		Hopkinton		Medfield	
	#	%	#	%	#	%	#	%	#	%	#	%
Occupied	5,013	94.7%	6,386	97.4%	14,956	95.4%	3,799	94.0%	6,395	96.2%	4,346	97.7%
Vacant	283	5.3%	170	2.6%	724	4.6%	244	6.0%	250	3.8%	104	2.3%
Total Units	5,296	100%	6,556	100%	15,680	100%	4,043	100%	6,645	100%	4,450	100%

Source: Census 2020

Wayland and its comparison communities are made up of overwhelmingly owner-occupied households, with the lowest rate of homeownership units (in Natick) still over two-thirds of the total (see Table 2-25). Wayland and Sudbury are essentially tied for the highest proportion of households that own their homes. Households belonging to the two largest racial groups in Wayland, White and Asian, own their homes at rates comparable to the overall population. Other groups have a greater proportion of renters, but the absolute numbers of these households are very small.

Table 2-25: Tenure

	Wayland	Sudbury	Natick	Weston	Hopkinton	Medfield	Westwood
Owner-occupied	91.40%	91.60%	68.90%	85.80%	83.00%	86.90%	85.10%
Renter-occupied	8.60%	8.40%	31.10%	14.20%	17.00%	13.10%	14.90%

Source: American Community Survey 5-Year Estimates (2019)

Geographic Mobility

Geographic mobility measures how frequently households move to new housing units. It can indicate relative stability or instability in a town’s housing market. The American Community Survey asks respondents where they live relative to one year ago: in the same house, in a different house in the same area, etc. Table 2-26 shows that in 2019, Wayland residents were extremely likely to have been living in the same house for a year or more.



Table 2-26: Geographic Mobility (Past Year)

	Wayland		Sudbury		Natick		Weston	
Same house as 1 year ago	12,653	92.6%	17,662	93.3%	31,745	88.7%	10,695	89.0%
Moved within Middlesex County	461	3.4%	697	3.7%	2,018	5.6%	651	5.4%
Moved within Massachusetts	194	1.4%	235	1.2%	712	2.0%	214	1.8%
Moved from elsewhere in U.S.	216	1.6%	217	1.1%	899	2.5%	226	1.9%
Moved from abroad	139	1.0%	115	0.6%	434	1.2%	236	2.0%
Total	13,663	100%	18,926	100%	35,808	100%	12,022	100%

Source: American Community Survey 5-Year Estimates (2019)

"I don't know of a young couple looking for a starter home as I did 60 years ago [who] could find one they could afford in Wayland. You need a big income to live in a house here."

-Survey Response

Housing Sales Price and Market Rents

The median sale price for a home in Wayland has been trending upward with some fluctuation over the past decade, as shown in Table 2-27. The most recent full year of sales data, 2020, saw median single-family home prices rise to \$790,000; in a survey of current Wayland residents, 39 percent of respondents said they could not afford this amount if buying a house today. While data exists for only the first half of 2021, the median sales price for homes so far exceeds \$900,000 even when factoring in condominiums. It remains to be seen whether this high figure will hold by the end of the year, but home prices have continued to rise rapidly throughout the COVID-19 pandemic.

Table 2-27: Median Sales Price

	Single-family	Condo	All
2021 (through Sept.)	\$977,500	\$723,000	\$925,000
2020	\$790,000	\$755,500	\$780,000
2019	\$740,000	\$613,439	\$720,000
2018	\$764,000	\$700,000	\$752,000
2017	\$695,500	\$625,000	\$675,000
2016	\$650,000	\$772,000	\$700,000
2015	\$689,250	\$701,250	\$695,000
2014	\$624,240	\$585,000	\$619,000
2013	\$598,500	\$480,000	\$581,900
2012	\$533,000	\$450,000	\$516,500
2011	\$555,500	\$556,458	\$550,000
2010	\$545,000	\$500,000	\$548,750

Source: Banker & Tradesman

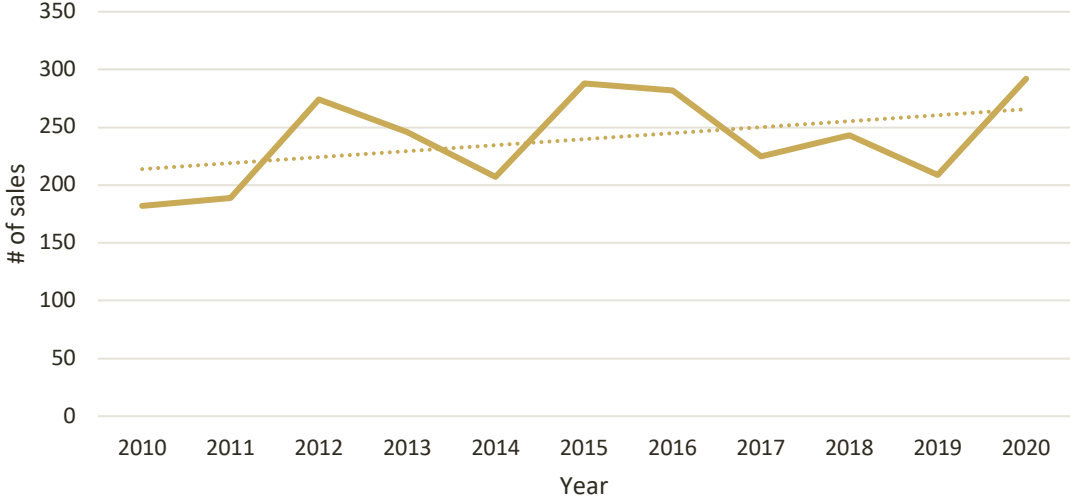
Figure 2-4 shows the volume of annual home sales in Wayland since 2010, along with a trend line. There is a degree of fluctuation, but the overall trend is upwards: sale numbers reached 292 in 2020,



the single busiest year since 1998. Sales volume in 2021 had already reached 194 by the end of September, so a similar year-end number is possible.

Figure 2-4: Home Sales in Wayland (2010-2020)

Source: Banker & Tradesman



Finally, Table 2-28 compares the median home value of Wayland and its comparison communities. The estimated median home value in Wayland in 2019 was \$711,500, which is close to that year’s median sale price of \$720,000. This places the Town in the upper-middle of the group of comparison communities, below neighbors Sudbury and Weston, the latter of which is an extreme outlier.

Table 2-28: Median Home Value	
Municipality	Med. Value
Weston	\$1,312,300
Lincoln	\$913,800
Sudbury	\$720,800
Westwood	\$713,800
Wayland	\$711,500
Medfield	\$667,500
Hopkinton	\$577,600
Natick	\$566,400
North Reading	\$536,700
Westford	\$531,300
North Andover	\$505,400
Framingham	\$409,400

Source: American Community Survey 5-Year Estimates (2019)



Table 2-29 shows the median market rents for various sizes of rental units according to Rentometer, a service that monitors and compiles housing market data across the country. However, the sample size is extremely small: there are only nine data points for the largest category, one-bedroom rentals, in the Town within the two-year window. The small amount of rental data available illustrates the extreme dearth of rental options in Wayland, although the Wayland Housing Authority does own over 100 income-restricted rental units that would not appear in the data source. Finally, it is notable that all but one of the 18 total rentals were located in South Wayland.

Table 2-29: Rental Data (Past 24 Months)*		
	Median Rent	# of Rentals
Studio	N/A	N/A
One-bedroom	\$1,500	9
Two-bedroom	\$1,799	5
Three-bedroom	N/A	N/A
Four-bedroom	\$3,675	4
<i>Source: Rentometer.com</i>		
<i>*As of September 2021</i>		

Local Permitting Activity

The previous sections discussed existing housing market trends, but market data cannot always forecast future development. Many of the potential upcoming housing projects identified by Town staff are addressed in the Strategies section of this plan. This section will examine recent permitting activity to illustrate upcoming projects or recent affordable housing success stories.

Wayland’s biggest local development story continues to be Alta at River’s Edge, where ground broke on construction in 2021 after the project received its final regulatory approvals. Alta at River’s Edge has been mentioned several times throughout this HPP due to its significant size and outsized impact on the Town’s overall housing stock. The Town was an active partner in getting the project approved, working with the developer and creating a new overlay district to produce over 200 much-needed rental units. The leadership shown by the Town of Wayland in the Alta at River’s Edge project should serve as a model for addressing future housing needs.

Most housing units in Wayland are produced on a small scale in the form of individual single-family units and small subdivisions. But here, too, the Town tries to create affordable opportunities. Recently, a subdivision on West Plain Street included an income-restricted unit through a variance. The affordable unit also served a preservation purpose, as it was located in a historic structure.

The Wayland Municipal Affordable Housing Trust remains active in acquiring new properties and cooperating with the Wayland Housing Authority (WHA), which manages dozens of existing affordable units and continues to take on new units. A recent example shows how both entities continue to take initiative to address affordable housing issues and how they cooperate: the Housing Trust recently acquired a property on Hammond Road in Cochrane which they renovated then entered into a long-term lease with the WHA which, in turn, is subleasing the property as an affordable unit.



Housing Cost Burden

The U.S. Department of Housing and Urban development (HUD) produces housing affordability data by estimating the severity of housing cost burdens for households across the country. HUD considers a household to be burdened by housing costs (including all monthly housing-related charges such as rent, mortgage payments, or utilities) if these costs exceed 30 percent of that household’s total income and to be severely cost burdened if costs exceed 50 percent of total income. The top portion of Table 2-30 shows the percentage of Wayland households that fall into each income category. Over two-thirds of all households have incomes higher than the area median, but most rental households have low or very-low incomes. However, it is possible that many low-income households could be living in subsidized housing where costs are affordable on lower incomes. To address this, the lower half of the table shows cost burden, demonstrating that for most households in Wayland, housing costs are affordable. However, there is still a significant portion of the population that experiences housing cost burden (about 23 percent of homeowners and 28 percent of renters).

Table 2-30: HUD CHAS Data: Wayland Households by Income Level & Tenure						
	Owner		Renter		Total Households	
Household Income below 30% AMI	185	4.2%	235	43.1%	420	8.4%
Household Income 31-50% AMI	220	4.9%	30	5.5%	250	5.0%
Household Income 51-80% AMI	215	4.8%	55	10.1%	270	5.4%
Household Income 81-100% AMI	205	4.6%	40	7.3%	245	4.9%
Household Income over 100% AMI	3,630	81.5%	185	33.9%	3,815	76.3%
	Owner		Renter		Total Households	
Cost Burden 30% or less	3,430	77.0%	390	71.6%	3,820	76.4%
Cost Burden 31-50%	530	11.9%	40	7.3%	570	11.4%
Cost Burden over 50%	485	10.9%	115	21.1%	600	12.0%
Cost Burden not available	10	0.2%	0	0.0%	10	0.2%
<i>Source: HUD Comprehensive Housing Affordability Strategy Data</i>						

Table 2-31 reports housing cost burdens for Wayland households based on income range. A standard measure of cost burden applied across all income levels may not tell the full story. A very wealthy household may be able to easily afford to spend more than 30 percent of their income on housing costs. Table 2-31 shows that most households in every income group below the AMI is considered cost-burdened and for most groups the majority of households are severely cost burdened as well. Above 100 percent of AMI, the prevalence of housing cost burden drops sharply, although hundreds of those households fall into this category.



Table 2-31: Household Income by Cost Burden (Owners and Renters)

	Households with Cost burden > 30%		Total Households	Households with Cost burden > 50%		Total Households
Household Income below 30% AMI	270	64.3%	420	255	60.7%	420
Household Income 31-50% AMI	205	82.0%	250	150	60.0%	250
Household Income 51-80% AMI	200	74.1%	270	35	13.0%	270
Household Income 81-100% AMI	165	67.3%	245	125	51.0%	245
Household Income over 100% AMI	325	8.5%	3,815	40	1.0%	3,815
Total	1,165	23.3%	5,000	600	12.0%	5,000

Source: HUD Comprehensive Housing Affordability Strategy Data

Subsidized Housing Inventory

The Subsidized Housing Inventory (SHI) lists all of a community’s units that are counted toward the 10 percent statutory minimum for affordability under Chapter 40B and it is actively maintained by DHCD. An example of a SHI-eligible unit is one with long-term affordability for a family of three with annual income is \$90,950 or less. Table 2-32 reports Wayland’s most recent SHI with a total of 549 units, or about 11 percent of the Town’s total year-round units.

Table 2-32: Wayland Subsidized Housing Inventory¹¹

Name	SHI Units	Type	Affordability Expires	Comp. Permit?	Subsidizing Agency
WHA Scattered Sites	25	Rental	Perpetuity	No	HUD
The Schoolyard (WHA)	55	Rental	Perpetuity	No	HUD
Bent Park (WHA)	56	Rental	Perpetuity	No	HUD
Greenways	4	Ownership	2050	No	DHCD
Millbrook	2	Ownership	Perpetuity	No	DHCD
Willow Brook	6	Ownership	Perpetuity	No	DHCD
Plain Road	1	Ownership	Perpetuity	No	DHCD
DDS Group Homes	5	Rental	N/A	No	DDS
Commonwealth Residences	52	Rental	Perpetuity	Yes	MHP
Oxbow/Nike Site	11	Ownership	Perpetuity	Yes	DHCD
Wayland Gardens	3	Ownership	Perpetuity	Yes	FHLBB
Sage Hill	1	Ownership	Perpetuity	No	DHCD
Wayland Commons	11	Ownership	Perpetuity	Yes	MassHousing
Post Road Village/Wayland Forest	4	Ownership	Perpetuity	Yes	MassHousing
The Residences at Wayland Center	12	Rental	Perpetuity	No	DHCD
Habitat for Humanity - Stonebridge Road	4	Ownership	Perpetuity	Yes	DHCD

¹¹ As of May 2022, both Cascade Wayland and Windsor Place have been removed from Wayland’s SHI, leaving a total of 4,957 subsidized units, or 9.62 percent of year-round units. Additionally, the inclusion of one affordable unit at 81 West Plan Street was pending.



Table 2-32: Wayland Subsidized Housing Inventory¹¹

Name	SHI Units	Type	Affordability Expires	Comp. Permit?	Subsidizing Agency
Craftsman Village	2	Ownership	Perpetuity	Yes	MassHousing
Covered Bridge Condominiums	3	Ownership	Perpetuity	No	DHCD
Cascade Wayland	60	Rental	Perpetuity	Yes	MassHousing
Hammond Road	1	Rental	Perpetuity	No	DHCD
Windsor Place	12	Rental	Perpetuity	Yes	MassHousing
Senior Living at River's Edge	66	Rental	Perpetuity	No	DHCD
River's Edge	152	Rental	Perpetuity	No	DHCD
Michael Road	1	Ownership	Perpetuity	No	DHCD
TOTAL	549		Percent Subsidized:		11.07%

Yellow shading indicates new additions to the SHI since Wayland's 2016 HPP.
Source: MA Department of Housing and Community Development.
**Bold identifies units removed from the SHI after work was completed for this HPP.*

Since Wayland’s last HPP in 2016, 291 new units have been added to the SHI, representing a doubling of SHI units over five years. The single development with the most SHI units, Alta at River’s Edge, is a new addition to the list, with 218 new rental units. This one development accounts for about 40 percent of Wayland’s total SHI. Importantly, DHCD counts SHI rental units in a way that might seem unintuitive to the lay person: as long as at least one quarter of the total units are income-restricted, all units including market-rate may be counted on the SHI. For example, only 55 of the 218 units at River’s Edge have income restrictions. While this approach encourages much-needed rental housing, it is important to remember that not all units on the SHI will be affordable for low-income renters.

“Not excited about the focus of S. Wayland for the vast majority of the affordable housing projects. Should be spread across the town and not just in one area.”

-Survey Response

The controversial “Cascade Wayland” project, while currently counted on the SHI, has not been constructed and is in a precarious position at the time of writing. If this project does not go forward and 60 units must be subtracted from Wayland’s SHI count, the Town will fall to 9.9 percent affordable units, approximately five units below the 10 percent threshold. Given that 2020 Census population numbers indicate a steady growth in population, it is likely that once the new household numbers are released, Wayland could fall even further below 10 percent depending on how many units remain on the SHI. Table 2-33 uses the 2020 Census total household count to estimate what Wayland’s SHI might look like once the full dataset is released. Note that DHCD measures communities’ progress under Chapter 40B using the total number of *year-round* households, occupied or unoccupied, data that has not been released as of the writing of this plan.



Table 2-33: Wayland SHI 2020 Estimates			
2010		2020	
Total # of units	5,021	Total # of units	5,296
Total year-round units	4,957	Estimated year-round units*	5,228
% of total units counted for 40B	98.7%	Estimated SHI %	10.5%
*Assuming that the same percentage of total units will be counted as year-round units as in 2010			
Source: Census 2010, Census 2010, MA Dept. of Housing and Community Development			

Table 2-33 applies the percentage of Wayland’s total 2010 Census housing units that DHCD considered year-round to the 2020 total unit count to estimate the year-round unit count for 2020. Given the assumptions made in Table 2-33, it is very likely that if the number of units on Wayland’s SHI does not decrease, the Town will still be above 10 percent when the 2020 data is released. At that point it would take a net loss of approximately 25 units to put the Town back below 10 percent affordability.

The location of most SHI units (excluding group homes, the locations of which are kept private) in Wayland are depicted in **Map 6**. Most affordable housing sites are in South Wayland, but due to large developments like Alta at River’s Edge, over half of all SHI units are within a quarter mile of Route 20. The Oxbow Road development, to the extreme north, is one of the only affordable housing sites not along Route 20 or in Cochituate.

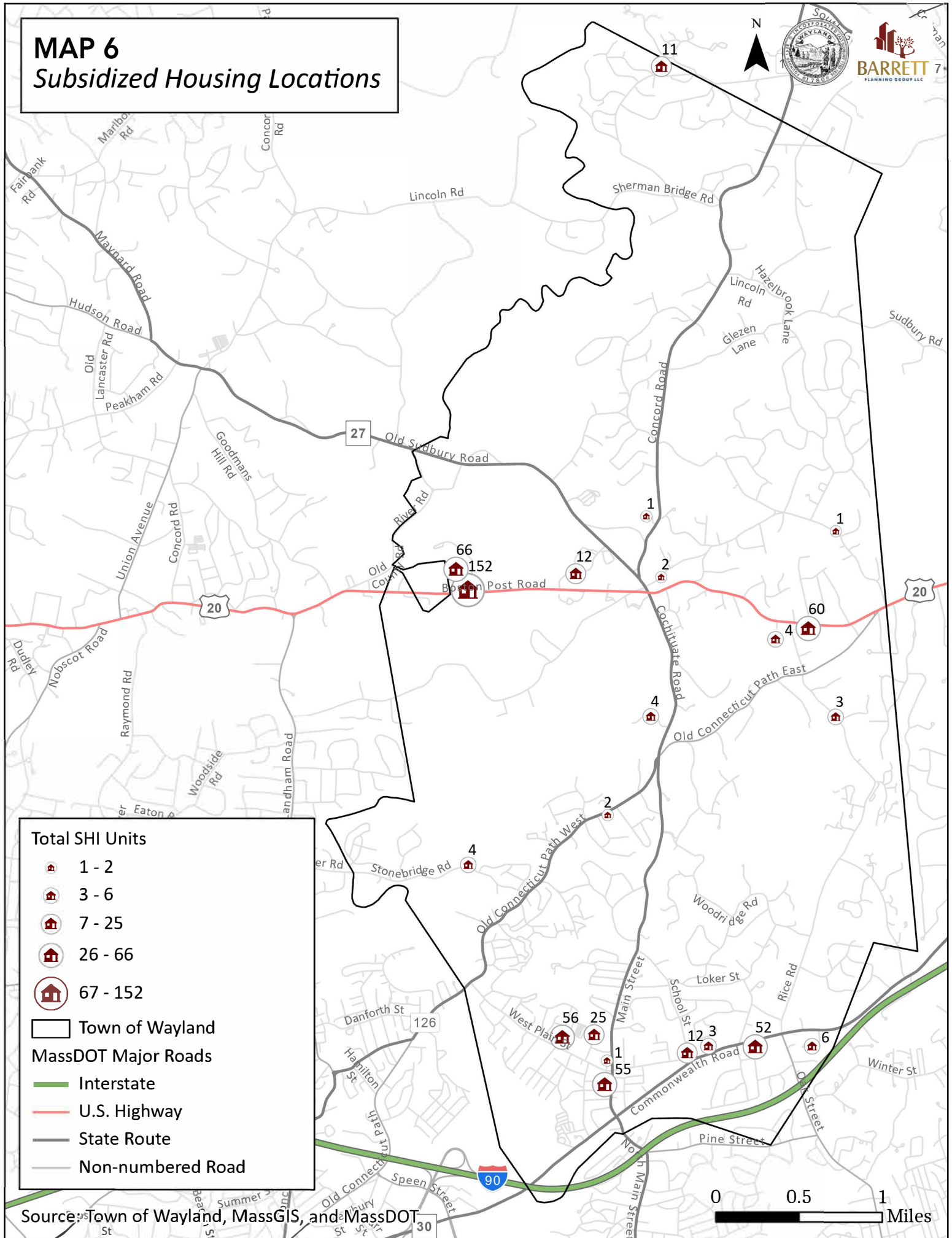
Conclusion

Wayland achieved one of its most important affordable housing goals when the Subsidized Housing Inventory exceeded 11 percent of the total year-round housing supply. The Town’s residential real estate market is rapidly becoming more expensive. The median sale price for a single-family home in town may soon rise above one million dollars if current trends continue, and condo prices are rising in kind.



MAP 6

Subsidized Housing Locations



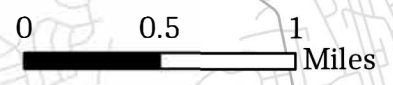
Total SHI Units

- 1 - 2
- 3 - 6
- 7 - 25
- 26 - 66
- 67 - 152

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road

Source: Town of Wayland, MassGIS, and MassDOT



IMPEDIMENTS TO AFFORDABLE HOUSING DEVELOPMENT

This section discusses the wide range of factors that constrain the production of affordable housing. To provide meaningful and relevant goals and strategies, this plan must examine what kinds of development are practical and legally allowable. Realities like Wayland’s physical landscape, land use regulations, and available public utilities all limit what can and should be built in town. Here, the word “constraint” is not always intended to describe something that must be overcome. Environmental protections, especially, are in place for a reason, and they should not be undermined in the name of affordable housing development. Where appropriate, this section will identify those barriers that the Town should seek to circumvent.

Environmental Constraints

Topography and Soils. **Maps 7-9** show several aspects of Wayland’s soils and surficial geography. Much of the Town’s surficial geography is made up of sand and gravel, material which is well-drained and easily erodible. There are also large areas of floodplain alluvium and fine-grained deposit surrounding the Sudbury River in the western part of Town. The Mainstone Farm area in the southeast is primarily till or bedrock. Wayland has a significant amount of prime farmland soils throughout its borders, but especially in North Wayland. Farmland of unique or statewide importance is also found throughout Town. **Map 9** shows Wayland’s soil slopes, most of which are at or below a slope of 8 percent.¹² There are smaller areas of very steep slope throughout the Town, which would make development more difficult.

“One concern with too much building though is the impact on wildlife and already strained resources (ex: water).”

-Survey Response

Water Resources. Wayland has several major water bodies, including Lake Cochituate and Dudley Pond in South Wayland, Heard Pond in Central Wayland, all and the Sudbury River that forms most of the Town’s western border. **Map 10** shows that much of North Wayland and the area surrounding Dudley Pond are included in DEP Approved Zone II, a wellhead protection designation meant to protect the Town’s drinking water. Zone II is the area of an aquifer that can reasonably be expected to

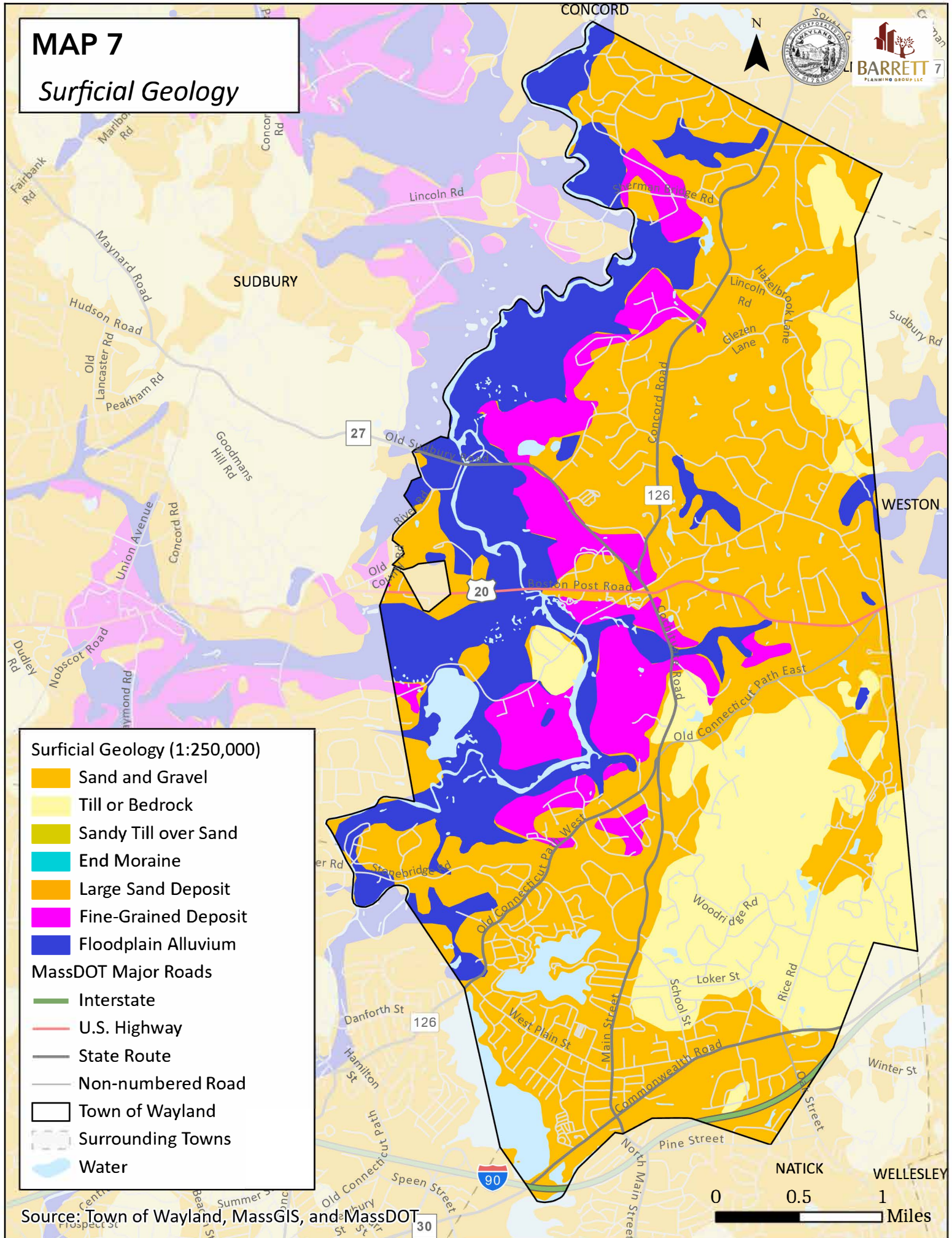
contribute to well water, as determined by the MA Department of Environmental Protection. Underneath these wellhead protection zones are the high-yield aquifers from which Wayland draws its drinking water. To shield these aquifers from the potential negative effects of development, the Town adopted the Aquifer Protection Overlay district, which prohibits many potentially polluting uses as discussed in the “Regulatory Assessment” section.

¹² MassGIS Digital Terrain Model, 2003



MAP 7

Surficial Geology



Surficial Geology (1:250,000)

- Sand and Gravel
- Till or Bedrock
- Sandy Till over Sand
- End Moraine
- Large Sand Deposit
- Fine-Grained Deposit
- Floodplain Alluvium

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road

Other Features

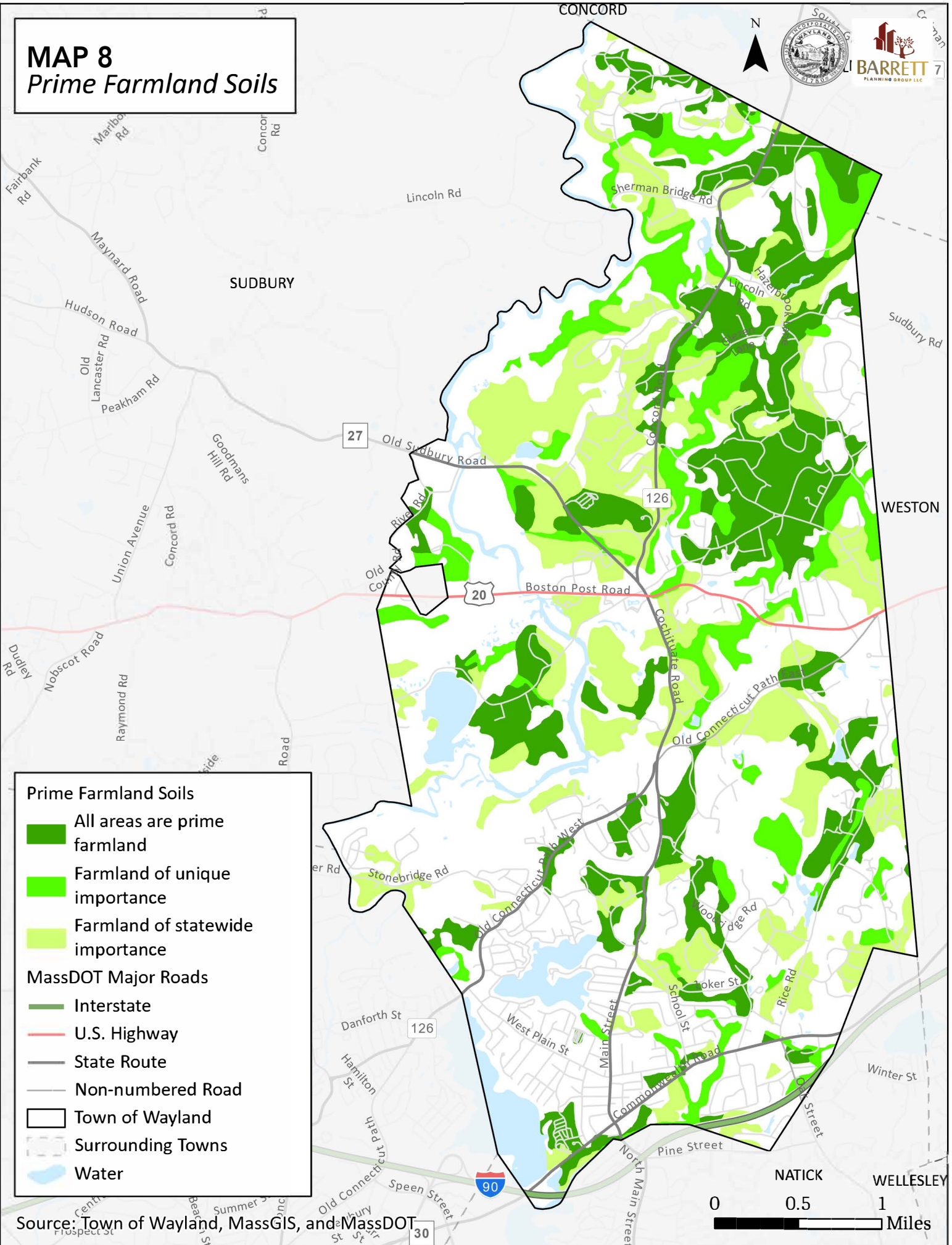
- Town of Wayland
- Surrounding Towns
- Water

Source: Town of Wayland, MassGIS, and MassDOT

0 0.5 1 Miles

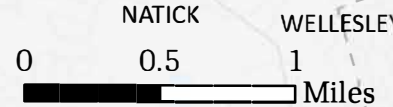
MAP 8

Prime Farmland Soils



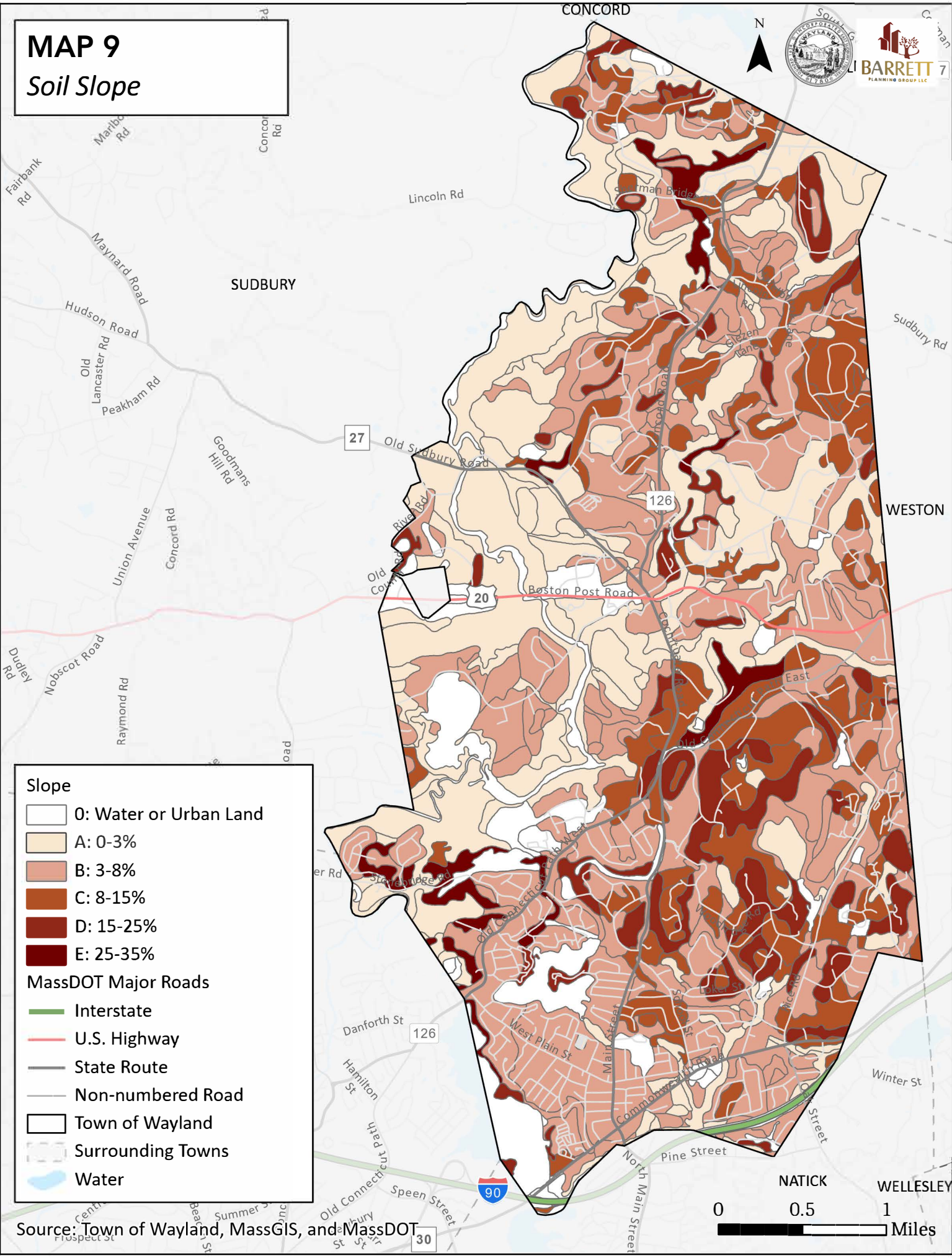
- Prime Farmland Soils**
- All areas are prime farmland
 - Farmland of unique importance
 - Farmland of statewide importance
- MassDOT Major Roads**
- Interstate
 - U.S. Highway
 - State Route
 - Non-numbered Road
- Other Features**
- Town of Wayland
 - Surrounding Towns
 - Water

Source: Town of Wayland, MassGIS, and MassDOT



MAP 9

Soil Slope



Slope

- 0: Water or Urban Land
- A: 0-3%
- B: 3-8%
- C: 8-15%
- D: 15-25%
- E: 25-35%

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road

Town of Wayland

Surrounding Towns

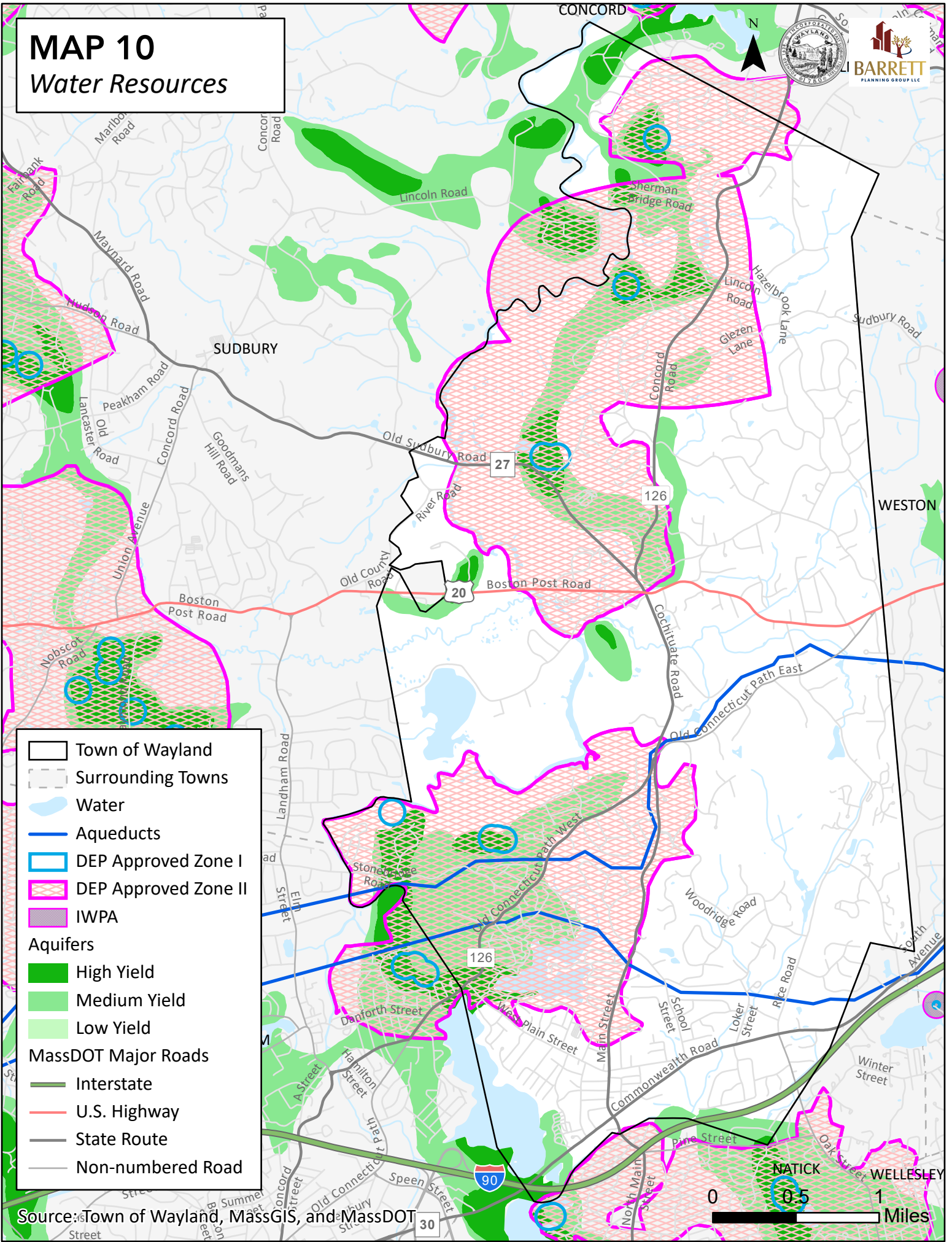
Water

Source: Town of Wayland, MassGIS, and MassDOT

0 0.5 1 Miles

MAP 10

Water Resources



- Town of Wayland
- Surrounding Towns
- Water
- Aqueducts
- DEP Approved Zone I
- DEP Approved Zone II
- IWPA
- Aquifers**
- High Yield
- Medium Yield
- Low Yield
- MassDOT Major Roads**
- Interstate
- U.S. Highway
- State Route
- Non-numbered Road

Source: Town of Wayland, MassGIS, and MassDOT



Natural Hazard Areas. **Map 11** shows FEMA Flood Hazard zones. Nearly the entirety of Wayland’s western border with Sudbury falls in the AE zone due to the Sudbury River, meaning that that area has a 1 percent chance of annual flooding at or above the Base Flood Elevation (BFE). An AE zone is considered prone to flooding, and homeowners with mortgages in these areas are typically required to purchase flood insurance. There are multiple areas designated Zone X which have a 0.2 percent annual chance of flooding. Development within the Town’s flood hazard zones has been limited, with most residential areas located in areas without an increased flood risk. However, there are residential areas in Wayland that face severe risk from flooding. For example, homes in the area of Pelham Island Road have frequently been rendered unreachable and residents have required Town-provided transportation across the flooded bridge. To regulate construction in flood-prone areas, the Town adopted the Floodplain Overlay district, which covers the same area as FEMA Zones A and AE. Construction in the overlay district is subject to more intensive review to ensure that the dangers of flooding are being properly mitigated.

Wetlands and Wildlife Habitat. Wetlands are regulated by the Wetlands Protection Act, which is administered locally by the Wayland Conservation Commission. Any activity within the 100-foot “buffer zone” measured from the edge of a wetland area is subject to regulation under the Act. Wetlands include areas such as swamps, marshes, the 100-year floodplain, and riverfronts. Development in the 100-foot buffer zone requires an Order of Conditions from the Conservation Commission, essentially an additional permit that defines how the developer must act to minimize negative impacts to wetlands. Obtaining an Order of Conditions involves its own separate public hearing, increasing the complexity and length of the permitting period and often requiring special mitigation measures during construction.

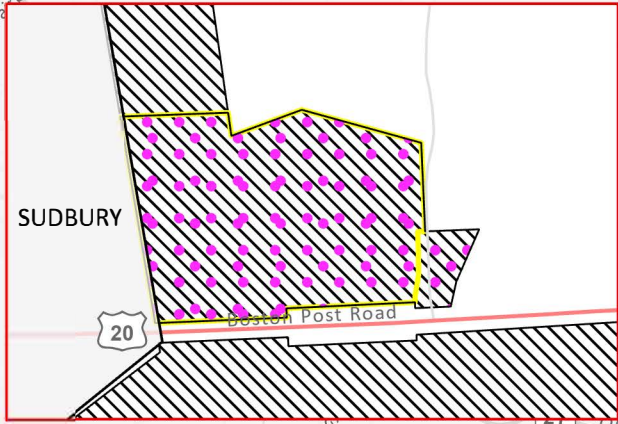
There are many certified and potential vernal pools throughout the Town and several Natural Heritage & Endangered Species Program (NHESP) Priority Habitats of Rare Species, as shown on **Map 12**. Most of these vital wildlife habitats are in wetland areas, which are most prevalent in Wayland’s west and north. Vernal pools act as important habitats for various wetland-dwelling species and are regulated in a similar way to other types of wetlands, as each certified pool has a 100-foot buffer zone under the jurisdiction of the local Conservation Commission. Any proposed disturbances to Priority Habitats must be reviewed by the MA Division of Fisheries and Wildlife to ensure that endangered species and their habitats are not harmed or destroyed. While none of the regulations discussed under this heading necessarily prevent the development of affordable housing, they can make certain locations less viable for new construction.

Conservation Land. **Map 12** shows the properties held for conservation in perpetuity. There is a large amount of permanently protected open space in Wayland, especially in the western part of Town. The most significant conservation land includes most of the parcels bordering the Sudbury River and Heard Pond, as well as the Mainstone Farm site. The northernmost area of Town also contains some sizable open space parcels. The other major category of open space shown on **Map 12** is unprotected open space. This category includes parcels reserved for outdoor recreation but not legally protected as conservation land, such as Wayland’s golf courses and rail trail.

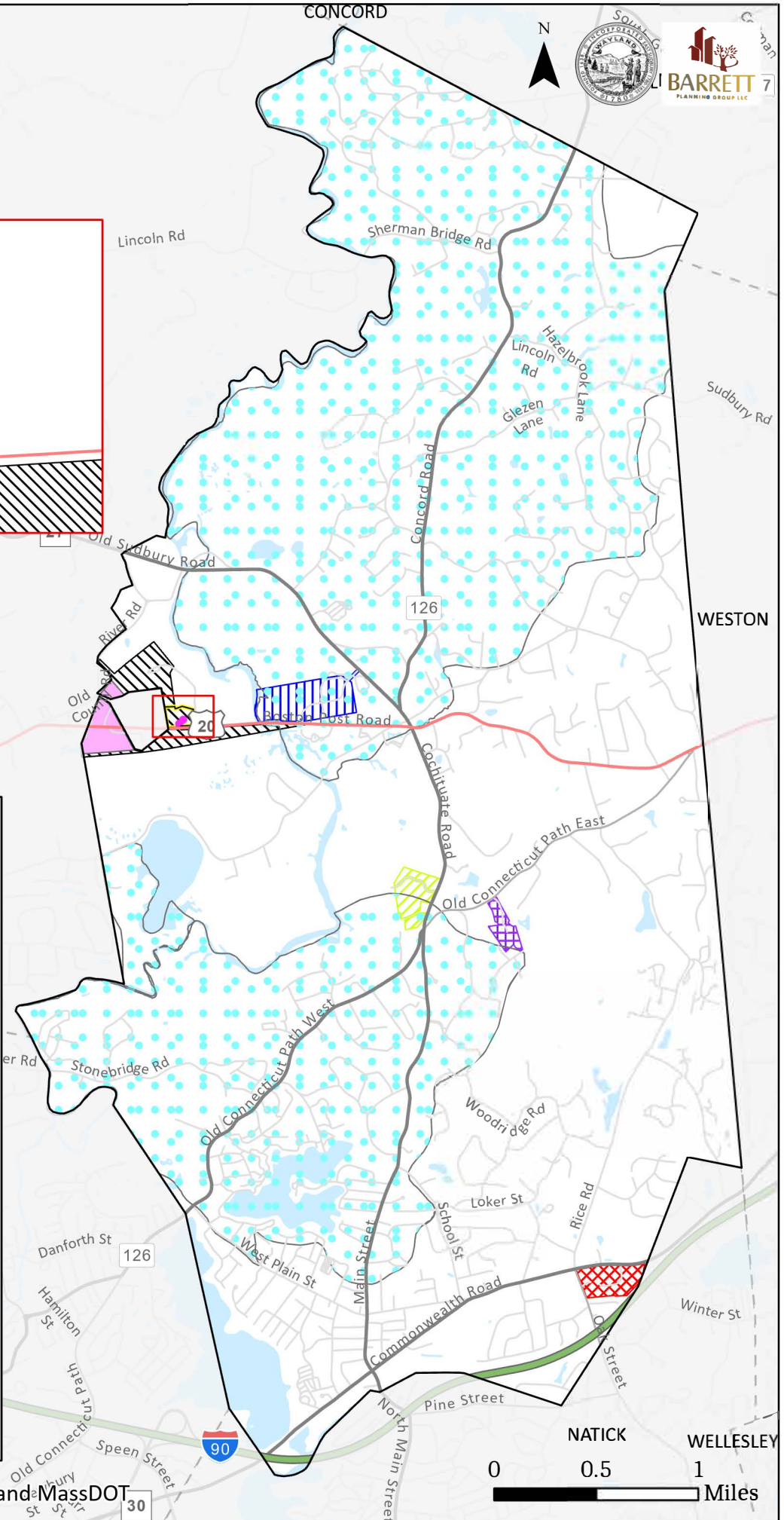


MAP 14

Zoning Overlays



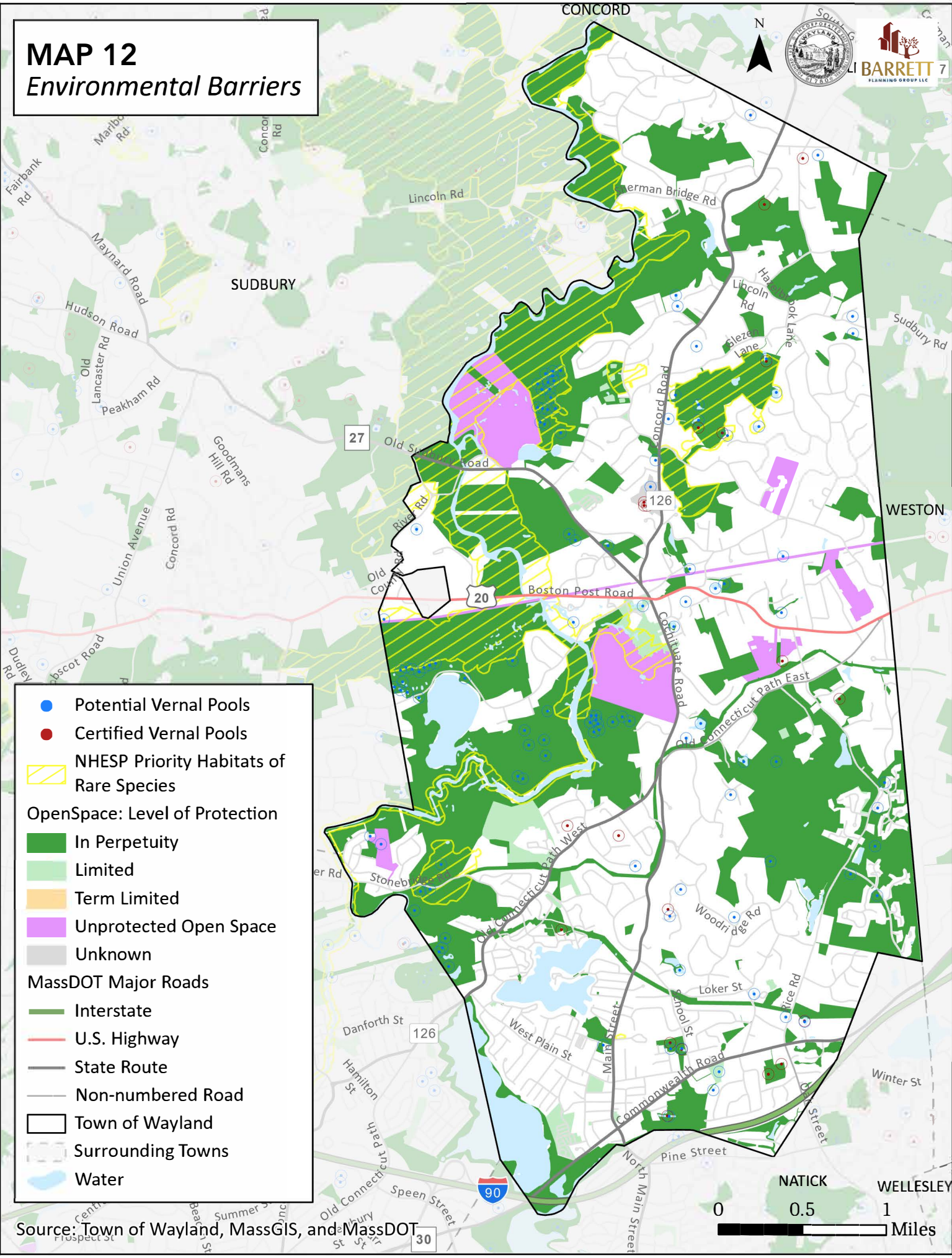
- Zoning Overlay Districts**
- Aquifer Protection District
 - Mixed Use
 - Wireless Communications
 - Senior Family Housing
 - Medical Marijuana District
 - Southeast Wayland-Cochituate Planning
 - Reeves Hill Wireless
 - River's Edge Housing
 - Municipal Service
- MassDOT Major Roads**
- Interstate
 - U.S. Highway
 - State Route
 - Non-numbered Road
- Other Features**
- Town of Wayland
 - Surrounding Towns
 - Water



Source: Town of Wayland, MassGIS, and MassDOT

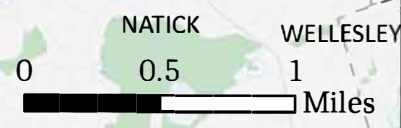
MAP 12

Environmental Barriers



- Potential Vernal Pools
- Certified Vernal Pools
- NHESP Priority Habitats of Rare Species
- OpenSpace: Level of Protection
- In Perpetuity
- Limited
- Term Limited
- Unprotected Open Space
- Unknown
- MassDOT Major Roads
- Interstate
- U.S. Highway
- State Route
- Non-numbered Road
- Town of Wayland
- Surrounding Towns
- Water

Source: Town of Wayland, MassGIS, and MassDOT



Conclusion. Unlike some of the other impediments to development covered in this section, environmental constraints should not be altered. Focusing affordable housing development in environmentally sensitive areas has the potential to not only harm flora and fauna, but to put the residents of Wayland in danger from flooding or polluted drinking water. To the extent possible, new development should be located outside of the sensitive areas discussed in this section.

Regulatory Assessment

Wayland’s laws and regulations, especially its Zoning Bylaw, play a primary role in determining what kind of affordable housing development is feasible in Town. There are relatively few provisions promoting the development of diverse housing types, but the Town has successfully adopted some promising tools for affordable housing production.

Zoning Districts. Map 13 shows the Town’s eleven underlying zoning districts, and Table 2-34 shows basic dimensional regulations for each district. Most of Wayland’s land falls under one of the “Single Residence” districts. These districts are meant to encourage the development of detached single-family residences and differ only in their dimensional requirements. R20 has the least stringent dimensional requirements while R60 has the most. Wayland is unusual in that a district’s dimensional regulations may differ depending on what use is being proposed. For example, the Roadside Business district has a minimum lot of 40,000 square feet for nonresidential uses, but for residential uses the regulations of the nearest Single Residence District applies. There are also several districts with no minimum lot area or minimum frontage requirements.

“Much of housing in Wayland is zoned for a car-centered lifestyle.”

-Survey Response

Table 2-34: Wayland Zoning Districts		
District Name	Min. Lot Size (sq. feet)	Min. Frontage (feet)
Business A	20,000-40,000	120-200
Business B	None	None
Roadside Business	40,000*	150-200
Light Manufacturing	N/A	N/A
Limited Commercial	N/A	N/A
Planned Development	N/A	N/A
Refuse Disposal	N/A	N/A
Single Residence Districts		
Residence-20	20,000	120
Residence-30	30,000	150
Residence-40	40,000	180
Residence-60	60,000	210
<i>*For permitted nonresidential uses</i>		
<i>Source: Town of Wayland Zoning Bylaws</i>		



MAP 13

Zoning Districts



Zoning Districts

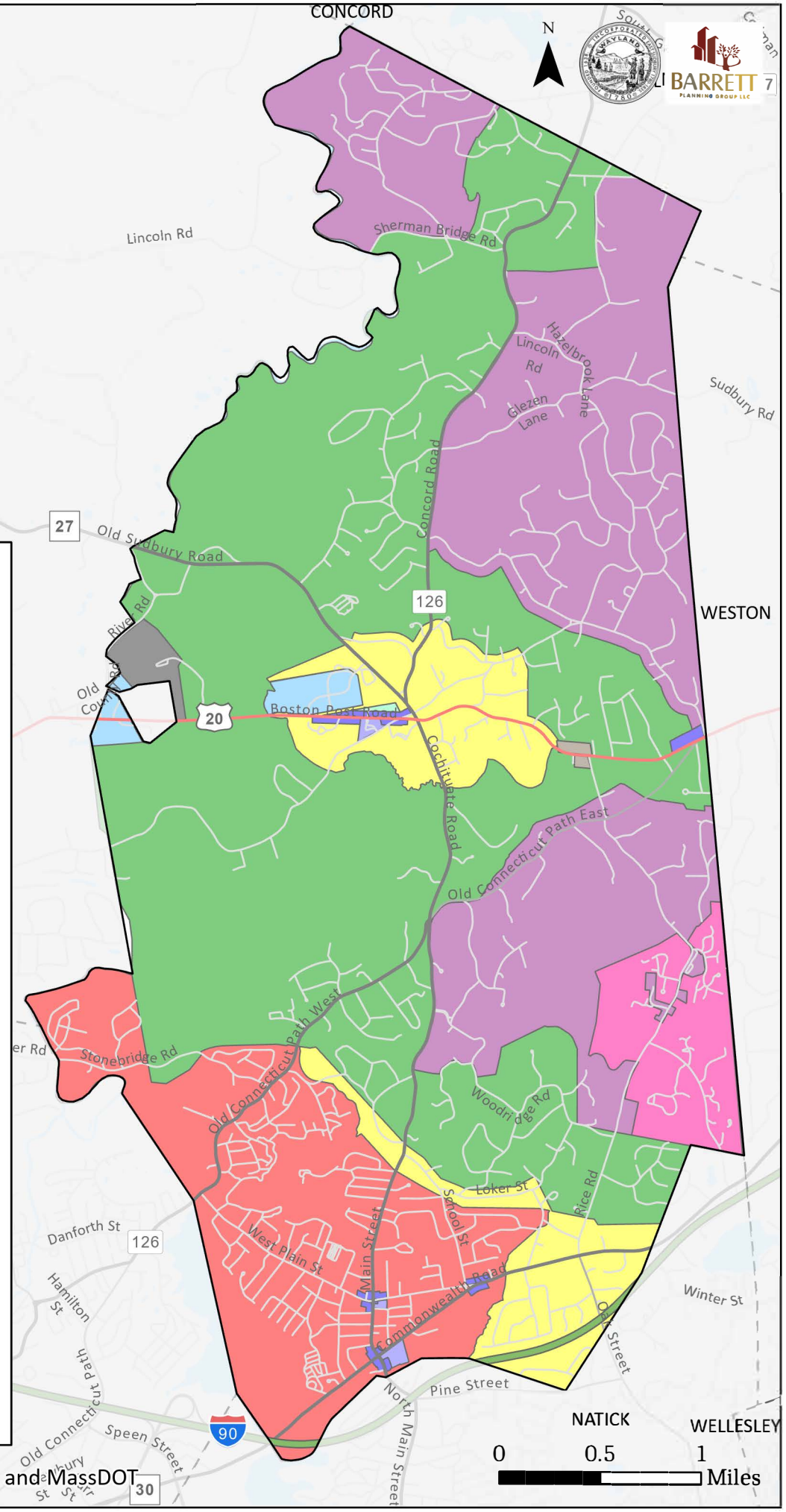
- R20 - Single Min. 20,000ft area, 120ft Frontage
- R30 - Single Min. 30,000ft area, 150ft Frontage
- R40 - Single Min. 40,000ft area, 180ft Frontage
- R60 - Single Min. 60,000ft area, 200ft Frontage
- Business A - BUS A
- Business B - BUS B
- Roadside Business - R-BUS
- Light Manufacturing - L-MAN
- Limited Commercial - LCD
- Planned Development - PDD
- Refuse Disposal District - REF

MassDOT Major Roads

- Interstate
- U.S. Highway
- State Route
- Non-numbered Road

Other Features

- Town of Wayland
- Surrounding Towns
- Water



Source: Town of Wayland, MassGIS, and MassDOT

While Wayland has several business districts, they are found only in a small portion of Wayland Center, a few scattered sites in Cochituate Village, and a short stretch of Route 20 on the Weston border. There is only one small sliver of land zoned for light manufacturing along Route 20, and the Refuse Disposal district is found to the west where the DPW headquarters and municipal transfer station are located. Everywhere else is zoned Single Residence, with R40 and R60 being the most prevalent. Most of Cochituate is zoned R20 while the southeast corner of town and most of the Town center is zoned R30. Roadside Business is a small district bordering Route 20 where single-family residences are allowed by right.

Like most suburban communities, Wayland's residential zones favor detached single-family homes, one per lot, at the expense of all other forms of housing. Dimensional regulations in most Single Residence Districts favor large lots with buildings set back far from the street, and use regulations allow single-family homes by right while prohibiting most other residential uses. While multifamily housing is difficult in Wayland for many reasons discussed in this section, these zoning regulations explicitly serve to prohibit it outside of rare, special circumstances.

The **Planned Development District**, adopted in 1974, is in the southeastern corner of Town. Applicants may obtain a special permit from the Zoning Board of Appeals to construct a condominium development on land of at least 40 contiguous acres, with the purpose of providing a variety of housing in town while preserving open space. This area is home to several condominium complexes including The Hills at Mainstone, the Meadows, and Turkey Hill Village. Retail sales and services may be permitted, but only one per every 100 units constructed and such establishments must not exceed 2,000 square feet of space. Density of residential units is determined by a formula that takes total upland area into account. There is a maximum of ten units per structure and a requirement to provide at least 10 percent low-income units and 5 percent moderate-income units.

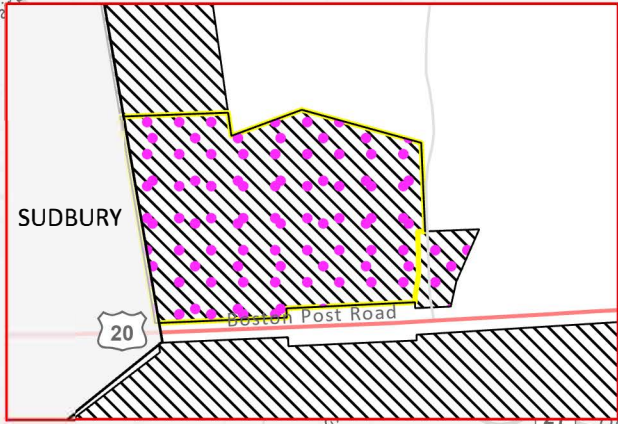
The PDD is the only underlying zoning district adopted for a specific style of residential development beyond single-family homes, although several overlay districts were adopted for similar purposes. The district is largely built-out with the kind of major condominium developments it was meant to encourage, so it is unlikely that any new affordable housing development will occur here.

Overlay Districts. Map 14 shows Wayland's nine zoning overlay districts. These constitute a "second layer" of zoning that may impose additional requirements on a property without overriding the underlying zoning provisions. The overlays that have potential implications for the development of affordable housing are described below.

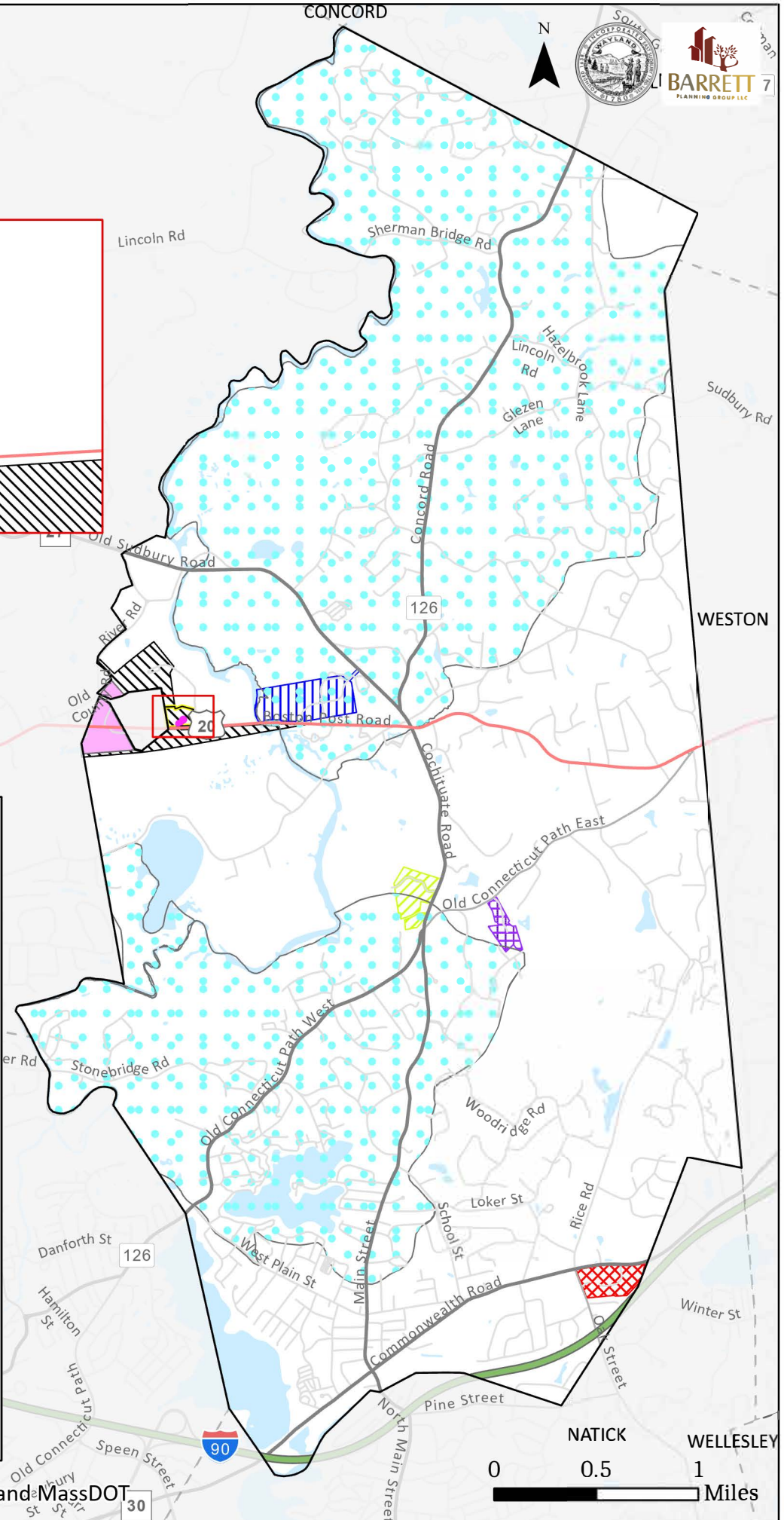


MAP 14

Zoning Overlays



- Zoning Overlay Districts**
- Aquifer Protection District
 - Mixed Use
 - Wireless Communications
 - Senior Family Housing
 - Medical Marijuana District
 - Southeast Wayland-Cochituate Planning
 - Reeves Hill Wireless
 - River's Edge Housing
 - Municipal Service
- MassDOT Major Roads**
- Interstate
 - U.S. Highway
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 - Non-numbered Road
- Other Features**
- Town of Wayland
 - Surrounding Towns
 - Water



Source: Town of Wayland, MassGIS, and MassDOT

Conservation Overlays

Overlay districts aimed at protecting the environment may introduce additional legal requirements and considerations for housing development.

- **The Floodplain District** and **Federal Flood Protection District** are contiguous with FEMA flood zones A and AE shown on **Map 11** and require that “no structure shall be erected or placed in the Floodplain District unless a special permit... has been issued by the Zoning Board of Appeals.¹³”
- The **Aquifer Protection District** covers most of North Wayland and a substantial portion of the Town’s southwest corner and is meant to protect the aquifers from which Wayland draws its drinking water. The overlay prohibits uses that might contaminate the Town’s groundwater and requires special permits or site plan review for others. Residential density is limited to 1.5 units per dry acre when a development relies on septic tanks for wastewater disposal.

Both of these overlay districts require extra review and oversight for new construction, which is appropriate to preserve environmentally sensitive areas and protect new homes from the dangers of flooding.

Housing-Related Overlays

Wayland has adopted several overlay districts meant to facilitate the development of housing, usually with a specific project in mind. All of these overlays are currently either entirely built out or are in the process of being built out, although nothing necessarily precludes an expansion of one or more of these districts.

- The **Southeast Wayland-Cochituate Planning District**, adopted in 1987, is located in the southeastern corner of town, this overlay is similar to the PDD in structure and intent, with the following additions:
 - 10 percent of the dwellings constructed must be affordable.
 - Conservation and recreation restrictions must be granted to the Conservation Commission for certain buffer areas and wet areas.
 - Attached single-family dwelling are an acceptable housing type alongside condominiums.

The Planning Board rather than the Zoning Board is the Special Permit Granting Authority (SPGA). This overlay contains the Willow Brook development and there are no opportunities for further significant development in the area.

- The **Senior and Family Housing Overlay District** is located near the intersection of Route 27 and Route 126 in South Wayland and is home to Traditions of Wayland, an age-restricted development. The overlay’s purposes are to provide for multifamily, age-restricted assisted- and independent-living residences and non-age-restricted market rate and affordable single-family housing, developed in a way that is mindful of environmental conservation. At least 20 contiguous

^{13, 12} Wayland Zoning Bylaw



acres are required for a senior housing project in the overlay, so under existing regulations further development of the area is not possible.

- The **Mixed-Use Overlay District** encompasses the Wayland Center mixed-use development on the north side of Route 20. The ZBL contains a robust set of regulations meant to control the size, scale, and mixture of structures and uses as well as overall site design of a mixed-use development. For a mixed-use development in this district there is a limit of 100 dwelling units and 200 bedrooms, a maximum of 15 three-bedroom dwelling units, and a maximum of three bedrooms in any unit. At least 12 percent of all units must be affordable in perpetuity as defined by Chapter 40B.

Many of the community stakeholders and residents interviewed for this plan expressed concern over the number of vacant commercial spaces in the development. Prior to developing mixed-use regulations for other parts of town, the Planning Board and stakeholders should review the Wayland Town Center project and determine whether there are any changes that could be made to the overlay district regulations that could mitigate these problems should a similar district be proposed.

- The **River’s Edge Housing Overlay** was adopted in 2014 on the site where Alta at River’s Edge is currently under construction. The overlay was written to facilitate the development of a large affordable rental development with an age-restricted component, including at least one-quarter of the total units. Developments in the REHOD were intended to be restricted to 190 units. However, after the initial approval, the project’s developer successfully obtained permission to construct an additional 28 units, for a total of 218. In the future, “after initial development... any subsequent redevelopment of more than 25 percent of the existing buildout shall require a special permit issued by the Planning Board.”¹⁴ It is unlikely that any redevelopment of the site will occur within the timeframe of this plan, so after Alta at River’s Edge is complete the REHOD will serve as a model for future affordable housing efforts rather than a site for additional development.

Other Zoning Tools. Wayland’s Zoning Bylaw already contains several tools for the promotion of affordable housing development and diverse housing types other than single-family detached dwellings. The Town should promote and strengthen provisions that are working to encourage the creation of affordable units and consider altering or replacing those that are not being utilized.

Inclusionary Zoning

Zoning Article 22, Inclusion of Affordable Housing, is Wayland’s Inclusionary Zoning (IZ) bylaw. IZ requires that all residential developments over a certain size include a minimum percentage of affordable units. Wayland’s IZ is intended to “increase the supply of housing in the [Town] that is available to and affordable by low-income and moderate-income households who might otherwise have difficulty in finding homes in Wayland.”¹⁵ At least 16.7 percent of any residential development of six or more units (which is to say, at least one unit out of six) must be set aside as affordable under

¹⁴ Wayland Zoning Bylaw

^{15,13} Wayland Zoning Bylaw



the Chapter 40B definition. If an applicant can prove that complying with this regulation would create substantial hardship, the Planning Board may authorize an alternate method of compliance: donating money or land of equivalent value or constructing the required affordable unit(s) on a separate site.

Crafting an effective Inclusionary Zoning Bylaw can be difficult. If the incentives are not correctly tuned to work within the local market, a well-intentioned IZ provision could instead lead developers to only propose projects just under the IZ size threshold. So far, five affordable units have been built under Wayland's inclusionary zoning bylaw. Given the relatively slow pace of new construction in the Town, the bylaw appears to be functioning well.

Accessory Dwelling Units

Accessory Dwelling Units (also known as accessory apartments, or ADUs)¹⁶ are defined in Wayland's Zoning Bylaw as dwelling units "located in a single-family dwelling, or a building accessory thereto, and occupying no more than 35 percent of the combined gross floor area of the [ADU] and the principal single-family dwelling."¹⁷ Accessory dwellings can be an important component for addressing a community's housing needs because they provide additional dwelling units without having to construct new buildings.

One ADU per lot is allowed in Single Residence Districts through a special permit as long as:

- the lot contains at least 20,000 square feet or at least 50 percent of the minimum area required for the district, whichever is greater
- the principal dwelling has existed for at least two years
- the addition does not increase existing habitable area by more than 20 percent
- the owner of the lot lives in one of the dwellings

There are circumstances in which owners may rent out an ADU for limited periods of time with the permission of the Building Commissioner, but the primary role of an ADU should be a long-term residence.

Finally, Wayland's ADU regulations attempt to address affordability by allowing "affordable dwelling units." These are ADUs that have less stringent dimensional requirements; for example, they may increase the habitable area of an existing dwelling by up to 35 percent compared to 20 percent for a regular ADU. In exchange, the homeowner must prove that they are leasing the unit to a household receiving assistance from the Wayland Housing Authority. Local housing advocates report that this provision is never used due to the onerous legal requirements imposed on the homeowner. Even when willing owners have come forward, the requirement to involve the WHA has proven problematic. Due to long and ever-increasing waitlists, the WHA is limited in the population it can serve, and therefore many households that might be helped by affordable dwelling units cannot qualify.

¹⁶ Not to be confused with "affordable dwelling unit" as defined in the Wayland Zoning Bylaw.



Conversion to Two-Family

A single-family house can be converted into a duplex by special permit as long as the original dwelling existed on September 5, 1934, the lot conforms to all dimensional regulations, and each unit has adequate parking, kitchen, and bathroom facilities. Given that most units in Wayland were built after 1934, however (see Figure 2-3), it is unsurprising that Town staff report this provision is never utilized.

Design Review Board

According to Wayland's Zoning Bylaw, the purpose of the Design Review Board (DRB) is to issue opinions "based on design guidelines that enhance, protect and promote development consistent with Wayland's Master Plan."¹⁸ The DRB must provide an opinion for "all applications for building permits, site plan approval, special permits or variances for all nonresidential uses involving new construction and all commercial signs."¹³ While Wayland's DRB does not have jurisdiction over residential uses, it is common for design-oriented boards to have jurisdiction over multifamily and mixed use projects as well.

Site Plan Approval (Review)

Site plan review (called Site Plan Approval in Wayland's ZBL) is a process by which the Town may allow a certain use while enabling the Planning Board to review the design and site layout. Site plan review (SPR) is appropriate for large or potentially disruptive uses that the Town does not want to prohibit but wants to exercise some extra control over. In Wayland, SPR is triggered by a change in use of an existing structure or lot, a significant expansion of an existing structure's floor area, or the "substantial alteration" of a parking area. The Zoning Bylaw contains different thresholds for what constitutes "significant" or "substantial" based on the size of the existing structure or parking lot. If a proposal results "solely in single- or two-family residential or owner-occupied multifamily structures" then no site plan review is required. However, adding one or more structures to a vacant lot will trigger SPR.

Home Occupations

A home occupation is typically defined as any business that is run out of one's home. The ability to pursue a home occupation can allow residents greater flexibility in the use of their home which can be a primary or supplementary income source. A "customary home occupation" is allowed by right in all districts as long as it does not take up more than a quarter of the gross floor area or 500 square feet (whichever is less), while a "home occupation" requires a special permit in Single Residence Districts and the Roadside Business District. The bylaw is unclear on the distinction between these two categories, however. Home occupations may not have additional employees who do not live in the residence, conduct outside business on-site, or create a nuisance.

Conservation Cluster

The Conservation Cluster is a common alternative to traditional subdivision development adopted by municipalities across Massachusetts. The goal is to "cluster" development in a smaller portion of a property, leaving more open space to be preserved without decreasing the number of buildable units.

¹⁸ Wayland Zoning Bylaw



In Wayland, a Conservation Cluster must be at least five acres. The total number of dwelling units is equal to the number of lots that could be created on the land without a special permit, or alternatively may be calculated by dividing 90 percent of the lot’s upland land area by the district’s minimum lot size. In either case, one extra unit per every ten base units is allowed. In most of Wayland, minimum lot size is approximately one acre or more¹⁹, meaning that a site usually must consist of a minimum of 10 acres to potentially qualify for a bonus unit. For developments that consist of a majority of detached dwellings, at least 35 percent of the site must be set aside as open land. For developments that consist of a majority of attached dwellings, at least half of all land must be set aside. Conservation Clusters also undergo site plan review as part of the special permit granting process.

Conservation Clusters allow for more flexibility in site design and layout than any other type of development permitted in Wayland. They may include multifamily dwellings up to four units per structure with benefit of a special permit, which is the only circumstance in which underlying zoning permits a multifamily structure. Multiple dwelling units may also be located on a single lot. Setbacks are also more permissive, as the Planning Board may allow setbacks as small as 15 feet from the edge of the Conservation Cluster tract.

Low-Income Housing

“Low-income elderly housing” and “multi-family unit: low income” are uses that may be permitted in Single Residence or Roadside Business zones by a two-thirds majority vote of Town Meeting. The bylaw specifies that the Wayland Housing Authority construct these developments. It is unusual for any use to be allowable only through a Town Meeting vote. Given the difficult and unusual permitting process and the bylaw’s vague descriptions for both of these uses, it is unlikely that it will ever be practical to take advantage of them and they should be removed from the bylaw.

Historic Districts

Wayland has two Historic Districts, both located in the center of Town, that are governed by the Historic District Commission (HDC). The HDC must approve all changes to external features through issuance of a Certificate of Appropriateness that the proposed work is in keeping with the historic character of the area. The HDC issues Design Guidelines for buildings and signs within the district with detailed design standards for a wide array of architectural features.

Infrastructure Constraints

New residential development requires public utilities and infrastructure, such as water and roads. Wayland’s lack of a town-wide sewer system and public transportation are significant obstacles to many types of housing development.

Water. Wayland relies solely on groundwater for its drinking water supply drawn from the aquifers shown in **Map 10**. As shown on **Map 15**, this water is distributed through a robust system of pipes that serve every developed area of Town. Households may also utilize private wells for their drinking water. The availability of potable water does not seem to be a significant impediment to the development of affordable housing throughout most of Wayland.

¹⁹ The R40 district’s minimum lot area is 40,000, whereas one acre is 43,560 square feet.



Sewer. Wayland does not have a town-wide public sewer system, which means that all developments must set aside space for on-site wastewater disposal (septic) systems. As in all communities that lack access to public sewer, this constraint has pushed Wayland towards large lots each hosting a small number of units (usually just one). **Map 15** shows the extremely limited extent of the Town’s wastewater facilities, which serve only the Town Center development and its immediate surroundings. Lack of public sewer is a significant barrier to the development of multifamily housing, as the site must be able to house a septic system large enough to handle many dwelling units.

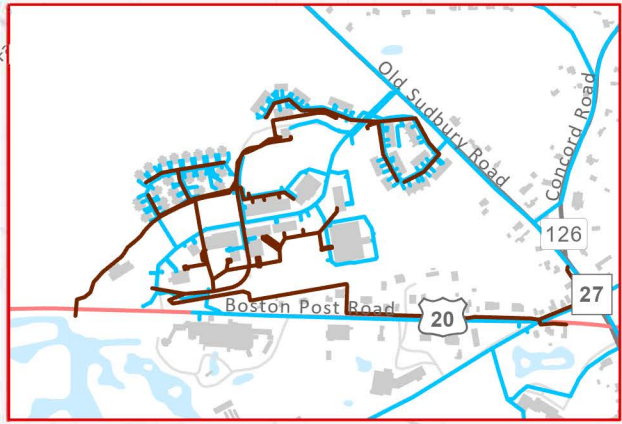
Transportation. Wayland’s lack of easy access to any form of public transit was often identified as a barrier to viable affordable housing development by community members in interviews. Despite its relative proximity to Boston, neither the MBTA’s commuter rail nor any bus lines stop in Wayland. The commuter rail stops in most of Wayland’s neighbors, but nearby lines curve away from the Town to the north and south. The Fitchburg line has stops in Weston, Lincoln, and Concord and the Worcester line stops in Framingham and Natick. There are “park and ride” lots nearby in Weston and Framingham meant to facilitate bus ridership and carpooling.

The Metrowest Regional Transit Authority (MWRTA) operates fifteen regular bus routes in the region based out of its hub in Framingham. However, only two of these routes (Routes 10 and 11, mostly serving Natick) crosses into Wayland, although others have stops located near the Town’s borders in northern Natick and northeastern Framingham. MWRTA buses make several stops in Cochituate, and passengers may flag down a bus anywhere along its route as long as it is safe to do so. These bus stops are only located in the southernmost area of Wayland, however, and most of the Town is not currently served by any regular public transit. The Route 20 Shuttle bus was implemented to serve commuters along Route 20 going to and from the Riverside T Station in Newton. The bus stopped at Wayland Town Center Plaza and Coach Grill on its eastbound and westbound routes. However, service was suspended starting in 2020 due to low ridership resulting from the COVID-19 pandemic. It is unclear whether shuttle service will be resumed.



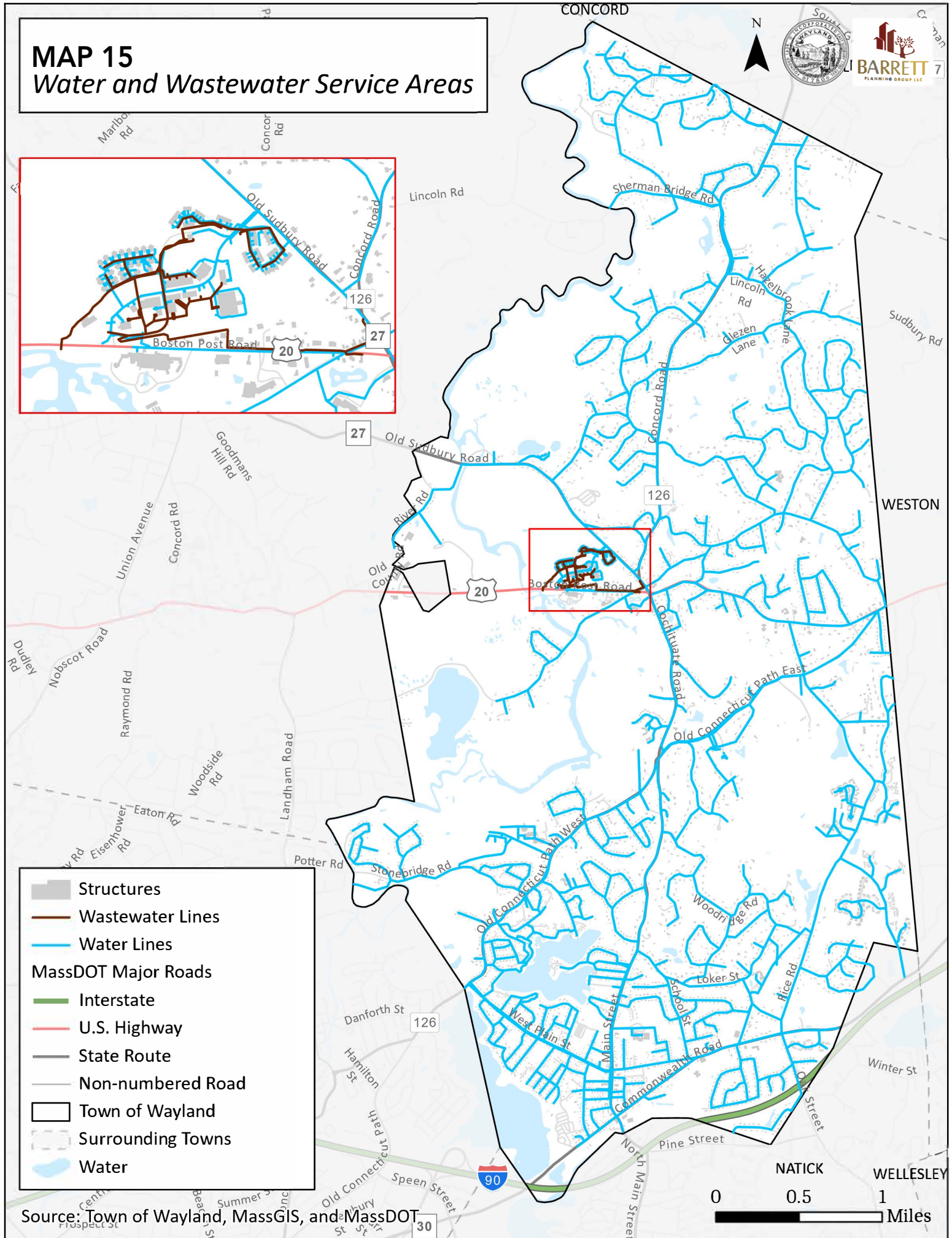
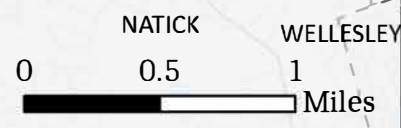
MAP 15

Water and Wastewater Service Areas



- Structures
- Wastewater Lines
- Water Lines
- MassDOT Major Roads**
- Interstate
- U.S. Highway
- State Route
- Non-numbered Road
- Town of Wayland
- Surrounding Towns
- Water

Source: Town of Wayland, MassGIS, and MassDOT



“Housing prices are crazy in a town with limited services and no public transportation.”

- Survey Response

Finally, the MWRTA offers a “Dial-A-Ride” service that offers door-to-door rides to any location within the greater MetroWest area, and some medical service locations further afield. The service is available to residents of several towns including Wayland who are 65 years of age or older and residents who are younger but have a disability.

Wayland’s walking and biking infrastructure is limited. There are sidewalks along some stretches of Route 20 and other isolated areas but to get around the Town easily still requires a motor vehicle. The Mass Central Rail Trail is a paved path that runs east-west through the center of Town and will connect in Sudbury and eventually cross over Route 95 into Waltham.

Conclusion

The most significant barriers to affordable housing production in Wayland are the lack of infrastructure (sewer and transportation infrastructure, especially) and a lack of regulations that promote needed housing types. The need to protect the Town’s natural environment from the impacts of development mean that new housing cannot expand too far into undeveloped areas, so the Town should focus on making better, more efficient use of areas that are already disturbed.



Section 2

GOALS AND STRATEGIES

GOALS

This section presents five major, wide-reaching housing goals in response to Wayland’s most pressing housing needs as discussed in the Needs Assessment section. DHCD requires that Housing Production Plans include, at a minimum, goals addressing:

- (1) *A mix of types of housing, consistent with community and regional needs that:*
 - a) *Is affordable to households at not more than 30 percent AMI, more than 30 percent but not more than 80 percent AMI, and more than 80 percent but not more than 120 percent AMI;*
 - b) *Provides for a range of housing, including rental, homeownership, and other occupancy arrangements, if any, for families, individuals, persons with special needs, and the elderly; and,*
 - c) *Is feasible within the housing market in which they will be situated.*

- (2) *A numerical goal for annual housing production.*

For communities below the 10 percent statutory minimum, an HPP will use the minimum number of annual units needed to achieve Safe Harbor status as a numerical goal. Because Wayland is above the 10 percent affordability threshold Safe Harbor does not apply, but DHCD still recommends this same numerical goal. In Wayland’s case, that means producing 26 units per year. Based on the analysis of yearly building permits in the Housing Trends section, Wayland cannot achieve this number through its regular yearly permitting activity. Rather than treat this goal as a strict annual quota, the Town should seek to encourage a few high-quality larger-scale projects over the five-year lifespan of this plan that would average out to 26 units per year- like the Town’s approach with Alta at River’s Edge. The following five qualitative goals address the Town’s specific housing concerns in more detail.

Encourage two-family and community-scale multifamily dwellings and discourage teardowns.

Wayland has a homogenous housing stock. About 90 percent of housing units are single-family structures and over 90 percent of Wayland households own their homes. Rental units can be affordable to households with a wider range of incomes and can accommodate smaller families and individuals living alone. By investing in these types of dwellings, the Town can diversify its housing stock and accommodate residents from a wider range of economic and social backgrounds. The completion of over 200 units of rental housing at the Alta at River’s Edge development will mark a significant step towards this goal, but there are other strategies to consider for the future.

Given the rapidly inflating real estate market, many Wayland residents expressed concerns that the current modestly sized homes in Town are at risk of being torn down and reconstructed as large, unaffordable “McMansions.” In addition to adding new types of units to the Town’s housing stock, it is important to preserve the relatively modest homes that already exist. Conversions may be encouraged over teardowns by allowing more flexibility in how existing single-family structures can be used and reused.



Keep Wayland above the 10% statutory affordable housing minimum under Chapter 40B.

Wayland should be proud of reaching the 10 percent statutory minimum of affordable housing units, but the Town cannot afford to rest on its laurels. As discussed in the “Subsidized Housing Inventory” section of the Housing Profile, the Town risks falling back below 10 percent if units are not regularly added to the SHI. Now is the time to proactively plan for SHI-eligible housing in locations that are most beneficial to the Town, while Wayland remains above 10 percent and is subject to less pressure from the requirements of Chapter 40B. Beneficial locations include those that would be difficult to develop under normal zoning regulations, those that have wide community support, or those identified as suitable housing locations in other plans such as the 2017 Real Asset Planning Committee Report.

Increase focus on local and regional housing needs.

Being above the 10 percent affordable housing minimum under Chapter 40B is a major opportunity for Wayland, even though it is possible for the Town to temporarily dip slightly below that threshold. Without the pressure to constantly produce large numbers of SHI-eligible units, the Town may focus on specific local and regional needs that may not be met by the limited definition of “affordable housing” under Chapter 40B. This will be especially true if the Town continues to regularly bolster its inventory of SHI units as discussed in the previous goal.

A flaw of Chapter 40B is that it incentivizes production of units affordable at the 80 percent AMI threshold, but very rarely any lower. Households with incomes at 50 percent or 30 percent of AMI (considered “very low” and “extremely low” income, respectively) are therefore unable to afford most “affordable” units produced under Chapter 40B, at least not without incurring significant financial burdens. There is even less hope for those with little to no income. Chapter 40B is also relatively ill-equipped to specifically address more specialized housing needs, such as those of people with disabilities or older adults. While SHI units may cater to such groups, they often have needs that go beyond income.

Promote sustainability in new housing development.

Increasing Wayland’s affordable housing stock will necessarily involve new development, so it is vital to adopt strategies that will minimize negative short-term impacts on the environment and maximize long-term sustainability. In housing policy, sustainability is addressed through design, both of individual structures and site design. Practices such as reducing the use of impervious surfaces, maximizing energy efficiency in buildings, and increasing density to reduce the area disturbed by development are important ways that housing production can be made more sustainable. The ability to use these and other innovative strategies often depends on local regulations, such as a community’s Zoning Bylaw.



Commit leadership, funding, and regulatory reform to affirmatively further fair housing in Wayland.

It is clear from the community engagement exercises conducted for this plan that the residents of Wayland recognize the role that housing plays in their community's obligation to further equity and inclusion. To truly be a welcoming community, Wayland must be a place where people from all economic and cultural backgrounds are able to live. However, survey results indicate that many Wayland residents feel the Town has more work to do to reach this goal. Most of the strategies discussed below will help the Town build a housing stock that is more affordable and accessible to a wide range of households in and around Wayland, but there are also ways to make the local culture more welcoming.

"...People of all incomes are not able to afford to live here, and thus are not welcomed. The people who live in Wayland are welcoming, but we do not take action to match our words."

-Survey Response

STRATEGIES

In addition to addressing these goals, DHCD requires that HPP strategies cover the following points:

1. *The identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating SHI Eligible Housing developments*
2. *The identification of specific sites for which the municipality will encourage the filing of Comprehensive Permit applications*
3. *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality*
4. *Identification of municipally owned parcels for which the municipality commits to issue requests for proposals (RFP) to develop SHI Eligible Housing*
5. *Participation in regional collaborations addressing housing development*

The following strategies are designed to help the Town of Wayland meet the housing goals identified in the previous section; many will result in the creation of SHI-eligible units, but some may not. All, however, will contribute to reaching Wayland's broader affordable housing goals as discussed in the previous section.

Increase availability of funds for subsidized housing to reach below the 80 percent AMI level (30 or 50 percent). Most affordable housing units created in Massachusetts are income restricted to households at or below 80 percent of area median income, simply because this is what is required under Chapter 40B and because lower income limits are financially more difficult to produce. So long as national housing policy relies primarily on market forces to produce affordable units, the only way to create affordability at the deeper levels where it is so desperately needed is to provide enough subsidy dollars to make the project make sense for a developer. For larger projects, it may make sense to offer incentives rather than direct subsidies, such as bonus units or relief from certain density requirements in exchange for deeply affordable units.

Furthermore, Wayland has several existing funding sources for affordable housing- such as Community Preservation Act funds- and several local bodies charged with levying funds to pursue



community housing needs, such as the Municipal Affordable Housing Trust and the Housing Authority. The Town should consider how funding for these groups' activities can be increased.

Wayland adopted the Community Preservation Act in 2001 and has used funds to support affordable ("community") housing, such as development of the Nike Site. Following creation of the Wayland Municipal Affordable Housing Trust Fund in 2014, CPA funds dedicated to community housing have been transferred from the Community Preservation Fund to the Trust. The Town has also appropriated unrestricted CPA monies to support community housing activities, such as providing seed money to help get larger projects off the ground. This approach was used successfully in the case of Alta at River's Edge, and the Town should consider replicating the approach in the future.

The Town should also consider changing the way in which CPA funds are allocated to the Housing Trust. It is often difficult for public and other nonprofit entities to compete with private interests on the real estate market. Private investors can move quickly to make offers once land suitable for housing comes on the market, while a group like the Wayland Municipal Affordable Housing Trust must go through a process of requesting and obtaining funds. A potential solution to this problem is used in the Town of Hingham, where the Hingham Affordable Housing Trust maintains an "opportunity fund." This standing fund can be accessed at the Trust's discretion to respond to affordable housing opportunities quickly. The local Community Preservation Committee replenishes the opportunity fund annually.

Encourage the formation of a Community Land Trust to acquire land and create affordable units.

As Wayland's housing and land becomes increasingly unaffordable, the Town must examine new strategies to prevent members of the community from being priced out. A Community Land Trust (CLT) is a tax-exempt nonprofit organization that purchases and retains land, removing it from the pressures of the market. Housing built on this land can be sold at affordable rates because the CLT retains ownership of the underlying land in perpetuity while homebuyers purchase only the structure and lease the land for a long period of time (99 years is common), removing the cost of the land from the equation. Resale prices on CLT homes are limited to keep them affordable in perpetuity while still allowing sellers to realize some profit. This allows homes held by CLTs to function as long-term investments just like any market rate home, albeit to a lesser extent. Another benefit of the Community Land Trust model is that they are non-governmental organizations and can therefore be nimbler and more flexible in acquiring property.

While CLTs are still uncommon in Massachusetts there are several successful in-state examples to look to: the closest active Trust to Wayland is the Somerville Community Land Trust, while the Island Housing Trust on Martha's Vineyard holds over 60 homes. It is also possible to create a regional organization to pool resources with nearby towns, as the Greater Boston Community Land Trust Network has done in the inner Boston area. There are already several MetroWest regional organizations (see "Strengthen regional partnerships..." strategy below) that could facilitate the regionalization of CLT activities, or the Town might partner with an experienced Community Development Corporation (CDC) in the Greater Boston area. If the Town of Wayland can acquire the Launcher Way property (see separate strategy below), it may be an ideal opportunity to introduce the CLT model to the region.

Consider offering property tax incentives to developers of deeply affordable housing. Other than directly subsidizing units, another way to make more deeply affordable housing financially feasible



is to offer developers tax incentives. Tax Increment Financing (TIF) is a commonly used tool in economic development through which property taxes are significantly reduced for an agreed-upon number of years, and a similar strategy can work for affordable housing development. With a TIF or TIF-like program in place, the community can temporarily “freeze” taxes at the property’s current value regardless of the improvements the developer makes. Over an agreed-upon period, usually ten years, the property taxes increase incrementally as the project reaches full occupancy, and meanwhile many of the developer’s up-front costs have been paid. By the end of the TIF period, the developer is paying taxes on 100 percent of the property’s improved value. The TIF approach mitigates the economic uncertainty for risky ventures, allowing them to go forward by significantly reducing the cost of property taxes until the project’s annual income has stabilized. While TIFs are often applied to larger projects, the strategy can be adapted to subsidize affordable housing developments in a market the size of Wayland’s. While the Town will forego tax revenue for a number of years, tax incentives are a way to subsidize projects that need temporary relief in order to be feasible.

Proactively plan for opportunities to accommodate various special needs populations (e.g., group homes for adults with physical, developmental, or mental health challenges.). During the HPP public outreach process, many members of the community expressed concerns that Wayland did not have adequate housing for adults with disabilities, such as group homes. Fortunately, there are several things the Town can do to actively encourage the creation of more group homes and other independent living spaces for adults with disabilities. The first step of this process is to develop relationships with local group home operators to understand their needs. This may include state entities such as the Department of Mental Health (DMH) or Department of Developmental Services (DDS), or nonprofits that own group homes in the region like South Middlesex Opportunity Council (SMOC) VinFen, or the Charles River Center.

“[The] group home on Boston Post Road is nice, and we need more shared living opportunities for adults with disabilities.”

-Survey Response

The largest barrier to operating a group home in Wayland is simply the cost of acquiring property, so the Town might offer to help offset that acquisition cost when a property of interest to a group home provider becomes available, as the Town of Lincoln has done in the past.

Increase town government’s capacity to provide fair and affordable housing in all neighborhoods and appoint housing advocates to municipal boards. To make any of the strategies in the plan viable, it is crucial to build up governmental leadership on housing issues and create a local political culture that prioritizes affordable housing. Affordable housing should be seen as an equally important use of public land as conservation, for example. The Housing Partnership should take the lead in driving this cultural shift, which can be as simple as making sure that leaders such as the Select Board and Planning Board go out of their way to discuss housing issues and promote initiatives. Based on the community outreach conducted for this HPP, there are many Wayland residents who are passionate and knowledgeable about affordable housing issues, so the Partnership should seek to harness that energy and spread those attitudes throughout Town government and the citizenry. They might establish a quarterly affordable housing update at regular meetings of the Select Board

In addition, Wayland, like any Town serious about addressing its housing issues, has an ongoing need to build leadership capacity. There are many people in leadership positions in Wayland who are



passionate about and involved in the world of affordable housing, but they need training to effectively advocate for solutions and get local stakeholders on board with the initiatives discussed in this plan.

Consider forgoing “local preference” in affordable housing developments. “Local preference” in the context of affordable housing means giving residents of a community higher-priority access to a portion of units in an affordable housing lottery. While caring for the needs of local community members is an understandable goal, there may be unintended consequences to this approach, and Wayland must make sure it is striking the right balance. The state has introduced measures to avoid discrimination against racial/ethnic minority groups. For example, if the proportion of minority applicants in the local pool does not meet or exceed the proportion of minority residents in the Metropolitan Statistical Area (MSA), a preliminary lottery must be conducted among non-local minority applicants who are then added to the local pool.

“[Wayland] is welcoming for some (whites, of all ages) and not others (people of color). We do not have many people of color. I had a friend who was black... [who] complained about being singled out and not treated very fairly.”

- Survey Response

When the City of Newton asked Barrett Planning Group to investigate potential bias in its housing lottery results, analysis showed that even when applicant pools appropriately reflected the racial diversity of the region, actual lease-ups skewed towards White households. This effect was less pronounced when examining non-local preference lotteries. The reasons for these results are numerous and complex, such as households selected for the lottery being

disqualified due to credit or background checks. Wayland should examine whether local preference should be reduced or eliminated in light of its housing and equity goals, as other municipalities in Middlesex County have already done. For example, Brookline recently reduced its local preference requirement to 25 percent from 70 percent. Wayland must adjust its level of local preference to find the point where it can meet its obligation to promote regional housing equity as much as possible without eroding local support for affordable housing projects.

Strengthen regional partnerships for affordable housing efforts and take full advantage regional resources. DHCD requires an HPP to examine how a community can strengthen regional partnerships to address housing issues. Wayland is fortunate to be located in the MetroWest region with several well-established regional housing partners. While Wayland actively maintains relationships with major regional organizations, staff and volunteers report that the Town is not as engaged in regional efforts as it should be. Organizations that fund affordable housing projects, own and operate affordable housing developments, or provide technical assistance include the MetroWest Housing Collaborative, Metropolitan Area Planning Council (MAPC), Metro West Collaborative Development, and SMOC’s Framingham-based Housing Services Center. The group home-operating organizations identified in the previously discussed strategy “Proactively plan for opportunities to accommodate various special needs populations” should also be included in this list. MAPC, as Wayland’s regional planning agency, is an invaluable resource for addressing regional issues like affordable housing.

The Metropolitan Area Planning Council (MAPC) is Wayland’s regional planning organization. MAPC serves its member communities by providing technical assistance, distributing funding, and leading regional initiatives. The MetroWest Regional Collaborative (MWRC) is the sub-region of



MAPC that Wayland belongs to. According to their website, the purpose of MWRC is to facilitate communication between members, support coordinate regional planning efforts, advocate for regional priorities; and pursue projects of regionally significant projects.

The Regional Housing Services Office (RHSO), established in 2011, provides its nine member towns in the MetroWest region with a wide range of support for affordable housing efforts. Wayland maintains a healthy relationship with the RHSO but could be more active in taking advantage of the funds and assistance. As an example of the assistance RHSO already provides Wayland, the office handles the Wayland Initial Rental Assistance (IRA) program, where households earning 60 percent of AMI or less can get assistance paying security deposits and first month's rent when moving into a new apartment.

Led by the City of Newton, WestMetro HOME Consortium works to manage local distribution of HOME Investment Partnerships Program funds, a federal grant designed to create affordable housing units. The MetroWest HOME Consortium has leveraged over 12 million dollars to create over 550 units of affordable housing since its founding in 1991.²⁰ As a member of the consortium, Wayland is entitled to use these HOME funds for local projects. Besides new development, the consortium also maintains homebuyer assistance, housing rehab, and other programs to help low-income households address housing issues. Wayland should explore opportunities to use these funds to support the other strategies in this section.

Revamp the way the Building Department compiles and reports permitting data. As discussed in the “Characteristics of Housing” section of the Housing Profile, Wayland’s building permit data is difficult to work with, making a comprehensive analysis of development trends extremely challenging. Current practices will be inadequate if some of the other strategies in this plan lead Wayland to embrace a wider variety of housing types (such as two or more-family dwellings) as part of its regular housing production. Future annual reports should clearly delineate which permits resulted in the creation of new dwelling units and differentiate between different types of units including number of units per structure.

Provide meaningful, effective, and affordable transportation demand management services and public transit to residents of new developments. One of the most significant barriers to making affordable housing viable in Wayland is its lack of public transportation, as discussed in the “Barriers to Development” section. The Town should encourage developers to work with local businesses and business organizations to develop workforce-oriented transit service between residential developments and job sites. The Town should also, either by itself or in cooperation with neighboring Route 20 communities, leverage the development of Alta at River’s Edge and other large apartment complexes to work out a deal with the MWRTA to reintroduce shuttle services to the corridor. In order for a new route or service to be feasible the public must buy in and make use of it, so local outreach and advertising will be a crucial part of the successful implementation of this strategy.

Identify locations to encourage “Friendly 40B” comprehensive permits and take active steps to find developers to work with. The term “Friendly 40B” refers to a cooperative, negotiated Comprehensive Permit application where the municipality and developer work together to arrive at a mutually beneficial project. The Town can identify properties where a Comprehensive Permit would produce

²⁰ City of Newton, MA



the greatest community benefit and the developer benefits from the endorsement of Town staff and boards. Such a negotiated Comprehensive Permit may be implemented through DHCD’s Local Initiative Program (LIP) or simply through a conventional Comprehensive Permit process that has local support.

While towns often cooperate with developers outside of the framework of Chapter 40B regulations, as Wayland did with Alta at River’s Edge, the Comprehensive Permit process offers unique advantages. The ability of a Comprehensive Permit application to bypass certain local zoning regulations can be of great benefit to a town where key affordable housing strategies are rendered difficult or infeasible by the ZBL. Furthermore, because remaining above the 10 percent affordable housing minimum does not prevent developers from filing Comprehensive Permit applications, it is wise to have a strategy in place to make the most of the opportunity in case a developer does want to pursue that route.

Chapter 40B projects come in many different shapes and sizes, and there are many sites in Wayland where encouraging the filing of comprehensive permits would make sense given the right developer partner. The next several strategies are grouped under “Location-based strategies” because they address specific locations for affordable housing projects, and the potential utility of a comprehensive permit should be assessed for each.

Location-based strategies.

The following strategies address affordable housing opportunities on specific sites or in specific areas of Wayland. While there are certainly opportunities beyond those listed here, this section focuses on a few unique or high priority areas that the Town should explore.

Support ongoing efforts to acquire the Launcher Way property. A 12-unit housing development on Launcher Way owned by the US Department of Defense is a high-priority housing site for Town staff as well as the Wayland public, according to feedback from the survey and community forums. Formerly used as housing for military personnel and their families, the homes have been vacant since 2018. It is unknown if the current 12 structures can be preserved, but regardless the site represents a significant opportunity to create affordable units. A project on the site may also require a change in zoning or other relief, depending on what is ultimately proposed. The US government is actively seeking sale of the site to the highest bidder, and Wayland staff believe that the Town has the resources to put in a competitive offer. At the time of writing, Town staff had recently prepared an application for Community Preservation Act funds to go towards acquiring the Launcher Way property. Other potential funding sources include the Wayland Housing Trust, federal COVID-19 relief funds, and private loans that might be paid back in part with revenues from renting the Launcher Way units.

Issue requests for proposals for affordable housing development on Town land. Town-owned land is an important asset for affordable housing development because the municipality has a direct say over the property and can encourage uses that meet a public need more easily than a private owner. The Town of Wayland should identify municipal land that would be appropriate for housing development and issue requests for proposals (RFPs) to find a developer partner to create SHI-eligible units. A comprehensive permit might also be an appropriate avenue for development on some sites.

A long term (5 or 10 years may be appropriate) Capital Plan would help housing advocates identify municipal land that would be appropriate for affordable housing and prevent Town boards and



departments from prioritizing the same parcels. The 2017 Wayland Real Asset Planning (WRAP) Committee report introduced a set of site selection criteria meant to assess and prioritize proposed projects on municipal land. This should serve as a basis for a Capital Plan’s recommendations.

While a Capital Plan would help identify future affordable housing sites, there are several locations that the Town should consider for housing in the short term.

- The Town is examining opportunities to make the best use of 212 Cochituate Street, a four-acre tax title parcel. Staff have identified this site, once under municipal control, as a potential location for affordable housing.
- The 2017 WRAP report identified several parcels as potential locations for affordable housing, including a 13.7-acre vacant parcel on Orchard Lane, under the control of the School Department.
- Finally, some Town staff and volunteers have expressed interest in eventually converting Town Building into affordable housing in the event municipal offices move elsewhere. However, there are significant legal hurdles to this approach that are still awaiting a detailed review by Town Counsel and it is probably not realistic to expect significant progress on this idea during the life of this plan.

Create a vision plan for the vacant “Whole Foods plaza” incorporating affordable housing and potentially small-scale mixed use. A common concern among survey respondents was a vacant commercial property on Route 20 once owned by national grocery chain Whole Foods. There are ten years remaining on the lease but the current owners have not indicated any interest in utilizing the site and it is expected they may sell before the lease is up. Town staff report that informal discussions about the site have indicated that it may be an appropriate location for a small-scale mixed-use development with a multifamily component. Housing is in such high demand in Greater Boston that developers are usually looking for a housing component to make projects financially feasible. Mixed-use development would address housing needs while revitalizing underused commercial space to maintain the character of Wayland’s main commercial corridor.

Identify the potential for infill affordable housing development through a Route 20 corridor study. “Infill” is a development strategy that seeks to fill gaps or holes in an already developed area. For example, a forgotten vacant lot in between two large commercial developments might be targeted for a small housing project to bridge the gap in the streetscape while taking advantage of the area’s existing amenities. Channeling new development into an area that is already significantly developed also avoids disturbing land elsewhere.

The Route 20 corridor could be a good candidate for mixed-use development that maintains the primarily commercial character of the area while taking advantage of its strengths as a location for housing. Major apartment complexes have been built or permitted in Sudbury and Weston, and now Alta at River’s Edge in Wayland is under construction. This significant residential development provides an opportunity to activate the area’s potential as a transit-oriented corridor by connecting these developments to MWRTA and MBTA public transit. Small, individual infill projects along Route 20 could take advantage of amenities that might be drawn in by nearby larger developments. Town staff recommended pursuing a “corridor study” to identify opportunities for this type of development.



Regulatory strategies

Wayland's bylaws and regulations, especially its Zoning Bylaw, play a primary role in determining what kind of affordable housing development is feasible in Town. Zoning alone cannot meet all of a town's housing goals- for example, zoning incentives alone are often inadequate to promote the development of affordable units below 80 percent of AMI- but the following strategies will help Wayland continue to make significant progress.

Encourage or require green design, universal design, and flexible design for new residential development, and in retrofitting existing structures. In the face of climate change, innovative new design strategies are gaining wider acceptance among developers, but local regulations can stand in the way. Concepts such as Low Impact Design or Green Infrastructure involve the use of nontraditional building materials or site layouts that may not be acceptable given a community's existing Subdivision Rules and Regulations, Site Plan Review standards, or other zoning requirements. Wayland should conduct a comprehensive review of its regulations to ensure that sustainable design is allowed and encouraged. Beyond new construction, funds could be provided to retrofit existing structures with newer, more efficient energy systems.

“Allowing [ADUs and duplex conversions] by right will reduce barriers to action and spur production of more housing units.”

-Community Forum Response

Other design standards Wayland should consider include requiring bicycle parking and pedestrian infrastructure where possible, including amenities such as sidewalks, biking paths, and well-marked crosswalks. While not related to environmental sustainability, the Town should also require the use of universal design in new construction. Universal design focuses on creating spaces that are accessible to all ages and for those with a wide range of disabilities. Simple design elements can make a housing unit viable for someone with a disability or allow a resident to age in place.

Encourage Conservation Clusters as the primary form of subdivision development in Wayland. Wayland's Conservation Cluster regulations are similar in concept to Open Space Design (also sometimes called Natural Resource Protection Zoning), an approach favored by organizations such as Mass. Audubon, to develop land while maximizing the amount of preserved open space. Implemented correctly, Open Space Design will maintain (or even increase) the number of units allowable on a lot while leaving most of its area undeveloped. This is accomplished through flexible and site-specific design that allows units to be clustered together in a smaller portion of the lot than would otherwise be allowed, in exchange for permanent protections on the remaining open space.

Wayland's current Conservation Cluster bylaw already contains Open Space Design principles, but it could be made more effective and its use more actively encouraged. Allowing Conservation Clusters by right (while keeping site plan review) and removing the minimum lot area requirement would ensure that all new subdivisions minimize impervious surfaces and limit environmental disturbances. It is also possible to offer developers density bonuses for meeting incentives tied to the Town's housing goals, such as including affordable units. Conservation Clusters are already one of the most flexible housing provisions in the Wayland Zoning Bylaw; multifamily structures are allowed in Clusters by Special Permit, for example. Revamping Wayland's approach to subdivisions would



encourage affordable housing development in the Town's less dense residential zoning districts (R40 and R60) through the careful use of targeted density bonuses.

Adopt zoning regulations to meet new requirements for MBTA Communities. In 2020, Governor Baker signed several new amendments to the Zoning Act (Chapter 40A), including new incentives for MBTA Communities to adopt multifamily zoning by right. Wayland is classified as an MBTA Community despite not being directly served by the MBTA. It qualifies as an "adjacent community" because it borders several municipalities that do have MBTA service. This means that Wayland must adopt zoning provisions so that the Town complies with the new draft MBTA community guidelines or lose access to funds from the Housing Choice Initiative, Local Capital Projects Fund, and MassWorks.

The draft guidelines are subject to change, but at time of writing Wayland must have at least one zoning district (or overlay) that meets the following requirements:

- Has a minimum gross density of 15 units per acre. Density may vary across the district (via use of sub-districts) but the total average density per acre must be at least 15 units.
- Does not have any age restrictions.
- Is suitable for families with children.
- Must be at least 50 contiguous acres in size (an overlay may consist of several non-contiguous parcels that each need to meet minimum size requirements).

MBTA communities seeking a determination of compliance with the new regulations must provide DHCD with a parcel-level estimate of the number of multifamily units that could be constructed, taking into account a wide variety of physical and regulatory development constraints. There is a formula for determining the minimum number of units that must be buildable by right in each MBTA Community's multifamily district, but in Wayland's case this calculation does not matter. Because a district must be at least 50 acres in size and allow at least 15 units per acre, the fewest units that a compliant district may allow is 750. Therefore, 750 is the minimum requirement for any MBTA community; if DHCD's formula would result in a requirement below 750 units, that community is still required to meet the 750 unit minimum, Wayland falls into this category.

It is important to note the MBTA communities legislation is not a housing production mandate. As long as 750 units that comply with the other requirements of Chapter 3A are allowed by right, the Town has met its obligations regardless of whether developers actually take advantage of the zoning district.

The guidelines discussed in this strategy are subject to change, so it is difficult to make very specific recommendations for zoning changes at time of writing. It is likely, however, that it will make sense for Wayland to consider the Route 20 corridor for rezoning as this part of town already has the highest-density zoning. The River's Edge Housing Overlay already allows approximately 20 units per acre by right and may form the basis of a larger district that meets MBTA community requirements.



Conclusion

The goals and strategies discussed above are designed to help the Town of Wayland meet the needs identified in the Housing Needs Assessment in the first part of this HPP. Strategies provide recommendations for the Town of Wayland to increase available affordable housing funding, use existing funds in more efficient and creative ways, select sites to encourage the development of affordable housing, and to build local and regional capacity to address housing issues. Proactively pursuing these strategies over the next five years should bring Wayland closer to meeting its responsibility to ensure its residents have safe and affordable housing.



APPENDIX A: GLOSSARY

Affirmative Fair Housing Marketing Plan (AFHMP). A plan that meets the fair housing and non-discrimination requirements of the Department of Housing and Community Development (DHCD) for marketing affordable housing units. The plan typically provides for a lottery and outreach to populations protected under the federal Fair Housing Act of 1968, as amended. The plan must be designed to prevent housing discrimination on the basis of race, creed, color, national origin, sex, age, disability, familial status, sexual orientation, gender identity, or any other legally protected class under state or federal law.

Affordable Housing. As used in this report, "affordable housing" is synonymous with low- or moderate-income housing, i.e., housing available to households with income that does not exceed 80 percent of area median income and at a cost that does not exceed 30 percent of their monthly gross income.

Affordable Housing Restriction. A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction runs with the land in perpetuity or for the maximum period allowed by law. It should be entered into and made enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

Affordable Housing Trust. The mechanism used to account for and report revenues and expenditures for affordable housing, including but not limited to Community Preservation Act (CPA) receipts and other affordable housing funding sources.

Area Median Income (AMI). The median family income, adjusted for household size, within a given metropolitan or non-metropolitan area, updated annually by HUD and used to determine eligibility for most housing assistance programs. For Wayland, AMI is based on the Boston-Cambridge-Quincy Median Family Income.

Average-Income Household. Loosely defined term for households with incomes over the maximum for affordable housing but typically outpriced by housing costs in affluent suburbs. An income between 81 and 120 percent of AMI generally encompasses average-income households.

Chapter 40A. G.L. c. 40A, the state Zoning Act. The current version of the Zoning Act was adopted in 1975 (1975 Mass. Acts 808).

Chapter 40B. G.L. c. 40B, § 20-23 (1969 Mass. Acts 774), the state law administered locally by the Board of Appeals to create affordable housing. It provides eligible developers with a unified permitting process that subsumes all permits normally issued by multiple town boards. Chapter 40B establishes a basic presumption at least 10 percent of the housing in each city and town should be affordable to low- or moderate-income households. In



communities below the 10 percent statutory minimum, affordable housing developers aggrieved by a decision of the Board of Appeals can appeal to the state Housing Appeals Committee, which in turn has authority to uphold or reverse the Board's decision.

Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267), the Community Preservation Act, allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

Comprehensive Permit. The unified permit authorized by Chapter 40B, §§ 20-23, for affordable housing development.

Community Housing. As defined under Chapter 44B, "community housing" includes housing affordable and available to (a) households with incomes at or below 80 percent AMI and (b) between 81 percent and 100 percent AMI.

Community Land Trust. Community land trusts are nonprofit, community-based organizations designed to ensure community stewardship of land. They are used primarily to ensure long-term housing affordability. To do so, the trust acquires land and maintains ownership of it permanently. With prospective homeowners, it enters into a long-term, renewable lease instead of a traditional sale. When the homeowner sells, the family earns only a portion of the increased property value. The remainder is kept by the trust, preserving the affordability for future low- to moderate-income families.

Community Preservation Act. Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267) allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

Comprehensive Permit. The unified permit authorized by Chapter 40B for affordable housing development.

Department of Housing and Community Development (DHCD). The state's lead housing agency, originally known as the Department of Community Affairs (DCA). DHCD oversees state-funded public housing and administers rental assistance programs, the state allocation of CDBG and HOME funds, various state-funded affordable housing development programs, and the Community Services Block Grant (CSBG) Program. DHCD also oversees the administration of Chapter 40B.

Extremely Low-Income Household. A household income at or below 30 percent of AMI. (In some housing programs, a household with income at or below 30 percent of AMI is called very low income.)

Fair Housing Act (Federal). Established under Title VII of the 1968 Civil Rights Act, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings,



and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), sexual orientation, gender identity, and disability.

Fair Housing Law, Massachusetts. G.L. c. 151B (1946), the state Fair Housing Act prohibits housing discrimination on the basis of race, color religious creed, national origin, sex, sexual orientation, age, children, ancestry, marital status, veteran history, public assistance reciprocity, or physical or mental disability.

Fair Market Rent (FMR). A mechanism used by HUD to control costs in the Section 8 rental assistance program. HUD sets FMRs annually for metropolitan and non-metropolitan housing market areas. The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market. (See 24 CFR 888.)

Family. Under the Federal Fair Housing Act (FFHA), family includes any of the following:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
 - (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (b) An elderly family;
 - (c) A near-elderly family;
 - (d) A disabled family;
 - (e) A displaced family; and
 - (f) The remaining members of a tenant family.

Gross Rent. Gross rent is the sum of the rent paid to the owner (“contract rent”) plus any utility costs incurred by the tenant. Utilities include electricity, gas, water and sewer, and trash removal services but not telephone service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

Group Home. A type of congregate housing for people with disabilities; usually a single-family home.

Household. One or more people forming a single housekeeping unit and occupying the same housing unit. (See definition of Family)



Housing Appeals Committee (HAC). A five-member body that adjudicates disputes under Chapter 40B. Three members are appointed by the Director of DHCD, one of whom must be a DHCD employee. The governor appoints the other two members, one of whom must be a city councilor and the other, a selectman.

Housing Authority. Authorized under G.L. 121B, a public agency that develops and operates rental housing for extremely low-income and very-low-income households.

Housing Cost, Monthly. For homeowners, monthly housing cost is the sum of principal and interest payments, property taxes, and insurance, and where applicable, homeowners association or condominium fees. For renters, monthly housing cost includes rent and basic utilities (oil/gas, electricity).

HUD. See U.S. Department of Housing and Urban Development.

Inclusionary Zoning. A zoning ordinance or bylaw that encourages or requires developers to build affordable housing in their developments or provide a comparable public benefit, such as providing affordable units in other locations ("off-site units") or paying fees in lieu of units to an affordable housing trust fund.

Infill Development. Construction on vacant lots or underutilized land in established neighborhoods and commercial centers.

Labor Force. The civilian non-institutionalized population 16 years and over, either employed or looking for work.

Labor Force Participation Rate. The percentage of the civilian non-institutionalized population 16 years and over that is in the labor force.

Local Initiative Program (LIP). A program administered by DHCD that encourages communities to create Chapter 40B-eligible housing without a comprehensive permit, e.g., through inclusionary zoning, purchase price buydowns, a Chapter 40R overlay district, and so forth. LIP grew out of recommendations from the Special Commission Relative to the Implementation of Low- or Moderate-Income Housing Provisions in 1989. The Commission prepared a comprehensive assessment of Chapter 40B and recommended new, more flexible ways to create affordable housing without dependence on financial subsidies.

Low-Income Household. As used in the terminology of Chapter 40B and DHCD's Chapter 40B Regulations, low income means a household income at or below 50 percent of AMI. It includes the HUD household income group known as very low income.

Low or Moderate Income. As used in Chapter 40B, low or moderate income is a household that meets the income test of a state or federal housing subsidy program. Massachusetts follows the same standard as the rest of the nation, which is that "subsidized" or low- or moderate-income housing means housing for people with incomes at or below 80 percent of the applicable AMI.



Massachusetts Housing Partnership (MHP). A public non-profit affordable housing organization established by the legislature in 1985. MHP provides technical assistance to cities and towns, permanent financing for rental housing, and mortgage assistance for first-time homebuyers.

MassHousing. A quasi-public state agency that provides financing for affordable housing.

Mixed-Income Development. A residential development that includes market-rate and affordable housing.

Mixed-Use Development. A development with more than one use on a single lot. The uses may be contained within a single building ("vertical mixed use") or divided among two or more buildings ("horizontal mixed use").

Moderate-Income Household. As used in the terminology of Chapter 40B and DHCD's Chapter 40B Regulations, moderate income means a household income between 51 and 80 percent of AMI. (In some federal housing programs, a household with income between 51 and 80 percent of AMI is called low income.)

Non-Family Household. A term the Census Bureau uses to describe households composed of single people living alone or multiple unrelated people sharing a housing unit.

Overlay District. A zoning district that covers all or portions of basic use districts and imposes additional (more restrictive) requirements or offers additional (less restrictive) opportunities for the use of land.

Regulatory Agreement. An affordable housing restriction, recorded with the Registry of Deeds or the Land Court, outlining the developer's responsibilities and rights

Section 8. A HUD-administered rental assistance program that subsidizes "mobile" certificates and vouchers to help very-low and low-income households pay for private housing. Tenants pay 30 percent (sometimes as high as 40 percent) of their income for rent and basic utilities, and the Section 8 subsidy pays the balance of the rent. Section 8 also can be used as a subsidy for eligible rental developments, known as Section 8 Project-Based Vouchers (PBV), which are not "mobile" because they are attached to specific units.

Single Room Occupancy (SRO). A building that includes single rooms for occupancy by individuals and usually includes common cooking and bathroom facilities shared by the occupants.

Subsidized Housing Inventory (SHI). A list of housing units that "count" toward a community's 10 percent statutory minimum under Chapter 40B.

SHI-Eligible Unit. A housing unit that DHCD finds eligible for the Subsidized Housing Inventory because its affordability is secured by a long-term use restriction and the unit is made available to low- or moderate-income households through an approved affirmative marketing plan.



Subsidy. Financial or other assistance to make housing affordable to low- or moderate-income people.

Sustainability. To create and maintain conditions under which people and nature can exist in productive harmony while fulfilling the social, economic and other requirements of present and future generations. For housing, sustainability requires an equity framework that includes affirmative measures to provide greater energy-efficiency and healthy housing, to connect housing to jobs, to improve access to affordable transportation, and to enhance educational opportunity.

Typical, Non-standard Rental Units. A term that defines the types of rental units that HUD includes and excludes in establishing the FMR for each housing market area. The term excludes: public housing units, rental units built in the last two years, rental units with housing quality problems, seasonal rentals, and rental units on ten or more acres.

U.S. Department of Housing and Urban Development (HUD). The lead federal agency for financing affordable housing development and administering the Fair Housing Act.

Very Low Income. See Extremely Low Income.

Workforce. People who work or who are available for work, either in a defined geographic area or a specific industry.

Workforce Housing. There is no single industry standard that defines “workforce housing.” HUD defines it as housing affordable to households earning between 80 and 120 percent of AMI. The Urban Land Institute has traditionally used the term “workforce housing” to describe units affordable to households with incomes between 60 and 100 percent AMI. By contrast, MassHousing defines “workforce housing” as housing affordable to individuals and families with incomes of 61 percent to 120 percent of AMI. In general, workforce housing is housing for people who work in a community and the pricing methodology should account for wages paid by local employers.



APPENDIX B. AFFIRMATIVE MARKETING REQUIREMENTS

Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) Key Review Points

City/Town: _____	Reviewer: _____	
Project Name: _____	Date of Review: _____	
Address: _____		
RENTAL <input type="checkbox"/>	OWNERSHIP <input type="checkbox"/>	BOTH <input type="checkbox"/>

Note: The checklist below is intended to assist with AFHMP review but does not replace the requirements of the DHCD AFHMP guidelines, available at <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf> (See also section III of the DHCD Comprehensive Permit Guidelines at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>). The AFHMP guidelines must be consulted in their entirety.

DEVELOPER/CONTRACTOR INFORMATION:

Are the developer staff and contractor qualifications consistent with the Guidelines?

- YES
- NO

Did developer/contractor representative(s) certify that the AFHMP is consistent with the Guidelines?

- YES
- NO

MARKETING:

Will the application period run for at least 60 days?

- YES
- NO

Will advertisements be placed in local and regional newspapers?

- YES
- NO

If YES, which newspapers: _____



Will advertisements be placed in newspapers that serve minority groups and other protected classes?

YES

NO

If YES, which newspapers: _____

Will advertisements run at least two times over a 60-day period?

YES

NO

Are sample ads included?

YES

NO

Is marketing comparable in local, regional and minority newspapers:

YES

NO

If NO, explain: _____

Are outreach notices to be sent to local fair housing commissions?

YES

NO

To other local/regional religious institutions, housing authorities, social service agencies, nonprofits, etc?

YES

NO

If YES, where: _____

Is the outreach appropriate to the type of housing proposed (e.g., marketing to senior centers for elderly housing)?

YES

NO

Explain:

Are applications made available at public, wheelchair accessible locations including one that has some night hours?

YES

NO



Does the advertisement and other marketing include a telephone number, including a TTY/TTD phone number, to call to request an application via mail?

- YES
- NO

Does the advertisement and other marketing indicate that applications may be submitted by mail, fax, or e-mail?

- YES
- NO

Does marketing include non-English publications?

- YES
- NO

If YES, which languages:

What is the basis for determining the languages? Explain: Will available Metro Boston Area affordable units be reported to Metrolist?

- YES
- NO

Will available affordable and available accessible units be listed with MassAccess (CHAPA's Housing Registry)?

- YES
- NO

Will available affordable ownership units be listed with MassAccess?

- YES
- NO

Will available affordable ownership units be listed with MAHA's lottery website?

- YES
- NO

Are Fair Housing logo and slogan included in all marketing materials?

- YES
- NO



Do applicant materials include a statement of the housing provider's obligation to not discriminate in the selection of applicants?

- YES
- NO

Does the advertisement and other marketing include a telephone number, including a TTY/TDD phone number, to call to request an application via mail?

- YES
- NO

Do applicant materials include a statement of the housing provider's obligation to not discriminate in the selection of applicants?

- YES
- NO

Do applicant materials state that persons with disabilities may request reasonable accommodations in rules, policies, practices or services or reasonable modifications in the housing?

- YES
- NO

Do informational materials provide notice of free language assistance to applicants, translated or to be translated into the languages of LEP populations anticipated to apply?

- YES
- NO

Do applicant materials state that persons with disabilities may request reasonable accommodations in rules, policies, practices or services or reasonable modifications in the housing?

- YES
- NO

Does marketing refrain from describing characteristics of desirable applicants/residents (e.g., "for four persons only", "active lifestyle community," "empty nesters")?

- YES
- NO

If NO, explain:

Does marketing convey unlawful preferences or limitations (e.g., only white models)?

- YES
- NO

If YES, explain:



Does marketing include reference to local residency preferences?

- YES [Not permitted]
- NO

Does marketing indicate resident selection by lottery or other random selection procedure?

- YES
- NO

RESIDENT SELECTION:

Are copies of a sample application and information packets for potential applicants included and acceptable?

- YES
- NO

Are info sessions scheduled to allow for maximum opportunity to attend (i.e., evenings, weekends, accessible location)?

- YES
- NO

Are the eligibility criteria consistent with the Guidelines? YES NO

Is resident selection based on a lottery?

- YES
- NO

If NO, is it based on a fair and equitable procedure (i.e., not “first come, first served”) approved by the subsidizing agency?

- YES
- NO

Explain:

If a lottery to be utilized, will the lottery be held at a public, wheelchair accessible location?

- YES
- NO

Are the lottery procedures consistent with the Guidelines?

- YES
- NO



Is the community choosing to implement a local selection preference?

YES

NO

If YES, is the need for the local preference demonstrated consistent with the Guidelines? YES NO

Explain:

[NOTE: 70% local preference is maximum permitted, but percentage must be justified based on documented local need]

Does the demonstrated need correspond to the housing type and eligibility criteria of the project? (e.g., wait list at another rental development used to demonstrate need is for apartments to be rented at similar rents and for residents at similar income levels)

YES

NO

Explain:

Are all the proposed preference types consistent with the Guidelines?

YES

NO

Are the geographic boundaries of the local preference area smaller than the municipal boundaries?

YES

NO

[NOTE: not permitted]

Does the AFHMP include efforts to address potential discriminatory effects of a local selection preference (e.g., will minority applicants be moved into the local selection pool to ensure it reflects the racial/ethnic balance of the region and/or other efforts consistent with the Guidelines)?

YES

NO

Explain:

Is the working preference the only local preference?

YES

NO

If YES, are persons with disabilities and/or 62 years of age or older that live in the community given the benefit of the preference?

YES

NO

Are there durational requirements for living or working in the community?

YES Not permitted]



NO

Are local preference units subject to different or more beneficial terms (e.g., reduced prices) than other affordable units?

YES

NO

If YES, explain:

Are household size restrictions and preferences consistent with the Guidelines?

YES

NO

Does the AFHMP provide persons with disabilities in need of accessible units first preference for such units?

YES

NO

Does the AFHMP address adaptable units consistent with the Guidelines?

YES

NO

Does the AFHMP provide for criminal background checks consistent with the Guidelines (e.g., not imposed prior to the lottery and consistent with DHCD model CORI policy)?

YES

NO

Does the AFHMP require any deposits or fees to be paid? YES/NO If YES, are they consistent with the Guidelines?

YES

NO

WAIT LISTS

After the lottery, are households that are not awarded a unit placed on a wait list in the order that they were drawn from the general pool?

YES

NO

For rental projects, is the procedure for ordering new applicants upon re-opening of the wait list based upon a random selection procedure after a minimum application period of no less than 10 business days?

YES

NO

If NO, explain:



Is there a procedure for wait lists that do not close, and does it address persons with disabilities consistent with the Guidelines?

YES

NO

Explain:

Does the ongoing affirmative and general marketing/outreach materials provide explicit notice of the availability of reasonable accommodations in the application process and a corresponding telephone number?

YES

NO

For ownership projects, does the AFHMP include a method for ensuring continued compliance w/ the Guidelines upon resale?

YES

NO

OVERALL COMMENTS:



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Wayland

MASSACHUSETTS



WAYLAND, MA

TOWN MANAGER

TOWN OF WAYLAND, MASSACHUSETTS TOWN MANAGER

GovHR USA, LLC is pleased to announce the recruitment and selection process for the inaugural Town Manager for the Town of Wayland, MA ("Wayland" or the "Town"). This brochure provides background information on the Town, as well as the requirements and expected qualifications for the Town Manager position. Additional information about Wayland can be found on the Town's website: <https://www.Wayland.ma.us/>.

Wayland seeks its inaugural Town Manager after transitioning in 2022 from a Town Administrator to Town Manager form of municipal government. The Town strives to hire a collaborative, experienced, and passionate professional for the position. Located in Middlesex County just north of the Massachusetts Turnpike (17 miles from Boston and 28 miles from Worcester), Wayland's total area is 15.9 square miles and contains 6,239 housing units (91% owner occupied and 9% rented). Widely regarded as one of the best places to raise a family in Massachusetts, Wayland offers residents a safe environment, a suburban feel (with about one third of the area devoted to conservation), and an excellent school system (consistently ranked in the top ten in the Commonwealth).



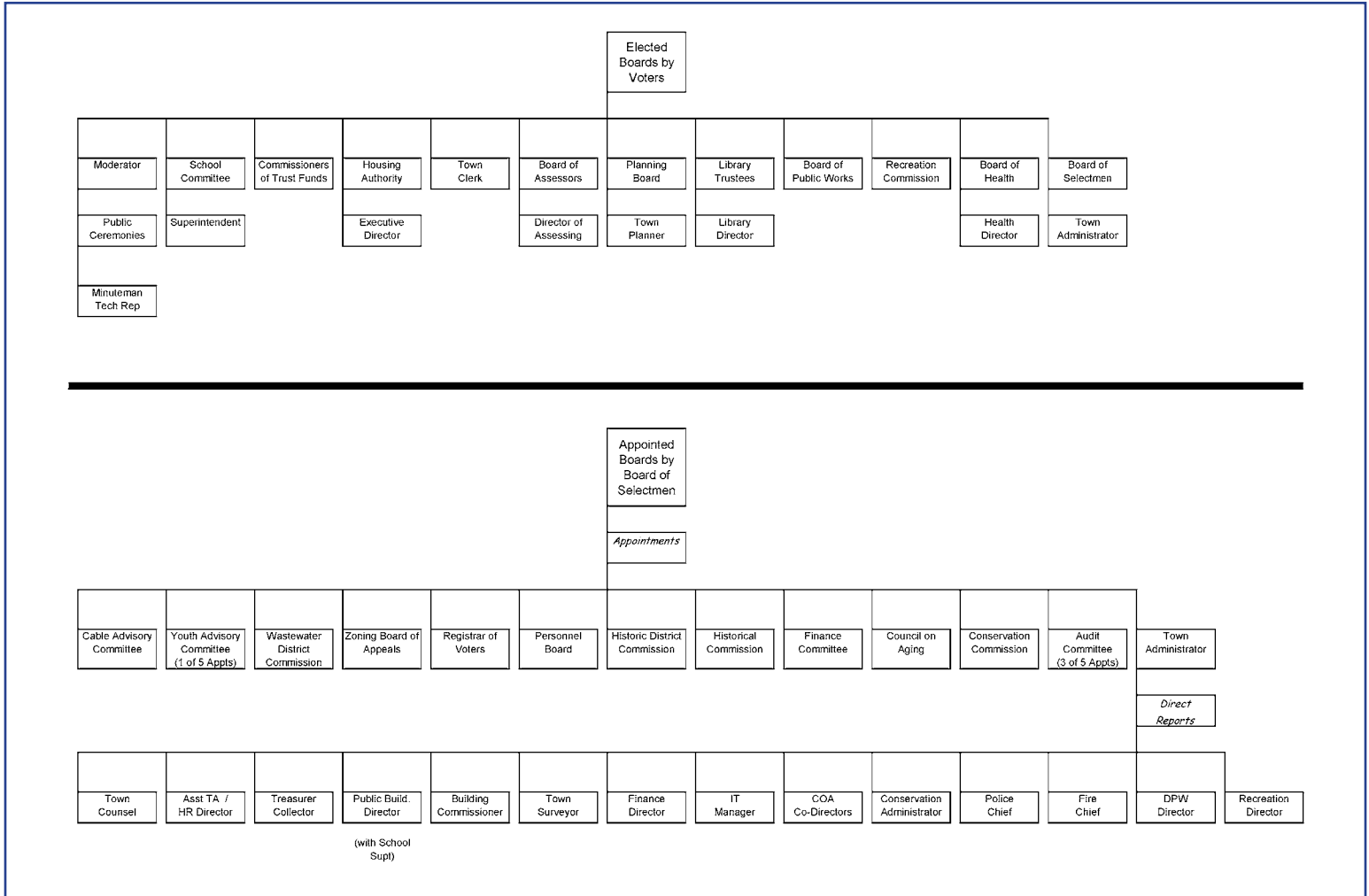
WAYLAND (POP. 13,964)



THE MUNICIPAL ORGANIZATION

Wayland modified its government structure from a Board of Selectman/Town Administrator form to a Select Board/Town Manager composition by and through Governor Baker signing Chapter 33 of the Acts of 2022, "An act creating Select Board-Town Manager form of government in the Town of Wayland" (the "TM/SB Act"). The five-member Select Board, elected to staggered three-year terms, serves as the Chief Executive Officer and chief policy making body. In accordance with Town Code, the Select Board appoints the Town Manager, Town Counsel, and independent auditor, as well as volunteers serving on various committees, boards and commissions. The Select Board develops and promulgates policy directives and regulations for the conduct of Town government. Additional boards in Wayland possess independent authority that is not under the purview of the Select Board.

ORGANIZATIONAL CHART



Open Town Meeting acts as the legislative branch and is comprised of all registered voters of the community in attendance. Town Meeting occurs at least once each year to approve and amend the operating and capital budgets, adopt ordinances and bylaws, amend zoning bylaws, and authorize the purchase or sale of assets and real estate, among other similar articles. Wayland was the first community in Massachusetts to use electronic voting devices at its Town Meeting, which allows for a more accurate and efficient Town Meeting while also preserving a voter's confidentiality.



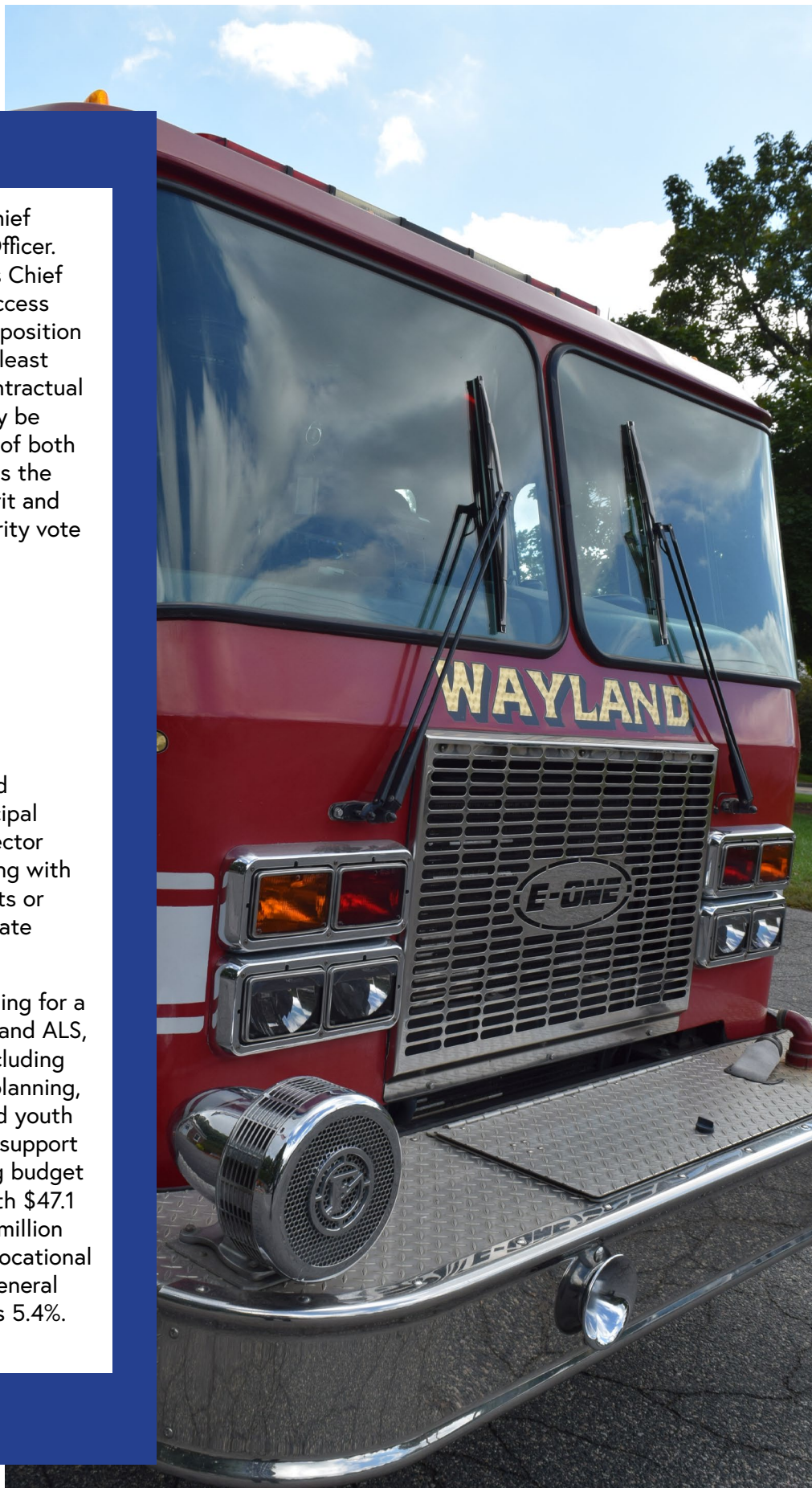
The Town Manager serves in the role of Chief Administrative, Operating, and Financial Officer. The Town Manager also acts as the Town's Chief Procurement Officer and Public Records Access Manager. The Town Manager is a contract position that requires appointment by a vote of at least four members of the Select Board. The contractual three-year term for the Town Manager may be renewed or extended with the agreement of both parties. The Town Manager in turn appoints the following department heads based on merit and fitness, with ratification of at least a majority vote of the Select Board:

- Police Chief
- Fire Chief
- Finance Director, and
- Town Clerk

The Town Manager, after consulting with the relevant Town committees, boards, and commissions, appoints all remaining municipal department heads, except the Library Director and Superintendent of Schools, and working with the appropriate department heads appoints or delegates the appointment of all subordinate municipal staff.

Wayland's municipal budget provides funding for a full range of services including police, fire and ALS, public safety dispatching, public works including water, finance, library, recreation, health, planning, conservation, town counsel, and senior and youth services, among other standard municipal support services. The Total General Fund operating budget appropriation for FY23 is \$92.7 million (with \$47.1 million dedicated to education and \$45.6 million for municipal services, including regional vocational schools). The increase in the FY23 Total General Fund Budgeted from the prior fiscal year is 5.4%.

[Fiscal Year 2023 Budget Summary](#)



OPPORTUNITIES

As Wayland's inaugural Town Manager, this individual will lead the Town's transition to its new form of government. The Town Manager will also establish an organizational culture that values both personal growth and service to the Town. Moreover, the Town seeks a Town Manager who will promote collaboration and synergy among Town departments and Wayland's volunteer-staffed boards, committees, and commissions.

The Select Board identified eight goals for FY23, which inform the various opportunities available to the Town's inaugural Town Manager:

1. Establish effective governance by and through the TM/SB Act;
2. Facilitate the creation of affordable housing per the Town's Housing Production Plan;
3. Complete construction of the Council on Aging/Community Center;
4. Develop a long-range operating and capital financing plan;
5. Advance Wayland's work to be equitable and inclusive;
6. Establish and improve effective communication with Town citizens;
7. Act on climate change; and
8. Facilitate the revitalization of the Route 20 Corridor.

GOALS

Additional information is provided below on some of these goals.

- **The Inaugural Town Manager**

The TM/SB Act was just implemented in 2022, so the appointed individual will be the first Town Manager to ever serve in Wayland. This provides an excellent opportunity to establish how Wayland's municipal government functions going forward. For an innovative, knowledgeable, and creative individual, this is an excellent opportunity to leave one's legacy on a community for years to come. The Select Board, staff, and residents are all supportive and hopeful of the change in the structure of governance and the financial stability of the community means it has the resources to fund the necessary changes.

- **Finance**

Wayland most recently restructured its Finance Department and will develop and approve the budget in accordance with the new processes associated with the SB/TM Act. The Board recently approved the review of Townwide financial policies. [Collins Center Report – Financial Management Structure](#).

- **Affordable Housing**

Wayland has demonstrated a commitment to providing affordable housing and is close to achieving the ten percent affordable housing requirement imposed on every municipality pursuant to Chapter 40B of the Massachusetts General Laws. In June 2022, Wayland obtained state approval of its Housing Production Plan. The safe harbor granted to the Town (from so-called "unfriendly" projects) is set to expire in May 2023. The safe harbor can be extended if the Town completes permitting on a housing plan to produce the units needed to close the gap.





- **Financial Stability**

Wayland is a relatively affluent and financially stable community. The community has supported efforts to set aside reserves and taken head-on some of the more costly issues faced by municipalities. The annual free cash certification is around \$10 million, and the Town has built up \$11 million in stabilization reserves. Beginning in FY23, Wayland began contributing annually to a newly created capital stabilization reserve fund reserve. The Town has also been extremely proactive in its contributory funding of its Other Post-Employment Benefits (OPEB) projected liability and has earned Moody's highest credit rating of Aaa. [Collins Center Report – Financial Policies](#).

- **Communications**

The Town recently engaged the services of a public relations firm to assist with informing and engaging the residents and town officials in the community. The community and town leadership expressed a desire to improve communications between the town management and residents. The public relations firm will assist the Town Manager and the leadership team to remain informative and transparent as changes in the governance structure and staffing are being contemplated and implemented.

- **Diversity, Equity and Inclusion**

Wayland is becoming increasingly diverse. Residents and Town officials are aware of and committed to the need to understand and pursue a more equitable and inclusive approach to the provision of services and the adoption of policies and procedures. The community is hopeful that the new Town Manager will be able to provide leadership and guidance on the issue of belonging, including the addition of more diversity in the town's workforce.

- **Climate Action Mobilization Plan**

The Board supported the development and formal adoption of the Climate Action Mobilization Plan to reduce community-wide greenhouse gas emissions by 50% from 1990 baseline levels by the year 2030. Wayland budgeted for the hiring of a sustainability manager beginning in FY23.

CHALLENGES

Wayland, like many other employers in the public and private sectors, presently faces obstacles with respect to recruiting and team building. Town staff also consistently strives to improve communication with residents. The 90 approved and funded, yet outstanding, projects also require prioritization and completion while managing the day-to-day roles and responsibilities of municipal government. Additional challenges presently faced by Wayland are discussed in more detail below.

• **Recruiting Staff**

Recruiting and hiring individuals to fill certain positions has been challenging in the short run. The next Town Manager will need to find creative ways to attract and/or develop individuals to fill the staffing vacancies and to find creative ways to retain their services into the future. The Town does have a full-time Human Resources Manager and is working to further streamline numerous approaches to how Wayland adjusts to a post-COVID workplace.

• **Team Building**

Like so many public and private operations, Wayland has experienced a significant turnover in its municipal staff before and after the pandemic. Staff is now made up primarily of individuals either long tenured or new to Wayland. This provides an opportunity to hire and train individuals to work together as a cohesive team to provide services to the community and to resolve cross-functional issues.

• **Approved and Funded Projects**

There are presently about 90 approved and funded projects in various stages of progress and completion. A well-organized individual can score immediate success by moving the projects forward on a prioritized basis. Projects that require assistance getting across the finish line include, but are not limited to:

1. Resolving the PFAS Water Contamination Issue;
2. Renovations to Fire Station 2;
3. Construction of the Council on Aging/ Community Center;
4. Construction of the Loker Grass Athletic Field;
5. Supporting the Massachusetts School Building Assistance (MSBA) invitation to Submit a Statement of Interest; and
6. Implementation of Energy Efficiency Programs.



• **Water**

Levels of PFAS (per- and polyfluoroalkyl substances) wells have been above regulatory limits. The Board of Public Works that serves as the Town's Water Commissioners has been exploring possible resolutions, including joining the Massachusetts Water Resources Authority system.

• **Building Maintenance**

Municipal and School buildings require improved maintenance and investment and upgrades that have been appropriated. The Town will ultimately need an updated plan.

• **Volunteer Adjustment to SB/TM Act**

Wayland is very fortunate to have many involved citizens serving the community as volunteers on board, commissions, and committees. With the passage of the SB/TM Act comes new roles and responsibilities for many town personnel, including Wayland's volunteers on boards and committees. Committee members will need time to adjust to a different set of roles and responsibilities. Consequently, the next Town Manager is encouraged to be a patient listener and willing to find compromise rather than having a rigid, inflexible approach to problem solving.

• **Remote Voting**

Like the leadership Wayland exhibited in its implementation of electronic voting at Town Meeting, the Town is now pursuing a new initiative of remote voting at Town Meeting. The Town is working with its Legislators on the introduction and consideration of a bill to allow communities to incorporate remote participation and voting at Town Meetings.

EDUCATION, SKILLS AND ABILITIES

The successful candidate will have a combination of education and experience that demonstrates an ability to perform the duties and responsibilities of the position, including the following:

- Demonstrated leadership qualities and the ability to establish strong working relationships with staff at all levels of the organization. A leader who is accessible, approachable, and empathetic, and able to motivate staff and who truly understands and takes active interest in the work that is being performed.
- Public sector management experience, preferably as a manager or administrator; municipal experience in an organization of comparable size and complexity; and at least five years of leadership experience.
- Experience with long-range capital improvement planning and financing, and state and federal programs to assist in infrastructure improvements.
- Experience with capital project management, housing affordability, intergovernmental and nonprofit partnerships, and environmentally and financially sustainable development.
- A strong public sector financial background, understanding municipal revenue sources and their impact on municipal budgets and taxpayers. The job requires strong data presentation and business strategy skills, knowledge of internal controls, multiyear budgeting, and understanding trends in technology.
- Commitment and proven ability to attract and retain high-performing, diverse staff at all levels.
- Strong written and oral communication skills necessary to communicate with the entire community using a variety of social media and local media tools.
- A proven record of working collaboratively and effectively with an elected governing body, community leaders, the staff, and residents to move projects forward and achieve goals established by the Town's budget and other planning documents.
- Experience working in a similar full-service town with community relations, financial management, public safety, public works, human resources management (including collective bargaining), community planning, library, recreation management, senior and youth issues, and other support services.
- A bachelor's degree with major course work in public or business administration, finance, economics, political science, public policy, or a related field. A MPA and designation as an ICMA-Credentialed Manager, or completion of the MMA - Suffolk Certificate in Local Government Leadership & Management or the MMA Suffolk Municipal Finance Management Programs is preferred.
- The Town will consider a combination of education and experience that allows for successful performance in this role. The Town's goals include hiring the candidate who is best able to meet the objectives of the position.



QUALITY AND TRAITS

The Town is seeking candidates that have the following qualities and traits:

- A reputation of personal and professional integrity, trustworthiness, and open-mindedness. Leading an organization by example and conducting all personal and professional interactions honestly, fairly, ethically, humbly, and a willingness to admit when wrong.
- Politically savvy, not political, with the maturity, self-confidence, and strength of professional convictions to communicate administrative insights to the Town's boards, committees, staff and other stakeholders. Ability to firmly and diplomatically present professional views and carry out administrative decisions in a timely, and impartial manner.
- Commitment to create a collaborative environment dedicated to teamwork, accountability, and empowerment of department heads through professional input and recommendations, establishing a course to follow with clear expectations, and supporting continuous improvement.
- Ability to identify evolving issues and develop responses, articulate a vision for the organization and to work with a diverse group of stakeholders. Willing to actively listen to new ideas; be innovative and creative when incorporating those ideas into solutions and projects; and be able to communicate effectively with the public.
- Possesses a sense of humor, a positive attitude, and the ability to be flexible with the Town's stakeholders. Someone who follows through and does the right thing for the right reasons.



SALARY AND APPLICATION

The Town of Wayland offers competitive compensation and a comprehensive benefits package for the Town Manager position. Starting annual salary for the position is \$175,000 to \$225,000 +/- DOQ. Please submit résumé, cover letter, and contact information for five professional references by October 28, 2022, online to Michael Jaillet, Vice President, GovHR USA, LLC – www.GovHRjobs.com. Questions may be directed to Michael Jaillet at 781-760-3658 or mjaillet@govhrusa.com. The Town of Wayland is an Equal Opportunity Employer.



EXECUTIVE RECRUITMENT
www.GovHRUSA.com

Town Manager Recruitment 2022

For review and approval

Town Manager Screening Committee Charge (DRAFT)

The Select Board created the Town Manager Screening Committee at its September 19, 2022 meeting to assist in selecting the inaugural Town Manager. The Screening Committee will work with the search consultant GovHR USA to review, interview and select 2-5 candidates (unranked) it deems best qualified to serve Wayland. The Select Board will interview the selected candidates.

The Screening Committee will use the Select Board/Town Manager Act, the position profile, and the community profile to guide its work and selection of final candidates. The Committee is bound by the Open Meeting Law and will be disbanded by the Select Board when its work is complete.

The Select Board chose seven residents to serve on the Screening Committee:

Lea Anderson
Ann Gordon
Candace Hetzner
Bill Huss
Tom Klem
Jennifer Steele
Steve Wynne

Assistant Town Manager John Bugbee will assist the Screening Committee.

Pessimato, Joe

From: Karlson, Cherry
Sent: Wednesday, September 28, 2022 12:56 PM
To: George Harris
Cc: Crane, Stephen; Costello, Christopher
Subject: Re: Request for Meeting Minutes

George,

To clarify your request:

Under the Open Meeting Law, a response to a request to a public body is to be provided within 10 days (calendar). Requests for executive session minutes are handled in the same timeframe. If executive session minutes have not been reviewed, the public body has 30 days to review them.

Your request was received today, September 28, 2022 and a response is due by October 8, 2022. Please note that I responded (below) on September 28.

Specifically,

August 29:

- The regular session minutes of August 29, 2022 are posted: https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/minutes/2022-08-29_sb_minutes_approved09122022_for_posting.pdf
- The executive session minutes of August 29, 2022 will be reviewed at tonight's meeting. The Board has 30 days to review these for release. The Board can review them on Oct 3 or Oct 17, depending on the agenda. This will be an additional set of executive session minutes to work with staff on posting (see comments under Bernstein below).

September 12:

- The regular session minutes of September 12, 2022 are listed on the October 3, 2022 agenda for review and approval. We will work to have these posted by the October 8 response timeframe.

Bernstein v. Planning Board, et al:

As stated below, I am working with staff to get these posted. Due to staff turnover (Joe Pessimato's last day is Friday, September 30), on behalf of the Select Board, I request an extension of the timeframe to provide these executive session minutes via posting online. I will have a better sense next week of how long an extension will be required to work through the remaining 25 sets of minutes.

Thank you for your consideration. I will include this email exchange in the Board's October 3 packet to comply with notifying the Board.

Cherry

Cherry Karlson
Chair, Select Board
Town of Wayland

Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.

On 9/28/22, 10:59 AM, "George Harris" <geoharris2@gmail.com> wrote:

[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.]

Thank you, Cherry, for so promptly sending information.

To clarify, I meant to indicate that my request for minutes is pursuant to the OML. My mistake for requesting executive session minutes for September 12.

And thank you for the additional information regarding released executive session minutes. I am pleased that efforts are underway to post the remaining minutes.

Best,
George

> On Sep 28, 2022, at 7:21 AM, Karlson, Cherry <ckarlson@wayland.ma.us> wrote:
>
> George,
>
> You were up late.
>
> I am copying Stephen Crane as Records Access Officer because it is not clear if this is a request under the Public Records Law or OML.
>
> Here's the status of the minutes you request:
> August 29:
> The regular session minutes were approved on September 12, 2022. I do not know if they approved version has been returned to the TM's office for posting, but will follow up on that today.
> The executive session minutes are on tonight's agenda (September 28) for approval. They will have to be scheduled for review for release at a future meeting as that is not on the agenda.
>
> September 12:
> The regular session minutes are on the October 3, 2022 agenda to be reviewed and approved.
> There was no executive session scheduled or held on this date.
>
> Bernstein v. Planning Board executive session minutes:
> All 42 sets of executive session minutes were reviewed for release on August 29th and released with redactions on September 12th. As I stated during that meeting, it will take some time to work with staff to post all 42 sets of minutes.
>
> As of yesterday, 17 sets of executive session minutes on this topic have been posted.
> 2008: Feb 11, Feb 19, Feb 25, March 17, April 28, May 5, June 2, June 9, June 16, June 23, July 2, July 8
> 2009: March 23
> 2010: Jan 19
> 2017: July 24, Sept 18
> 2018: April 30
>
> I have another appointment with staff tomorrow (Thurs) to work through posting more executive session minutes on this topic. If there is a particular meeting you would like prioritized for posting, please let me know, and I am happy

to work on that first. Given the amount of work, I know that we will not be able to get through (review, redact and post) all of the remaining minutes on this topic tomorrow.

>

> Cherry

>

> Cherry Karlson

> Chair, Select Board

> Town of Wayland

>

> Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.

>

>

> On 9/28/22, 12:48 AM, "George Harris" <geoharris2@gmail.com> wrote:

>

> [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.]

>

> Cherry,

>

> I am requesting the open and executive session minutes for Select Board meetings held on August 29 and September 12, 2022. These are not posted on the Town's website.

>

> In addition, I am requesting all minutes of executive sessions at which the Select Board discussed the case of David Bernstein v. Planning Board of Wayland et al. These may have been released but are not posted.

>

> Thank you very much.

>

> Best,

> George

>

Cherry Karlson
Chair, Select Board
Town of Wayland

Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

WAYLAND TOWN CLERK
2022 SEP 29 PM 4:07

STEPHEN CRANE
ACTING TOWN MANAGER
TEL. (508) 358-3621
scrane@wayland.ma.us

September 29, 2022

Cherry Karlson
Chair
Wayland Select Board
41 Cochituate Road
Wayland, MA 01778

Chair Karlson,

I write to tender my resignation from the position of Acting Town Manager of Wayland effective Monday, October 31, 2022. I have accepted the position of Town Manager of Ipswich.

The opportunity to work in Wayland with the Select Board, Town departments, and volunteer boards and committees has been something for which I will be eternally grateful. The Town departments are full of talented, committed people and it has been an honor to be a part of that team. The Select Board has shown highly effective leadership in its implementation of the Select Board/Town Manager Act and provided unconditional support to me since the time of my arrival.

While the timing of this is not ideal, please know that I will remain available to help the town in any way I can into the future. Again, thank you for this opportunity.

Sincerely,

Stephen Crane
Acting Town Manager



September 1, 2022
First Class Mail
Certified Mail No. 7020 0090 0002 3002 6104
Return Receipt Requested

Town of Wayland
Attn: Town Administrator
41 Cochituate Rd
Wayland, MA 01778

Subject: CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER

Dam Name:	Snake Brook Dam
Location:	Wayland
National ID No:	MA01119
Known Condition:	Poor
Hazard Potential:	Significant
Wayland Assessor's Reference:	45/004A
Middlesex South Registry of Deeds:	Deed: Bk 1493, Pg 134 Reg Cert: Bk 74939, Pg 250

Dear Town of Wayland:

In accordance with 302 CMR 10.08, the Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) has determined that Snake Brook Dam does not meet accepted dam safety standards and is a potential threat to public safety. Therefore, DCR hereby issues a **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER**.

ODS records indicate that the Town of Wayland is the Owner of the Snake Brook Dam, National Inventory of Dams No. MA01119. ODS classifies the dam as an **Intermediate Size, Significant Hazard Potential** Structure. Significant Hazard Potential Dams are dams that may cause the loss of life and property damage in the event of dam failure.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
180 Beaman Street
West Boylston, MA 01583
508-792-7423 508-792-7805 Fax
www.mass.gov/dcr



Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Bethany A. Card, Secretary
Executive Office of Energy & Environmental Affairs

Douglas J. Rice, Commissioner
Department of Conservation & Recreation

On August 18, 2021, and again on March 9, 2022, inspections of the Snake Brook Dam were performed by your engineering consultants Pare Corporation. As a result of these inspections, the dam was determined to be **STRUCTURALLY DEFICIENT** and in **POOR** condition. The dam has been found to be in need of repair, breaching or removal to bring the dam into compliance with dam safety regulations.

The CERTIFICATE OF NON-COMPLIANCE is based on the above-referenced inspection report results which listed the observance of many deficiencies, including but not limited to:

- There exists a high overtopping potential that with it carries an increased risk of dam failure. The reason for the high overtopping potential is a combination of factors including:
 - Beaver deceivers (current and former) in place at the spillway that currently limit the capacity of the spillway.
 - Persistent beaver debris at the spillway that results in elevated pool levels unrelated to storm events and also further reduces the capacity of the spillway.
 - No secondary outlet (such as a low-level outlet) that is capable of passing flows while the spillway is affected by debris issues.
 - Hydrologic and hydraulic (H&H) analyses that show that even with a cleared spillway, the dam is predicted to experience overtopping during storm events in excess of the 10-year storm event.
- The downstream slope is steep and irregular and does not meet the required factors of safety for slope stability.
- There are areas of overgrown trees and brush vegetation along the dam embankment.
- There are areas of apparent sinkholes and vertical irregularities within the downstream area in the vicinity of the alignment of both the water supply distribution line and the stone culvert. It is unknown if these sinkholes and irregularities are related to soil loss/settlement issues along the conduit alignment.
- There are numerous gatehouse deficiencies including a collapsed roof, an inoperable door, and no safe access to the mechanical equipment.
- There is sediment and leaf accumulation up to 1-foot above the level of the 18-inch conduit within the impoundment, as well as several downed trees and limbs.

These foregoing deficiencies compromise the structural integrity of the dam and present a potential threat to public safety. ODS has determined that the dam needs to be repaired, breached or removed in order to bring the dam into compliance with dam safety regulations.

As stated in the August 18, 2021 report, Snake Brook Dam is located in a residential area. Woodridge Road and Rice Road are located downstream of the dam. There are several residences in the area immediately downstream of the dam. The Loker Elementary School is located approximately 0.4 mile downstream of the dam at an elevation below the normal pool level of the impoundment. As such, it appears that a failure of the dam at maximum pool may cause loss of life and damage home(s), industrial or commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important facilities.

G.L. c. 253, Sections 44-48 and 302 CMR 10.00 set forth the jurisdiction for ODS and its authority to take action and order actions to be taken. For your information a copy of the Dam Safety Regulations, 302 CMR 10.00 Dam Safety, can be found on the ODS website.

DAM SAFETY ORDER:

In accordance with the authority of G.L. c. 253, Section 47, 302 CMR 10.07 and 10.08 you are hereby **ORDERED** to comply with the following:

- 1) **Conduct Follow-up Inspections:** You shall complete follow-up visual inspections at six (6)-month intervals, conducted by a registered professional civil engineer qualified to conduct dam inspections, at your cost, until adequate repairs are made or the dam is adequately breached. You shall submit the first Follow-up inspection to ODS no later than **October 1, 2022**.

Follow-up inspections are to be summary in format and shall provide a written description, including photographs, of any changes in condition. Your engineer is to use the attached ODS Poor Condition Dam Follow-up Inspection Form to report follow-up inspection findings. The form is also available electronically on the ODS web site. Your engineer shall include a cover letter on engineering firm letterhead that briefly summarizes the current follow-up inspection and findings.

You shall submit one (1) hard copy printed double-sided and one (1) electronic pdf copy of all completed follow-up visual inspection reports to ODS within thirty (30) days of the date of follow-up inspection field work.

- 2) **Conduct Phase II Inspection and Investigations.** You shall hire at your cost, a qualified registered professional engineer with dam engineering experience (engineer) to conduct a Phase II Inspection and Investigation of the dam to evaluate the structural integrity and spillway hydraulic adequacy of your dam and to develop/implement a plan to bring the dam into compliance with dam safety regulations by adequately repairing, breaching or removing the dam (see attached Phase II Investigation Outline).
- a. You shall commence the Phase II Inspection and Investigation no later than **December 1, 2022**. The Phase II Inspection and Investigation is to conform to the attached Phase II Investigation Outline. You are to, in a letter to ODS, no later than **November 17, 2022**, identify your selected engineer and inform ODS of the start date of the Phase II work.
- b. The Phase II Inspection and Investigation is to be completed, signed and stamped by your engineer and copies of the Phase II final report are to be delivered to ODS no later than **March 1, 2023**.

You shall include a cover letter with the submitted Phase II report which describes your selected alternative to bring the dam into compliance with dam safety regulations. The owner shall submit a statement of your intent to implement inspection report recommendations to address structural and operational deficiencies to ODS upon submission of the required Phase II Inspection and Investigation completed by your engineer.

- 3) **Bring the dam into compliance and complete all repair, breach or removal work no later than March 2024.** With your Phase II submittal, you must also provide a proposed timeline to design, permit and construct the selected alternative to repair, breach or remove the dam. The selected alternative must be completed, and the dam brought into compliance with Dam Safety regulations, by **March 2024**.

Please note that before work can begin at the dam, a Ch. 253 Dam Safety permit application must be filed with our office for review. The permit application can be available on our website at the below provided link.

4) **Additional Requirements:**

- a. You shall furnish copies of all required submittals listed above via certified mail.
- b. In order to maintain compliance with the Commonwealth's Wetlands Protection Laws you may have to seek requisite approval from your local Conservation Commission in accordance with G.L. c. 131, §40. You are obligated to contact and maintain communication with the Wayland Conservation Commission and any other local, state or federal permitting agency to ensure compliance with the Wetlands Protection Act and any other regulatory requirements.
- c. You must inform the following parties about the condition of the dam and your developing plans to bring the dam into compliance with dam safety regulations: all abutters of the impoundment upstream; property owner's within one-half mile downstream of the Snake Brook Dam; Northeast District, Division of Fisheries & Wildlife, 85 Fitchburg Road, Ayer, MA 01432; Northeast Region, Department of Environmental Protection 205B Lowell Street, Wilmington, MA 01887; Conservation Commission, 41 Cochituate Road, Wayland, MA 01778; Emergency Management Director, 38 Cochituate Road, Wayland, MA 01778; U.S. Department of the Army Corps of Engineers, New England District Regulatory Branch, 696 Virginia Rd, Concord, MA 01742.
- d. It is your responsibility to ensure that all applicable local, state and federal permitting agencies are properly notified of the condition of the dam and your developing plans to bring the dam into compliance with dam safety regulations.

Please be advised that in accordance with G.L. c. 253, § 47, "any person who fails to comply with the provisions of this chapter or of any order, regulation or requirement of the department relative to dam safety, shall be fined an amount not to exceed \$5,000 for each offense, to be fixed by the court." Furthermore, each violation shall be regarded as a separate and distinct offense and, in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

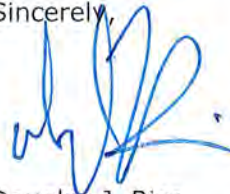
Nothing in this order releases the owner from the requirements of any prior Dam Safety Order issued for this dam.

In accordance with 302 CMR 10.08, this CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER will be recorded by the DCR at the Registry of Deeds in the county where the dam lies. Issuance of a Certificate of Compliance following adequate repair, breaching, or removal of the dam will be required to discharge the CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER.

Please direct any questions, correspondence, or submittals to Emily Caruso, Department of Conservation and Recreation, Office of Dam Safety, 180 Beaman Street, West Boylston, MA 01583, Emily.Caruso@mass.gov, or 617-620-8583. Additional dam safety information can be found at the DCR, ODS website: <https://www.mass.gov/office-of-dam-safety>.

Thank you for your cooperation.

Sincerely,



Douglas J. Rice
Commissioner, DCR

Enclosures: Phase II Inspection and Investigation Outline
Poor Condition Dam Follow-up Inspection Form

CC: Senator Rebecca L. Rausch
Representative Alice Hanlon Peisch
Emergency Management Director
Conservation Commission
Department of Public Works
Barbara Newman, U.S. Army Corps
Northeast Region, DEP
Tori Kim, Page Czepiga, MEPA
Northeast District, DFW
Rob Lowell, DCR
William Salomaa, DCR
Ariana Johnson, Esq., DCR
Nick Wildman, DER

**Department of Conservation and Recreation
Office of Dam Safety
Phase II Inspection and Investigation Outline**

I.	Review of existing information.....
II.	Updated Detailed Phase I surface inspection in compliance with Office of Dam Safety Phase I Inspection format.....
III.	Subsurface Investigations – borings, sampling, analysis.....
IV.	Topographic Survey, wetlands flagging/delineation, of sufficient detail to support not only the Phase II effort, but sufficient for the future implementation of design phase.....
V.	Stability and seepage analyses – Seismic and static stability evaluation of dam (upstream and downstream slopes, internal materials), seepage potential, internal erosion potential, piping potential.....
VI.	Hydrologic/Hydraulic Analysis and spillway inadequacy resolution.....
VII.	Alternatives analysis and presentation of conceptual designs and associated estimated design, permitting and construction costs to bring the dam structure into compliance with Chapter 253 Section 44-48 and 302 CMR 10.00 Dam Safety Regulations by either executing selected repair plan or breach plan.....
VIII.	Final Report Presented to the Office of Dam Safety.....

**Commonwealth of Massachusetts
Department of Conservation and Recreation
Office of Dam Safety Poor Condition Dam Follow-up Inspection Form**

(Complete this inspection form and provide a cover letter on consulting firm letterhead that briefly summarizes the current follow-up inspection and findings. The cover letter shall be signed and stamped by the Registered Professional Engineer in charge of the inspection)

Dam Name:
Dam Owner:
Nat. ID Number:
Hazard Potential:
Location of Dam (town):
Coordinate location (lat, long):
Date of Inspection:
Weather:

Consultant Inspector(s): firm name and name of Registered Professional Engineer in charge of inspection.

Others in Attendance at Field Inspection: include list of names, affiliation and phone numbers.

Attachments: Updated site sketch with photo locations, Updated photos, and copy of locus map from Phase I report and other applicable attachments.

- I. Previous Inspection date/Overall Condition:**
 - Date of most recent formal Phase I Inspection Report:
 - List the overall condition reported in most recent Phase I Inspection Report:
- II. Previous Inspection Deficiencies:**
 - List identified deficiencies in the most recent Phase I Inspection Report:
- III. Overall Condition of Dam at the Time of the Current Follow-up Inspection:**
 - a. State the current condition
 - b. Have conditions changed since the previous inspection? Yes or no.
- IV. Comparison of Current Conditions to Condition Listed in Previous Phase I Inspection Report:**
 - a. Have any of the deficiencies listed in the previous Phase I Inspection Report worsened?
 - b. If yes, list the changes.
 - c. Are there any additional deficiencies that have been identified in the current inspection?

d. If yes, list the deficiencies and describe.

V. Dam Safety Orders:

- List dam safety orders that have been issued to the dam owner pertaining to this dam.

VI. Maintenance:

1. Indicate if there exists an operation and maintenance plan for the dam.
2. Indicate if it appears the dam is being maintained.

VII. Recommendations:

VIII. Other Comments or Observations:

IX. Updated Site Sketch with Photo Locations:

X. Updated Photos:

XI. Copy of Locus Map from Phase I Report:

XII. Other applicable attachment:

From: Hansen, Linda <lhansen@wayland.ma.us>

Sent: Friday, September 23, 2022 11:49 AM

To: Bugbee, John <jbugbee@wayland.ma.us>; Pessimato, Joe <jpessimato@wayland.ma.us>

Subject: Correspondence for Select Board agenda

Please include this response letter (including the attachment) in the next Select Board agenda/packet.

Thank you,

Linda

Linda Hansen

Conservation Administrator

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

508-358-3669

September 23, 2022

Linda Hansen
Conservation Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
lhansen@wayland.ma.us

**Re: Response to Certificate of Non-Compliance and Dam Safety Order from ODS
MA01119 Snake Brook Dam
Wayland, Massachusetts
(Pare Project No.: 19167.02)**

Dear Ms. Hansen:

In response to your request, Pare Corporation (Pare) is pleased to provide the Town of Wayland with this Letter Response to the Certificate of Non-Compliance and Dam Safety Order (CONC-DSO) issued by MADCR Office of Dam Safety (ODS) for the Snake Brook Dam located adjacent to Rice Road in Wayland, MA. The letter is intended to inform the Town and general public as to why the Town has received a CONC-DSO, the specific requirements of the CONC-DSO, and how the Town, through proactive actions, has laid a solid foundation to meeting the requirements of the CONC-DSO, most of which have already been met, as explained herein.

Reason for Receiving the CONC-DSO

The Snake Brook Dam was found to be in Poor condition during the August 18th, 2021 Phase I Inspection primarily due to the following conditions at the dam:

- High overtopping potential that with it carries an increased risk of dam failure. The reason for the high overtopping potential is a combination of factors including:
 - Beaver deceivers (current and former) in place at the spillway that currently limit the capacity of the spillway
 - Persistent beaver debris at the spillway that result in elevated pool levels unrelated to storm events and also further reduce the capacity of the spillway
 - No secondary outlet (such as a LLO) that is capable of passing flows while the spillway is effected by debris issues
 - H&H analyses that show that even with a cleared spillway, the dam is predicted to experience overtopping during storm events in excess of the 10-year storm event
- A downstream slope not meeting the minimum required factors of safety during normal pool and maximum pool loading conditions

The full list of deficiencies present at the structure include the following:

▼



Ms. Linda Hansen

(2)

September 23, 2022

1. Routine and persistent beaver activity / accumulated debris issues at the spillway often causing elevated pool levels, limited freeboard during normal operations, and restricted discharge capacity
2. Inadequate discharge capacity to accommodate the SDF, even with a cleared spillway
3. Inoperable low level outlet system and therefore no means of implementing a drawdown of the impoundment nor means of providing supplemental outlet capacity beyond the beaver/debris plagued spillway
4. Steep and irregular downstream slope that does not meet the required factors of safety for slope stability
5. Areas of overgrown tree and brush vegetation along the dam embankment
6. Areas of apparent sinkholes/vertical irregularities within the downstream area in the vicinity of the alignment of both the water supply distribution line and the stone culvert. Unknown if related to soil loss/settlement issues along conduit alignment
7. Gatehouse deficiencies including no way to access to the mechanical equipment at the base of the interior
8. Sediment/leaf accumulation up to 1-foot above the level of the 18-inch conduit within the impoundment as well several downed trees and limbs

It is ODS's standard policy to issue CONC-DSO's to all Significant and High Hazard dams that are found to be in Poor or Unsafe Condition. As Snake Brook Dam is a Significant Hazard Dam found to be in Poor condition, ODS has issued the attached CONC-DSO for the dam.

Requirements of the CONC-DSO

The requirements within the CONC-DSO's are generally the same for each dam and include the following:

1. ***Conduct Poor Condition Follow Up Inspections:*** Once every six months, a follow-up inspection needs to be completed at the dam by a registered professional engineer licensed in MA until such time that repairs are completed at the dam. The CONC-DSO states that the first of these is due no later than October 1, 2022.
 - a. The Town has proactively already began completing these having Pare complete one on March 11, 2022 and August 18, 2022. The next several will be due in March 2023, August 2023, March 2024, etc.
2. ***Conduct Phase II Inspection and Investigations:*** Prior to March 1, 2023, a Phase II Inspection and Investigation needs to be completed for the dam.
 - a. The Town has already met this requirement having completed a design basis memorandum for the dam in April 2020. This report as well as the 100% Design Plans of the Snake Brook Dam Rehabilitation will be provided to ODS.
3. ***Bring the Dam into Compliance:*** Prior to March 2024, design, permit, bid, and construct either a dam repair/rehabilitation project to address the identified deficiencies an bring the dam into compliance or a dam removal project to breach/remove the dam.
 - a. The Town has made significant progression on this requirement having completed the design phase of a rehabilitation project for the dam and is positioned to complete the permitting, bid, and construction phases once funding is obtained.
 - b. The Town has attempted to obtain funds from numerous grant opportunities since early 2021, but to date none of the funding applications have been chosen. These include:
 - i. March 2021 - EOEEA Dams and Seawall Grant FY2022
 - ii. January 2021 - FEMA BRIC Grant FY2021
 - iii. March 2022 – EOEEA Dams and Seawall Grant FY2023



Ms. Linda Hansen

(3)

September 23, 2022

- c. The Town plans to continue to apply for grant opportunities including the following:
 - i. December 2022 (*Planned*) – FEMA/MEMA HMGP FY2022
 - ii. January 2023 (*Planned*) – FEMA BRIC FY2022
 - iii. March 2023 (*Planned*) – EOEEA Dams and Seawall Grant FY2024
- d. Simultaneously to these efforts to obtain grant funding for the construction phase of the project, the Town intends to begin the permitting phase of the project in the coming months and expect to have permits in hand by Spring 2024.

The Town has been in close communication with MEMA through the BRIC and HMGP Grant process as well as EOEEA through the Dams and Seawalls Grant process and are hopeful that one of the three planned grant applications will be successful. However, even if one is successful, it is unlikely that funds will be received in time to meet the March 2024 target for completed construction; a realistic end of construction could be as late as June 2026. And if all three are unsuccessful, the end of construction date will shift at least another year to June 2027.

Based upon Pare's experience and coordination with ODS regarding CONC-DSO's for other dams, ODS has typically taken the position that, provided the dam owner continues to take actions to monitor the dam and advance a dam repair/rehabilitation, extension of the deadlines in the CONC-DSO have been granted.

If you have any questions, please do not hesitate to call us at 508.543.1755.

Sincerely,

PARE CORPORATION

A handwritten signature in blue ink that reads "Matthew E. Dunn".

Matthew Dunn, PE, PLS, CFM

Senior Project Engineer

A handwritten signature in black ink that reads "Allen R. Orsi".

Allen Orsi, P.E.

Senior Vice President

Attachments:

CONC-DSO for the Snake Brook Dam dated September 1, 2022



September 1, 2022
First Class Mail
Certified Mail No. 7020 0090 0002 3002 6104
Return Receipt Requested

Town of Wayland
Attn: Town Administrator
41 Cochituate Rd
Wayland, MA 01778

Subject: CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER

Dam Name:	Snake Brook Dam
Location:	Wayland
National ID No:	MA01119
Known Condition:	Poor
Hazard Potential:	Significant
Wayland Assessor's Reference:	45/004A
Middlesex South Registry of Deeds:	Deed: Bk 1493, Pg 134 Reg Cert: Bk 74939, Pg 250

Dear Town of Wayland:

In accordance with 302 CMR 10.08, the Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) has determined that Snake Brook Dam does not meet accepted dam safety standards and is a potential threat to public safety. Therefore, DCR hereby issues a **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER**.

ODS records indicate that the Town of Wayland is the Owner of the Snake Brook Dam, National Inventory of Dams No. MA01119. ODS classifies the dam as an **Intermediate Size, Significant Hazard Potential** Structure. Significant Hazard Potential Dams are dams that may cause the loss of life and property damage in the event of dam failure.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
180 Beaman Street
West Boylston, MA 01583
508-792-7423 508-792-7805 Fax
www.mass.gov/dcr



Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Bethany A. Card, Secretary
Executive Office of Energy & Environmental Affairs

Douglas J. Rice, Commissioner
Department of Conservation & Recreation

On August 18, 2021, and again on March 9, 2022, inspections of the Snake Brook Dam were performed by your engineering consultants Pare Corporation. As a result of these inspections, the dam was determined to be **STRUCTURALLY DEFICIENT** and in **POOR** condition. The dam has been found to be in need of repair, breaching or removal to bring the dam into compliance with dam safety regulations.

The CERTIFICATE OF NON-COMPLIANCE is based on the above-referenced inspection report results which listed the observance of many deficiencies, including but not limited to:

- There exists a high overtopping potential that with it carries an increased risk of dam failure. The reason for the high overtopping potential is a combination of factors including:
 - Beaver deceivers (current and former) in place at the spillway that currently limit the capacity of the spillway.
 - Persistent beaver debris at the spillway that results in elevated pool levels unrelated to storm events and also further reduces the capacity of the spillway.
 - No secondary outlet (such as a low-level outlet) that is capable of passing flows while the spillway is affected by debris issues.
 - Hydrologic and hydraulic (H&H) analyses that show that even with a cleared spillway, the dam is predicted to experience overtopping during storm events in excess of the 10-year storm event.
- The downstream slope is steep and irregular and does not meet the required factors of safety for slope stability.
- There are areas of overgrown trees and brush vegetation along the dam embankment.
- There are areas of apparent sinkholes and vertical irregularities within the downstream area in the vicinity of the alignment of both the water supply distribution line and the stone culvert. It is unknown if these sinkholes and irregularities are related to soil loss/settlement issues along the conduit alignment.
- There are numerous gatehouse deficiencies including a collapsed roof, an inoperable door, and no safe access to the mechanical equipment.
- There is sediment and leaf accumulation up to 1-foot above the level of the 18-inch conduit within the impoundment, as well as several downed trees and limbs.

These foregoing deficiencies compromise the structural integrity of the dam and present a potential threat to public safety. ODS has determined that the dam needs to be repaired, breached or removed in order to bring the dam into compliance with dam safety regulations.

As stated in the August 18, 2021 report, Snake Brook Dam is located in a residential area. Woodridge Road and Rice Road are located downstream of the dam. There are several residences in the area immediately downstream of the dam. The Loker Elementary School is located approximately 0.4 mile downstream of the dam at an elevation below the normal pool level of the impoundment. As such, it appears that a failure of the dam at maximum pool may cause loss of life and damage home(s), industrial or commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important facilities.

G.L. c. 253, Sections 44-48 and 302 CMR 10.00 set forth the jurisdiction for ODS and its authority to take action and order actions to be taken. For your information a copy of the Dam Safety Regulations, 302 CMR 10.00 Dam Safety, can be found on the ODS website.

DAM SAFETY ORDER:

In accordance with the authority of G.L. c. 253, Section 47, 302 CMR 10.07 and 10.08 you are hereby **ORDERED** to comply with the following:

- 1) **Conduct Follow-up Inspections:** You shall complete follow-up visual inspections at six (6)-month intervals, conducted by a registered professional civil engineer qualified to conduct dam inspections, at your cost, until adequate repairs are made or the dam is adequately breached. You shall submit the first Follow-up inspection to ODS no later than **October 1, 2022**.

Follow-up inspections are to be summary in format and shall provide a written description, including photographs, of any changes in condition. Your engineer is to use the attached ODS Poor Condition Dam Follow-up Inspection Form to report follow-up inspection findings. The form is also available electronically on the ODS web site. Your engineer shall include a cover letter on engineering firm letterhead that briefly summarizes the current follow-up inspection and findings.

You shall submit one (1) hard copy printed double-sided and one (1) electronic pdf copy of all completed follow-up visual inspection reports to ODS within thirty (30) days of the date of follow-up inspection field work.

- 2) **Conduct Phase II Inspection and Investigations.** You shall hire at your cost, a qualified registered professional engineer with dam engineering experience (engineer) to conduct a Phase II Inspection and Investigation of the dam to evaluate the structural integrity and spillway hydraulic adequacy of your dam and to develop/implement a plan to bring the dam into compliance with dam safety regulations by adequately repairing, breaching or removing the dam (see attached Phase II Investigation Outline).
- a. You shall commence the Phase II Inspection and Investigation no later than **December 1, 2022**. The Phase II Inspection and Investigation is to conform to the attached Phase II Investigation Outline. You are to, in a letter to ODS, no later than **November 17, 2022**, identify your selected engineer and inform ODS of the start date of the Phase II work.
- b. The Phase II Inspection and Investigation is to be completed, signed and stamped by your engineer and copies of the Phase II final report are to be delivered to ODS no later than **March 1, 2023**.

You shall include a cover letter with the submitted Phase II report which describes your selected alternative to bring the dam into compliance with dam safety regulations. The owner shall submit a statement of your intent to implement inspection report recommendations to address structural and operational deficiencies to ODS upon submission of the required Phase II Inspection and Investigation completed by your engineer.

- 3) **Bring the dam into compliance and complete all repair, breach or removal work no later than March 2024.** With your Phase II submittal, you must also provide a proposed timeline to design, permit and construct the selected alternative to repair, breach or remove the dam. The selected alternative must be completed, and the dam brought into compliance with Dam Safety regulations, by **March 2024**.

Please note that before work can begin at the dam, a Ch. 253 Dam Safety permit application must be filed with our office for review. The permit application can be available on our website at the below provided link.

4) **Additional Requirements:**

- a. You shall furnish copies of all required submittals listed above via certified mail.
- b. In order to maintain compliance with the Commonwealth's Wetlands Protection Laws you may have to seek requisite approval from your local Conservation Commission in accordance with G.L. c. 131, §40. You are obligated to contact and maintain communication with the Wayland Conservation Commission and any other local, state or federal permitting agency to ensure compliance with the Wetlands Protection Act and any other regulatory requirements.
- c. You must inform the following parties about the condition of the dam and your developing plans to bring the dam into compliance with dam safety regulations: all abutters of the impoundment upstream; property owner's within one-half mile downstream of the Snake Brook Dam; Northeast District, Division of Fisheries & Wildlife, 85 Fitchburg Road, Ayer, MA 01432; Northeast Region, Department of Environmental Protection 205B Lowell Street, Wilmington, MA 01887; Conservation Commission, 41 Cochituate Road, Wayland, MA 01778; Emergency Management Director, 38 Cochituate Road, Wayland, MA 01778; U.S. Department of the Army Corps of Engineers, New England District Regulatory Branch, 696 Virginia Rd, Concord, MA 01742.
- d. It is your responsibility to ensure that all applicable local, state and federal permitting agencies are properly notified of the condition of the dam and your developing plans to bring the dam into compliance with dam safety regulations.

Please be advised that in accordance with G.L. c. 253, § 47, "any person who fails to comply with the provisions of this chapter or of any order, regulation or requirement of the department relative to dam safety, shall be fined an amount not to exceed \$5,000 for each offense, to be fixed by the court." Furthermore, each violation shall be regarded as a separate and distinct offense and, in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

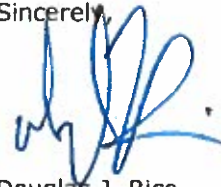
Nothing in this order releases the owner from the requirements of any prior Dam Safety Order issued for this dam.

In accordance with 302 CMR 10.08, this CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER will be recorded by the DCR at the Registry of Deeds in the county where the dam lies. Issuance of a Certificate of Compliance following adequate repair, breaching, or removal of the dam will be required to discharge the CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER.

Please direct any questions, correspondence, or submittals to Emily Caruso, Department of Conservation and Recreation, Office of Dam Safety, 180 Beaman Street, West Boylston, MA 01583, Emily.Caruso@mass.gov, or 617-620-8583. Additional dam safety information can be found at the DCR, ODS website: https://www.mass.gov/office_of_dam_safety.

Thank you for your cooperation.

Sincerely,



Douglas J. Rice
Commissioner, DCR

Enclosures: Phase II Inspection and Investigation Outline
Poor Condition Dam Follow-up Inspection Form

CC: Senator Rebecca L. Rausch
Representative Alice Hanlon Peisch
Emergency Management Director
Conservation Commission
Department of Public Works
Barbara Newman, U.S. Army Corps
Northeast Region, DEP
Tori Kim, Page Czepiga, MEPA
Northeast District, DFW
Rob Lowell, DCR
William Salomaa, DCR
Ariana Johnson, Esq., DCR
Nick Wildman, DER

**Department of Conservation and Recreation
Office of Dam Safety
Phase II Inspection and Investigation Outline**

I.	Review of existing information.....
II.	Updated Detailed Phase I surface inspection in compliance with Office of Dam Safety Phase I Inspection format.....
III.	Subsurface Investigations – borings, sampling, analysis.....
IV.	Topographic Survey, wetlands flagging/delineation, of sufficient detail to support not only the Phase II effort, but sufficient for the future implementation of design phase.....
V.	Stability and seepage analyses – Seismic and static stability evaluation of dam (upstream and downstream slopes, internal materials), seepage potential, internal erosion potential, piping potential.....
VI.	Hydrologic/Hydraulic Analysis and spillway inadequacy resolution.....
VII.	Alternatives analysis and presentation of conceptual designs and associated estimated design, permitting and construction costs to bring the dam structure into compliance with Chapter 253 Section 44-48 and 302 CMR 10.00 Dam Safety Regulations by either executing selected repair plan or breach plan.....
VIII.	Final Report Presented to the Office of Dam Safety.....

**Commonwealth of Massachusetts
Department of Conservation and Recreation
Office of Dam Safety Poor Condition Dam Follow-up Inspection Form**

(Complete this inspection form and provide a cover letter on consulting firm letterhead that briefly summarizes the current follow-up inspection and findings. The cover letter shall be signed and stamped by the Registered Professional Engineer in charge of the inspection)

Dam Name:

Dam Owner:

Nat. ID Number:

Hazard Potential:

Location of Dam (town):

Coordinate location (lat, long):

Date of Inspection:

Weather:

Consultant Inspector(s): firm name and name of Registered Professional Engineer in charge of inspection.

Others in Attendance at Field Inspection: include list of names, affiliation and phone numbers.

Attachments: Updated site sketch with photo locations, Updated photos, and copy of locus map from Phase I report and other applicable attachments.

- I. Previous Inspection date/Overall Condition:**
 - Date of most recent formal Phase I Inspection Report:
 - List the overall condition reported in most recent Phase I Inspection Report:

- II. Previous Inspection Deficiencies:**
 - List identified deficiencies in the most recent Phase I Inspection Report:

- III. Overall Condition of Dam at the Time of the Current Follow-up Inspection:**
 - a. State the current condition
 - b. Have conditions changed since the previous inspection? Yes or no.

- IV. Comparison of Current Conditions to Condition Listed in Previous Phase I Inspection Report:**
 - a. Have any of the deficiencies listed in the previous Phase I Inspection Report worsened?
 - b. If yes, list the changes.
 - c. Are there any additional deficiencies that have been identified in the current inspection?

d. If yes, list the deficiencies and describe.

V. Dam Safety Orders:

- **List dam safety orders that have been issued to the dam owner pertaining to this dam.**

VI. Maintenance:

1. **Indicate if there exists an operation and maintenance plan for the dam.**
2. **Indicate if it appears the dam is being maintained.**

VII. Recommendations:

VIII. Other Comments or Observations:

IX. Updated Site Sketch with Photo Locations:

X. Updated Photos:

XI. Copy of Locus Map from Phase I Report:

XII. Other applicable attachment:

From: Caruso, Emily (DCR) <emily.caruso@state.ma.us>

Sent: Tuesday, September 27, 2022 7:22 AM

To: Hansen, Linda <lhansen@wayland.ma.us>

Subject: Re: Snake Brook Dam, Wayland

[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.]

Good morning, Linda.

Thank you for forwarding this response. Office of Dam Safety notes and appreciates the Town's proactive Follow-Up inspection schedule. Pare is correct that the design basis report (received last Friday, September 23, 2022) does satisfy the Phase II inspection and investigation requirement. At this time, the Town is considered to be in compliance with all requirements of the CONC & DSO. We understand that the timeline for construction is based on available funding so we are able to grant extensions in our system to make sure the Town remains in compliance with the CONC & DSO. Please keep us updated as you make progress and I will update our records accordingly. Please let us know if there is anything you need from our office in the meantime.

Thanks for your time.

Emily

Emily Caruso

Dam Safety Engineer

Office of Dam Safety

MA Dept. of Conservation & Recreation

180 Beaman Street

West Boylston, MA 01583

Cell phone: 617-620-8583

Hours: Monday - Friday, 7 AM - 3 PM

Praise the Lord, who is my rock, He trains my hands for war and gives my fingers skill for battle.
– Psalm 144:1

From: Hansen, Linda <lhansen@wayland.ma.us>

Sent: Monday, September 26, 2022 3:48 PM

To: Caruso, Emily (DCR) <emily.caruso@mass.gov>

Subject: Snake Brook Dam, Wayland

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please accept the attached response letter to the Certificate of Non-compliance and Dame Safety Order issued to the Town of Wayland on September 1, 2022 for the Snake Brook Dam (MA01119).

Pare Corporation prepared the response letter on behalf of the Town of Wayland, which is why the letter is addressed to me.

Matt Dunn of Pare Corp. sent you the previous two inspection reports (March and August 2022) and the Design report last Friday, September 23 that is referenced in the attached letter.

Please let me know if you have any additional questions.

Linda

Linda Hansen

Conservation Administrator

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

508-358-3669



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

STEPHEN CRANE
ACTING TOWN MANAGER
TEL. (508) 358-3621
scrane@wayland.ma.us

Dear Wayland Homeowner or Renter,

I am pleased to announce “**Wayland Saves Energy**”, a new partnership between the Town of Wayland and **All In Energy**, a Massachusetts nonprofit, to provide enhanced no-cost home energy assessments to help you upgrade your home's energy performance, save money, improve your home's comfort, and help Wayland meet its climate goals.

Homeowners can take advantage of generous new financial incentives for heat pumps and increased incentives for insulation by scheduling a home energy assessment. Heat pump systems can be used to both heat and cool your entire home more efficiently than traditional systems, without relying on the use of fossil fuels, such as natural gas and oil. The home energy assessments are provided by **All In Energy** through the Mass Save program at no cost and will identify energy saving measures in your home and relevant financial incentives.

If you've had a home energy assessment more than two years ago, you might think you don't need another, but here are some reasons to consider one:

Up to **\$15,000 in incentives on heat pumps for heating and cooling**; you must complete a no-cost home energy assessment to be eligible for these and other new incentives and rebates.

- 0% financing for energy efficiency home upgrades through the Mass Save Heat Loan program.
- Over time, new leaks and drafts may develop or insulation may settle, requiring additional air sealing or insulation. Mass Save now has no cap on the insulation costs it will cover, which can be up to 75% of the total, or up to 100% for renters.
- Learn if you would be a good candidate for heat pumps or solar.
- Get connected to a volunteer coach from Wayland to answer your questions about home energy upgrades, solar, or electric cars, bikes, or lawn equipment.

To schedule a no-cost home energy assessment, call All In Energy at (508) 456-9876 or visit <https://WaylandSavesEnergy.org>

The Town of Wayland and All In Energy look forward to helping you make your home more comfortable, affordable, and sustainable and helping Wayland reach its town climate goals.

Best Regards,

Stephen Crane
Acting Town Manager



STEPHEN CRANE
ACTING TOWN MANAGER
(508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

SELECT BOARD

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

DRAFT Meeting Minutes **Select Board**

Monday, September 12, 2022
7:00 p.m.

Town Building, Large Hearing Room
41 Cochituate Road, Wayland, MA

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

Also Present: Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee, Amy Kwesell, K-P Law, P.C.

A1. Call to Order, Review the Agenda for Public: At 7:01 p.m., Chair, C. Karlson called the meeting of the Select Board to order when a quorum was present and announced that the meeting would be conducted in a hybrid-format (both via teleconference and in person) and would be broadcast live and recorded for re-broadcast. C. Karlson announced each member by full name and reviewed the agenda for the public.

A2. Announcements and Public Comment: A. Gutbezah announced that the Wayland Cultural Council would accept grant applications until September 17, 2022.

Gretchen Schuler, Old Connecticut Path, read a written statement thanking the Town Clerk's Office and S. Koffman on efforts related to the recent State Primary Election while the Town Clerk seat remained vacant. C. Karlson acknowledged S. Koffman and the staff who supported the election, she also described the efforts to fill the vacancy.

A3. Minutes: a. Review and vote to approve the regular session minutes of August 29, 2022:

C. Martin moved, seconded by A. Gutbezah, that the Board approve the regular session minutes of August 29, 2022, as amended. Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A3.b. Release with redactions the executive session minutes related to discussing strategy with respect to David Bernstein v. Planning Board of Wayland et al.: July 8, 2008; July 2, 2008; June 23, 2008; June 16, 2008; June 9, 2008; June 2, 2008; May 5, 2008; April 28, 2008; March 17, 2008; February 25, 2008; February 19, 2008; February 11, 2008; March 23, 2009; January 19, 2010; January 12, 2015; February 10, 2015; March 16, 2015; April 13, 2015; May 18, 2015; June 24, 2015; July 13, 2015; September 8, 2015; September 11, 2015; October 5, 2015; February 1, 2016; March 21, 2016; May 23, 2016; August 3, 2016; July 24, 2017; September 18, 2017; April 30, 2018; February 4, 2019; March 25, 2019; July 15, 2019; September 2, 2021; November 8, 2021; January 10, 2022; January 18, 2022; January 24, 2022; February 9, 2022; February 28, 2022, and May 23, 2022:

C. Martin moved, seconded by <inaudible>, that the Board release with redactions the executive session minutes related to David Bernstein v. Planning Board of Wayland et al. as shown on the agenda. Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A4. Glezen Lane Traffic Forum: C. Karlson opened the community forum and outlined the procedures for public comment. C. Karlson introduced Town Counsel Amy Kwesell, and noted that A. Kwesell had been involved in the related litigation: David Bernstein v. Planning Board of Wayland et al. since late 2015.

C. Karlson provided an history of the litigation and noted that the resulting traffic mitigation on Glezen Lane had not changed since 2008, when the Town and plaintiffs entered into a Consent Judgement. C. Karlson noted that in 2008, a group of eleven residents who were concerned about potential traffic resulting from the

development of Town Center and the then Board of Selectmen agreed to the Consent Judgement. C. Karlson noted that discussions, negotiations and litigation had continued since 2008 – through five acting and interim Town Managers, three different legal counsel, and many Select Board members. C. Karlson noted that the litigation had cost the Town over \$80,000 in legal fees.

C. Karlson described the Consent Judgement which created a tiered traffic mitigation approach based on traffic volumes. In 2015, when traffic volumes reached a level necessitating the physical change to the intersection, the Town sought the Court's permission to do another traffic study, which she noted was posted on the Town's webpage. C. Karlson reported that no resolution was found and litigation continued when the Town did not immediately repost the turn restriction signs.

C. Karlson reported that in September 2021, the current Select Board entered negotiations with the remaining party, the Bernstein's, to settle the most recent appeal and bring the litigation to a close. The negotiations resulted in the May 2022 Settlement Agreement, which the Town agreed to and reposted the turn restriction signs that were removed in 2015 in exchange for ending the litigation, retaining the right to adjust traffic mitigation steps with any reductions in traffic volumes, and removing the signs when the plaintiff lives more than one mile from Glezen Lane. C. Karlson reported that the Select Board may have wanted a different outcome but had to weigh the possibility of a court ordered payment of \$150,000 of the plaintiff's legal fees with the risk of continued litigation. C. Karlson added that the Board considered the decision points, the risk exposures with ongoing litigation and determined a pathway out for the entire Town.

Town Counsel, Amy Kwesell of K-P Law P.C., provided a history of the litigation and reviewed options the Board could consider. A. Kwesell reported that in 2008 eleven plaintiffs had filed a complaint appealing the Special Permit issued by the Planning Board to Twenty Wayland, LLC for the Town Center development. In 2008 the parties entered into an agreement known as the Consent Judgement, which incorporated a traffic mitigation plan related to the traffic levels. In 2014, the plaintiffs gave notice that the mitigation measures had been triggered. In 2015 the Town filed a motion for temporary relief from judgement, which the court granted.

A. Kwesell stated that in 2016, the Town filed motions for temporary and permanent relief from the final mitigation measures, in 2017 Superior Court granted the Town's motion for permanent relief. The plaintiffs did not appeal. In 2017, the plaintiffs filed a notice of default when the signage was not in place, the Town in turn asked for clarification from Superior Court. The Superior Court ruled that the signage, police patrols and permanent on- the-ground measures were all included in the prior judgement. A. Kwesell reported that that decision was appealed to the Massachusetts Appeals Court, which remanded the matter back to Superior Court to re-open the hearing as to signage and police patrols. A. Kwesell described that in 2019, there was second evidentiary hearing and the Superior Court affirmed the Town's position in 2020. In August 2021, the plaintiffs again appealed to the Massachusetts Appeals Court, which was again remanded back to Superior Court for additional findings. In August 2021, there was a procedural order and the parties agreed to enter into a settlement agreement.

A. Kwesell summarized the Select Board options were now to a) abide by the 2008 Consent Judgement as modified by the May 2022 Settlement Agreement, meaning that the signs and turn restrictions remain in place, b) conduct traffic counts to determine the 2022 base level of traffic on Glezen Lane, as traffic mitigation measures can be adjusted if traffic volumes are less than what was anticipated in 2008 or c) the Board be willing to enter negotiations with the involved parties.

C. Karlson opened the forum for public comment and listed by name twenty-seven residents from which the Board had received emails and written public comment, the comments were included in the Board packet and available online.

John Bartick, Barley Lane, joined in person and asked about the costs related to conducting a traffic study. C. Karlson noted that the cost for future traffic studies is not known.

Channing Ferrer, Sedgemoor Road, joined in person and questioned the methodology for the traffic monitoring and why the Select Board chose to have the forum after the parties came to an agreement. C. Karlson reviewed that state law required such litigation to remain in executive session. C. Ferrer implied further litigation. C. Karlson noted that to maintain attorney-client privilege the implication of potential future litigation would require the matter to move to additional executive sessions.

Cara Britton, Glezen Lane, joined in person and reported that the neighbors had attempted to speak to D. Bernstein and he was not willing to discuss the matter, she also suggested traffic data collection methods.

Justin Adelson, Saddle Lane, joined via teleconference and commented that he was disappointed to see the turn restriction signs re-posted and requested to review the minutes due to the poor audio quality.

Jennifer Ray, Saddle Lane, joined in person and read a statement stating that the settlement does not prioritize safety over convenience, as purported by the plaintiff.

Richard Turner, Nob Hill Road, joined via teleconference and commented that Glezen Road is a public road.

Janot Mendler de Suarez, Orchard Lane, joined in person and commented that the settlement brought significant harm to the greater neighborhood beyond Glezen Lane which outweighed the presumed safety measures.

Lea Anderson, Sedgemoor Road, joined in person and read a statement commenting that Glezen Lane was now essentially privatized due to the efforts of a single household. L. Anderson offered two solutions: to appeal to the good will of the Bernstein's and remove the signs or to conduct an additional traffic study that could determine that the signs are not needed. L. Anderson asked the Board to also consider the impacts on the Police Department.

Penelope Beer, Autumn Lane, joined via teleconference and asked if the population of the area would be considered when a traffic study is conducted. C. Karlson noted that there is one-percent annual escalation factored into the calculation, not population.

Richard Brisk, Sedgemoor Lane, joined in person and commented on the danger the turn-restriction created, as drivers were forced to turn right and make u-turns in the neighboring golf course parking lot.

Frank Kennedy, Old Sudbury Road joined in person and commented on the safety of the intersection and questioned if the turn-restrictions were reasonable. F. Kennedy reported that drivers use his driveway to turnaround.

Matthew Liebmann, Old Sudbury Road, joined in person and asked how the hours of the turn restrictions were established. C. Karlson noted it was part of the settlement negotiation.

William Petri, Glezen Lane, joined in person and noted that he was a former plaintiff in 2008, he described the lawsuit was initially intended to slow the dangerous speeding on Glezen Lane, and that the speed bumps had successfully mitigated speeding. W. Petri described the second intent of the litigation was related to traffic for the Town Center development. W. Petri added that the other plaintiffs withdrew from the litigation because the data did not support mitigation beyond the speed bumps.

Jonathan Rosenberg, Glezen Lane, joined in person noted that the street was a public road and in jest, recommended more speed bumps on Glezen.

Kevin Pletta, Glezen Lane, joined via teleconference and agreed that the speed bumps helped, but felt that the turn-restrictions did not seem to increase safety or control the volume of cars. K. Pletta noted that River's Edge development would also impact traffic on the Glezen area.

Katie Ayer, Claypit Hill Road, joined in person and pointed out that the traffic permits drivers to drive through to Sudbury, but not drive through to Wayland.

David Bernstein, Glezen Lane, joined in person and reported that the Town Center Project developers conducted a study that showed that Glezen Lane would be the main thoroughfare to and from Town Center and agreed that traffic mitigation would be deployed. D. Bernstein reported that the police chief at the time told him the street was unsafe. D. Bernstein noted that there were thirteen original plaintiffs, some who still support the litigation. D. Bernstein noted that continuous traffic monitoring would be necessary to remove any traffic mitigation measures and were essential to safety. D. Bernstein referenced a tragic accident in Wayland, not on Glezen lane.

Katie Pastor, Pheasant Run, joined via teleconference, and commented that turn restrictions were not making the area safer.

Christopher Nicholas, Glezen Lane, joined in person and commented that over 200 new neighbors joined the neighborhood since 2008 when the matter first was discussed. C. Nicholas noted that the police chief in 2014 noted the road was a public road. C. Nicholas questioned the methodology of the previous traffic study.

Douglas Sacra, Glezen Lane, joined in person and recommended that the Board conduct an appropriate traffic study from Town Center and re-open negotiations of the settlement agreement.

Howard Abel, Sedgemoor Road, joined in person and commented that it was ludicrous and the traffic was not coming from Town Center, as Town Center was mostly vacant.

Michael Walton, Moore Road, joined via teleconference and commented that the vast majority of the neighborhood oppose the traffic mitigation measures and implored the Town to redo the traffic study and re-negotiate the settlement with the one plaintiff.

Andy Yett, Sedgemoor Road, joined in person and asked about the traffic study data.

Niklas Andersson, Glezen Lane, joined in person and commented that the turn restrictions were not the solution to make Glezen safer.

Deborah Tofias, Plain Road, joined via teleconference and commented that it was inequitable for only Glezen Lane to receive traffic mitigation when all roads have traffic.

Neil Weiner, Loblolly Lane, joined in person and asked about the Board's next steps. C. Karlson reported that the Board would discuss next steps at its next meeting and were in agreement that a traffic study was needed.

Joyce Kulhawik, Moore Road, joined via teleconference on behalf of herself and Andrew Cohen, and commented that the Board needed to conduct a study to get better traffic data to determine if it is safer with the turn restrictions or not.

Ravit Reichman, Sedgemoor Road, joined in person and expressed astonishment that there was one person who supported the turn restriction with no data to support it, and he held hostage the dozens of neighbors who oppose the restrictions. C. Karlson noted that the Board entered into the agreement as well as the plaintiff.

A. Gutbezahl thanked the residents for participating in the forum.

Larkin Kao, Glezen Lane, joined via teleconference and commented that she was recently a new resident and she was not aware of the litigation. L. Kao commented that the presumed safety did not outweigh the chronic inconvenience to the greater neighborhood and especially to families with young children.

Arlene Petri, Glezen Lane, joined in person and reported that the initial traffic study was flawed.

Peter Viles, Glezen Lane, joined via teleconference and stated that the traffic has increased since 1946.

Jane Tausig, Sedgemoor Road, joined in person and commented that she was proud of the community for coming together to work toward a solution, and the restriction on Glezen is not necessarily the solution.

Paul Zaferiou, Glezen Lane, joined in person and commented that turn restrictions move the problem to the intersection at the Public Library.

David Ducheneau, Ellen Mary Lane, joined in person and asked the Board why the forum did not occur before the agreement, and asked if the Bernstein's were paid as a result of the settlement agreement. C. Karlson reported that the Town paid a \$65,000 reimbursement for the attorney fees and costs incurred by the Bernstein's, she added that the agreement was public record and available on the town webpage.

Gina Dallin, Glezen Lane, joined in person and recommended a traffic study consider the impacts of school and bus traffic, and that Bow Road and Claypit Hill Road have similar traffic problems. She added that it was dangerous because people are turning around in private driveways and the golf course parking lot.

Janot Mendler de Suarez, Orchard Lane, joined in person and suggested that the road surface be converted to gravel to reduce traffic, preserve rural character and be more sustainable and climate friendly.

Cara Britton, Glezen Lane, joined in person and stated that D. Bernstein's characterization of the Glezen lane traffic to be out of control was exaggerated and inaccurate.

Dave Bernstein, Glezen Lane, joined in person and reported that the data showed an increase in traffic that was not commuter traffic. D. Bernstein suggested installing sidewalks in the area if it were possible.

T. Fay thanked the residents for participating and stated that he was hopeful a practical solution would be reached. He encouraged residents to review the executive session minutes since 2008 on the matter. D. Watkins thanked residents for attending and acknowledged that he heard the request for more data. C. Martin acknowledged receipt of the public comments submitted before the forum. C. Karlson stated that the matter would be on the agenda for September 19, 2022.

A5. Traditions of Wayland Assisted Living Facility: discussion and approval of comfort letter pertaining to the sale of Traditions of Wayland, 10 Green Way:

S. Crane reviewed that a potential change in ownership triggered research on the compliance with the Land Development Agreement (LDA) that imposed certain restrictions related to drainage, maintenance and a restriction for affordable housing. S. Crane acknowledged that the Town cannot find the documents that codify the affordable housing restrictions and the comfort letter serves to affirm and codify the intent of the LDA. S. Crane recommended approval of the comfort letter. The Board and A. Kwesell discussed the agreement and comfort letter. T. Fay thanked L. Bloom for assisting with the matter.

T. Fay moved, seconded by D. Watkins, that the Board vote to support and approve the comfort letter pertaining to the sale of Traditions of Wayland, 10 Green Way, Wayland, on page 34 in the packet, as amended. Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A. Kwesell left the meeting.

A6. Liquor License Hearing: Change of Manager of Record for BBRG, TR, LLC dba The Coach Grill, 55 Boston Post Road, Wayland, MA, (ABCC License# 00002- RS-1340):

At 9:18 p.m., C. Karlson opened the hearing for the purpose of considering the application to change the manager of record for The Coach Grill at 55 Boston Post Road, Wayland, MA, 01778 filed by BBRG, TR, LLC dba The Coach Grill. C. Karlson noted this change does not require legal notice.

Tom Miller, attorney representing the Coach Grill joined by teleconference and reviewed the application and the qualifications of the potential manager, Joe Battafarano. J. Battafarano described how he implements best practices and the TIPS certification requirements. There was no public comment. At 9:22 p.m., C. Karlson closed the hearing.

T. Fay moved, seconded by A. Gutbezahl, that the Select Board approve the Change of Manager of Record for BBRG, TR, LLC dba The Coach Grill, located at 55 Boston Post Road, Wayland, MA pursuant to the application in the packet. Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC): receive update and recommendations; discussion with Committee members:

At 9:27 p.m., Karen Blumenfeld, Vice-Chair of the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC) joined via teleconference and called to order a meeting of a quorum of the HRDEIC. K. Blumenfeld announced each member by full name: Heather Pineault, Steve Wynne, Yamini Ranjan, Mei Ling Ellerman, Yao wu Tang, participating remotely and Janot Mendler de Suarez participated in person. The members of the HRDEIC presented a slide deck outlining the committees' purpose, its accomplishments, and plans for the next year. S. Wynne reviewed the requested actions by the Board, which were to establish a budget to support a DEI position, review the draft Holiday Display Policy recommendation, acknowledge Indigenous Peoples' Day and review the charge and composition of the HRDEIC. J. Mendler de Suarez reviewed the draft proposed Holiday Display Policy for Town-Owned Public Spaces. The Board, HRDEIC and S. Crane discussed the intent of the policy. The Board discussed the composition of the HRDEIC, and its request to allow all current and future members who are eligible to vote become voting members if they would like when there is an open seat. The HRDEIC adjourned its meeting unanimously. The Board discussed the request to acknowledge Indigenous Peoples' Day as a holiday. S. Crane noted that there would be impacts to the collective bargain agreements and amend the Town bylaws. The Board agreed to discuss the HRDEIC's requests at a future meeting.

A8. 2022 Select Board Annual Report: review draft report: The Board reviewed the draft Annual Report and agreed to adhere to the September 30 deadline and the one-thousand word limit. The Board suggested some revisions and agreed to send revisions to C. Costello who would compile and present a draft for take action at the next meeting.

A9. Town Manger Report: a. Update on the Finance Department reorganization, b. Massachusetts Water Resources Authority (MWRA) options based on Board of Public Works presentation, c. FY 2024 budget process update, d. Launcher Way bid:

A9.a. Update on the Finance Department reorganization: S. Crane provided an update on the Finance Department Reorganization and staff meetings were scheduled, the cash reconciliation efforts in the Treasury's office and reported that FY2022 fiscal year would be closed by October.

A9.b. Massachusetts Water Resources Authority (MWRA) options based on Board of Public Works (BoPW) presentation: There was a discussion regarding the presentation made at the prior meeting by the Chair of the Board of Public Works (BoPW). T. Fay asked if the presentation was supported by the BoPW, the Board determined the BoPW had not voted on the matter. S. Crane provided an update on a recent meeting with the Massachusetts Water Resources Authority (MWRA) and Natick officials regarding emergency, long-term and permanent connection to MWRA water supply. S. Crane suggested the Board establish a committee to assess the options related to PFAS remediation and connection to MWRA, rather than the working group that the BoPW recommended. C. Martin noted the need to get a recommendation from the BoPW.

A9.c. FY 2024 budget process update: S. Crane reported that he had been consulting with Finance Director, B. Keveny on the FY2024 in light of the Town Manager Act.

A9.d. Launcher Way bid: S. Crane reported that the Town received notice that it was the second highest bidder for the Launcher Way property, the sale would be finalized within sixty to ninety days while the seller closes with the highest bidder.

S. Crane reported that he was negotiating a contract with the Town of Ipswich, but it had not been finalized.

A10. Consent Calendar: review and approve:

1. Vote the question of approving a One-day Beer and Wine Liquor License to Avi Shemtov for an event (wedding) at 2 Orchard Lane on September 24, 2022 from 12:00 p.m. to 8:00 p.m.
2. Vote the question of approving contract No. M-1215-018, Change Order #6 for Loker Elementary School Roof Replacement Project in the amount of \$129,025.88 with Tower Construction Corp.

T. Fay moved, seconded by D. Watkins, to approve the Consent Calendar. C. Martin asked for clarification on item #2. Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A11. Review Correspondence: T. Fay acknowledged correspondence from the Chair of the Planning Board, and noted that he anticipated the communication would improve now that a Town Planner had been hired. C. Martin and the Board acknowledged and thanked M. Lowery for his service on the BoPW.

A12. Select Board's Reports and Concerns: C. Martin asked about the deed related to the purchase of land at the Town Center.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A14. Adjourn: At 10:58 p.m., C. Martin moved, seconded by T. Fay, that the Board adjourn the meeting. 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 Select Board Meeting of September 12, 2022:

1. Draft: Meeting Minutes of the Select Board: August 29, 2022 7:00 p.m.
2. Correspondence and Public Comment submitted re: Glezen Lane Traffic Mitigation Settlement Agreement resulting from the Bernstein, et al. v. Wayland Planning Board, et al lawsuit:
 - a. Email: To: C. Karlson From: B. Barovick, Sedgemoadow Road, Date: 09/08/2022
 - b. Link: Glezen Lane Traffic Mitigation Settlement, <https://www.wayland.ma.us/select-board/pages/glezen-lane-traffic-mitigation-settlement>
 - c. Letter: To: Select Board From: S. Pope, Moore Road, Date: 07/21/2022
 - d. Email: To: Select Board From: G. Dallins, Glezen Lane, Date: 07/11/2022
 - e. Email: To: Select Board From: D. Katz, Sedgemoadow Road, Date: 07/12/2022
 - f. Email: To: Select Board From: M. Kosich & B. Mulvey, Sedgemoadow Road, Date: 07/14/2022
 - g. Email: To: Select Board From: B. McClendon, Glezen Lane, Date: 07/28/2022
 - h. Email: To: C. Karlson From: D. Sacra, Glezen Lane, Date: 09/07/2022
 - i. Email: To: C. Karlson From: N. and J. A. Weiner, Loblolly Lane, Date: 09/07/2022
 - j. Email: To: C. Karlson From: D. Duchesneau, Ellen Mary Lane, Date: 09/07/2022
 - k. Email: To: C. Karlson From: D. Burnside, Sedgemoadow Road, Date: 09/07/2022
 - l. Email: To: Select Board From: D. Burnside, Sedgemoadow Road, Date: 09/07/2022
 - m. Email: To: C. Karlson From: A. Duchesneau, Ellen Mary Lane, Date: 09/07/2022
 - n. Email: To: C. Karlson From: C. Brunelli, Glezen Lane, Date: 09/07/2022
 - o. Email: To: C. Karlson From: S. Fischer, Sedgemoadow Road, Date: 09/07/2022
 - p. Email: To: C. Karlson From: B. Howell, Holiday Road, Date: 09/07/2022
 - q. Email: To: C. Karlson From: B. Barovick, Sedgemoadow Road, Date: 09/08/2022
 - r. Email: To: C. Karlson From: Z. Ventress, Moore Road, Date: 09/09/2022

Supplemental Public Comment:

- s. Email: To: Select Board From: S. & H. Abel, Sedgemoadow Road, Date: 07/28/2022
 - t. Letter: To: C. Karlson From: T. & T. Largy, Moore Road
 - u. Email: To: C. Karlson From: H. Foust-Cummings, Spruce Tree Lane, Date: 09/12/2022
 - v. Email: To: C. Karlson From: L. S. Roche, Moore Road, Date: 09/12/2022
 - w. Email: To: C. Karlson From: K. Phillips, Wayside Road, Date: 09/11/2022
 - x. Email: To: C. Karlson From: M. Lan & H. Broekman, Orchard Lane, Date: 09/09/2022
 - y. Email: To: C. Karlson From: E. Seiberling, Sedgemoadow Road, Date: 09/09/2022
3. Letter: To: Select Board From: C. Murray, Esq. Burns & Levinson LLP Re: Traditions of Wayland Assisted Living Facility – 10 Green Way, Wayland, MA, Date: 07/14/2022 Attachments: Comfort Letter; Paine Estate Development Agreement, dated 06/29/1998 (Book 28781 Pg. 609-626; Notice of Appeal, dated 07/28/1998 from Book 28996 Pg. 409-425
 4. Letter: To: Town Clerk From: T. Miller Esq. McDermott, Quilty & Miller LLP, dated 08/24/2022 Re: Application for Change of Manager Record BBRG TR, LLC d/b/a Coach Grill 55 Boston Post

Road with attachments: payment confirmation, application, email from E. Burman Wayland Police Department dated 09/08/2022

5. Slide deck: HRDEIC Meeting with the Select Board September 12, 2022
6. Letter: To: S. Crane From: D. Carrier-Tal, Esq. US Army Corps of Engineers, Norfolk District, Dated 08/29/2022 re: Bid to purchase US Government owned land, with bid sheets
7. Letter: To: B. Keveny, Finance Director, From: H. York, CPA, - Principal, CLA, Date: 9/8/22, Re: FY2022 Cash Reconciliation status update.
8. Letter: To: J. Pessimato, Interim Town Clerk, Cc: L. Goldberg K-P Law, PC From: Maura Healey, Massachusetts Attorney General By: Kelli E. Gunagan, Assistant Attorney General, dated 09/01/2022 Re: Wayland Annual Town Meeting of May 14, 2022 -- Case # 10623, Warrant Articles # 13 and 19 (Zoning), Warrant Article # 26 (General) and Warrant Article # 17 (Historic)

Supplemental Packet:

9. Draft: Proposed Holiday Display Policy for Town-Owned Public Spaces in Wayland Human Rights, Diversity, Equity and Inclusion Committee, dated September 1, 2022
10. Email: To: Board & Committee Chairs From: C. Costello Re: Annual Report, Dated July 1, 2022
11. Draft: Annual Report Select Board, dated 08/11/2022

Correspondence:

1. Correspondence from Anette Lewis, dated August 26, 2022 re: Zoning guidelines for MBTA Adjacent Communities.
2. Correspondence from Anette Lewis, dated August 30, 2022 re: Communication, Coordination & Cooperation.
3. Correspondence from Mike Lowery, dated September 7, 2022 re: Resignation from the Board of Public Works.
4. Correspondence from Sherman Homan, dated August 25, 2022 re: Wayland Gun Club.
5. Correspondence from G. Larsen, dated August 25, 2022 re: Placement of Wireless communications equipment on the existing utility poles.
6. Correspondence from G. Larsen, dated August 25, 2022 re: ZBA 9.13.22 hearing, Building Department Update; Placement of Wireless communications' equipment on existing Utility poles located in a numbered route public "right of way"
7. Correspondence from John Sax, dated September 1, 2022 re: Public Records Request.
8. Correspondence from Carole Plumb, dated September 7, 2022 re: recognition of Susan Koffman
9. Correspondence from Board of Public Works, dated August 23, 2022 re: Request for Support on Possible Full or Partial MWRA Conversion.
10. Correspondence from J. Bugbee, dated August 26, 2022 re: Town Manager Screening Committee.

SELECT BOARD
Monday, October 3, 2022
7:00 p.m.
HYBRID
Wayland Town Building, Council on Aging Room
41 Cochituate Road, Wayland, MA

CONSENT CALENDAR

1. Vote the question of approving Task Order 4 Amendment No 2. to complete the design and bid documents for the project. This is an amendment to the original Task Order for the Council on Aging/Community Center building. The new total Task Order agreement is not to exceed \$767,550.00 for the work done.
2. Vote the question of approving a request for Sandwich Boards by the Creative Arts Parent Council (CAPA) at Wayland High School to promote their Fall Bottle & Can Drive during the dates of October 15, 2022-October 22, 2022. The locations requested for signs are at Old Connecticut Path & Cochituate Road (Five Paths), Fire Station Two in Cochituate, Town Center (corner of Routes 20 and 27), and Route 20/Old Connecticut Path by Coach Grill.
3. Vote the question of confirming the appointments of Trudy Reid as Town Clerk and Brian Keveny as Finance Director, pursuant to the Town Manager Act Section 7 (e) (iii) and (iv.).
4. Vote the question of approving a One-day Beer and Wine Liquor License to Edward Hebert for an event (K'night at the Races) at St. Ann's Church Hall, 134 Cochituate Rd Wayland 01778 on October 15, 2022 from 5:00pm to 11:00 pm.
5. Vote the question to approve the revised increase in the Early Voting hours on Monday, October 24, 2022 as requested by the Town Clerk.