

**Packet**

**February 26, 2024**

**7:00PM**



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

MICHAEL F. MCCALL  
TOWN MANAGER  
TEL. (508) 358-3620  
www.wayland.ma.us

## SELECT BOARD

ANNE BRENSLEY  
THOMAS J. FAY  
ADAM G. GUTBEZAHL  
CAROL B. MARTIN  
WILLIAM D. WHITNEY

**REVISED AGENDA POSTED ON 2/23/24 AT 8:37AM**  
**PREVIOUS AGENDA POSTED ON 1/22/24 AT 4:12PM**

## SELECT BOARD

**Monday, February 26, 2024**

**7:00pm**  
**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 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 2 of the Acts of 2023, 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
- 7:05 pm            2. Announcements and Public Comment
- 7:15 pm            3. Appointments to Committees: Vote to confirm appointment of the following volunteers:

<u>Appointing Board</u>	<u>Committee</u>	<u>Potential Appointee</u>	<u>Term End Date</u>
Board of Library Trustees	Permanent Municipal Building Committee	Aida Gennis	Duration of Wayland Free Library Rehab Project
Board of Library Trustees	Permanent Municipal Building Committee	Judy Dion	Duration of Wayland Free Library Rehab Project

**SELECT BOARD**  
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**Wayland Town Building, Council on Aging**  
**41 Cochituate Road, Wayland, MA**

Council on Aging	Permanent Municipal Building Committee	Greg Lusky	Duration of Council on Aging/Community Center building project
School Committee	Wayland Housing Partnership	Jacqueline Espiritusanto-Vega	06/30/2026

7:25 pm

4. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to:
  - a) Review, insert and determine a position on articles, including but not limited to:
    1. B: Pay Previous Fiscal Year Bills
    2. F: FY25 Omnibus Budget
    3. L: Capital Stabilization Fund Appropriation
    4. S: Revise Town Code Chapter 43: Personnel
    5. T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing – invite attendance by Anette Lewis, Chair of Planning Board
    6. Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements
    7. MM: Resolution in Support of Changing the State Flag and Seal of Massachusetts

7:30 8:15 pm

5. Origin Cell Presentation: invite attendance by Wayne Wang, CEO

8:00 8:45 pm

6. FY 2024 Select Board Goals: review and discussion

8:30 9:15 pm

7. Town Manager Evaluation: discussion and presentation of evaluation, next steps

8:40 9:45 pm

8. Town Manager's Report
  - a) Events
    - o Police Chief Swearing-in Ceremony
    - o Council on Aging/Community Center Groundbreaking
  - b) Mill Creek (MCRT Trust) Project Update
  - c) Council on Aging/Community Center Project Update
  - d) Budget Update regarding Health Insurance
  - e) Town Manager Office Hours
  - f) 4-Day Work Week Update
  - g) Recap since last meeting

8:50 10:00 pm

9. Consent Calendar:
  - a) Review and vote to approve listed items
  - b) Discuss, consider, and potentially act on items removed from Consent, if any

9:00 10:10 pm

10. Minutes
  - a) Review and approve the minutes of January 22, February 5 and February 12, 2024.

**SELECT BOARD**  
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Wayland Town Building, Council on Aging  
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- ~~9:10~~ 10:15 pm 11. Review Correspondence
- ~~9:15~~ 10:20 pm 12. Select Board Members' reports and concerns
- ~~9:20~~ 10:25 pm 13. Topics not reasonably anticipated by the Chair 48 hours in advance, if any
- ~~9:25~~ 10:30 pm 14. Executive Session
- a) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MET, AFT, AFL-CIO and possible vote on collective bargaining agreement.
  - b) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA) Local 176 and possible vote on collective bargaining agreement.
  - c) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12, 2024 with the intent to hold said minutes.
- ~~10:05~~ 11:45 pm 15. Return to Open Session: Announcement of possible vote taken to approve collective bargaining agreement with the Wayland Library Staff Association MET, AFT, AFL-CIO and New England Police Benevolent Association (NEPBA) Local 176.
- ~~10:15~~ 11:50 pm 16. Adjourn

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**CONSENT CALENDAR**

1. Vote the question of accepting a donation (American Biotech Supply, model # ABT-HC-SLS-72, 72cf capacity refrigerator) from Greg Malone, Stearns Scientific, for the Police Department.
2. Vote the question of signing the warrant for the March 5<sup>th</sup> Presidential Primary from Trudy Reid, Town Clerk

## Power-Spirlet, Kelsi

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**From:** Keefe, Ben  
**Sent:** Thursday, February 15, 2024 9:46 AM  
**To:** Power-Spirlet, Kelsi  
**Subject:** New PMBC members

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The following folks need to be appointed to the PMBC for specific projects. Term expires when specific project is completed.

**Community Center Project:**

Greg Lusky is replacing Mark Foreman as one of the COA representatives.  
Bill Sterling is the other representative.

**Wayland Free Public Library Rehab Project:**

Aida Gennis and Judy Dion are the Library Trustees representatives.

Next PMBC meeting is Feb 27<sup>th</sup>, would be great to have these appointments done by then.

**Kenneth "Ben" Keefe**  
**Town of Wayland**  
**Public Building Director**

P: 508 358 3786

F: 508 358 3627(Attn. Facilities)

C: 508 745 9775

[bkeefe@wayland.ma.us](mailto:bkeefe@wayland.ma.us)

## ARTICLE LIST 2024 ANNUAL TOWN MEETING

Article	Article Name	Sponsor	Select Board Assignee	Fincom Assignee	Select Board Vote to Insert	Position Select Board	Position Fincom	Notes
*A	Recognize Citizens & Employees for Particular Service to Town	Select Board	B. Whitney	K. Lappin	4-0-0			
*B	Pay Previous Fiscal Year Unpaid Bills	Select Board	B. Whitney	K. Lappin	4-0-0			
*C	Current Year Transfers	Select Board	B. Whitney	K. Lappin	4-0-0			
*D	OPEB Funding	Select Board	A Gutbezahl	K. Lappin	4-0-0	5-0-0		
*E	Enterprise Fund Budgets	Select Board	A Gutbezahl	B. O'Herlihy	4-0-0			
F	FY25 Omnibus Budget	Select Board	C. Martin	P. Roman	4-0-0			
*G	Fiscal Year 2025 Revolving Fund Expenditure Limits	Select Board	T. Fay	M. Hoyle	4-0-0	5-0-0		
H	Update Personnel Bylaws and Wage & Classification Plan	Select Board	C. Martin	B. O'Herlihy	4-0-0			
*I	Fund Union Agreements	Select Board	B. Whitney	S. Correia	4-0-0			
*J	Surface Water Quality Committee Budget	Select Board	C. Martin	J. Barnett	4-0-0	4-0-0		
*K	Accept Gifts of Land	Select Board	A Gutbezahl	A. Methot	4-0-0			
*L	Capital Stabilization Fund Appropriation	Select Board	C. Martin	K. Lappin	4-0-0			
*M	Choose Town Officers	Select Board	A. Brensley	M. Hoyle	4-0-0			
*N	Hear Reports	Select Board	A. Brensley	M. Hoyle	4-0-0			
*O	Sell or Trade Vehicles and Equipment	Select Board	A. Brensley	M. Hoyle	4-0-0			
*P	CPA: Set Asides and Transfer	CPA	C. Martin	J. Barnett	5-0-0	4-0-0		
*Q	Special Education Reserve Fund	Select Board	A. Brensley	M. Hoyle	5-0-0			
*R	Rescind Unissued Debt	Select Board	T. Fay	K. Lappin	5-0-0	5-0-0		
S	Revise Town Code Chapter 43: Personnel	Select Board	C. Martin	S. Correia	5-0-0			

## ARTICLE LIST 2024 ANNUAL TOWN MEETING

T	Amend Zoning Bylaws and Town Zoning Map - MBTA Communities Multi-Family Housing	Planning Board/Select Board	T. Fay	S. Correia	5-0-0			
U	Fire Department Staffing Study	Select Board	B. Whitney	S. Correia	5-0-0			
V	Classification and Compensation Study for All Town Wage Scales	Select Board	B. Whitney	B. O'Herlihy	5-0-0			
W	Loker Elementary School Solar Agreement	Select Board	A Gutbezahl	J. Barnett	5-0-0			
X	Solar Agreements for Town Properties	Select Board	A Gutbezahl	J. Barnett	4-0-1			
Y	To Adopt the Massachusetts Specialized Energy Code	Select Board	A Gutbezahl	J. Barnett	5-0-0			
Z	Appropriation for Engineering Rt. 20 Corridor Roadway Improvements	Select Board	T. Fay	S. Correia	3-2-0			
*AA	Reaffirm Remote Participation at Town Meeting	Select Board	T. Fay	A. Methot	5-0-0			
BB	Revise Town Code 91-1	Town Clerk	A. Brensley	S. Correia	Already Inserted into Warrant			
CC	Revise Town Code 91-2	Town Clerk	A. Brensley	S. Correia	Already Inserted into Warrant			
*DD	CPA – Affordable Housing Consultant Services	CPA	C. Martin	B. O'Herlihy	4-0-0			
EE	CPA – Open Space Projects: Improvement at Pine Brook Conservation Area; Biocontrol of Purple Loosestrife at Cow Common; and Conservation Restriction, House Demolition, and Trail Construction for 27 Sherman's Bridge Road with Archaeological Monitoring	CPA	C. Martin	J. Barnett	4-0-0			
FF	CPA – Historic Preservation Projects: Preservation Materials for Town's Historic Collection; Preservation of Town Permanent Records and HVAC System at Grout-Heard House	CPA	C. Martin	A. Methot	4-0-0			



## ARTICLE LIST 2024 ANNUAL TOWN MEETING

GG	CPA – Historic Preservation Project: Restoration of Stone’s Bridge	CPA	A Gutbezahl	A. Methot	4-0-0			
HH	CPA – Recreation Project: Improvements at Cochituate Ball Fields	CPA	B. Whitney	J. Barnett				
II	CPA – Recreation Project: Wayland Community Pool Rehabilitation	CPA	B. Whitney	A. Methot				
<del>JJ</del>	<del>Authorize Affordable Housing Trust to Seek Affordable Housing</del>	<del>Wayland Housing Partnership</del>	<del>T. Fay</del>	<del>B. O’Herlihy</del>				**WITHDRAWN**
KK	Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1	Petitioners’ Article	A Brensley	M. Hoyle	Already Inserted into Warrant			
<del>LL</del>	<del>Authorize Affordable Housing Trust to Seek Affordable Housing</del>	<del>Petitioners’ Article</del>	<del>T. Fay</del>	<del>B. O’Herlihy</del>	<del>Already Inserted into Warrant</del>			**WITHDRAWN**
MM	Resolution in Support of Changing the State Flag and Seal of Massachusetts	Petitioners’ Article	A Gutbezahl	S. Correia	Already Inserted into Warrant			
NN	Solar Compact Development for Wayland	Petitioners’ Article	B. Whitney	J. Barnett	Already Inserted into Warrant			
OO	Establish Athletic Fields Planning Committee	Petitioners’ Article	B. Whitney	B. O’Herlihy	Already Inserted into Warrant			
PP	Extension of Moratorium on Synthetic Fields/Artificial Turf	Petitioners’ Article	A. Brensley	M. Hoyle	Already Inserted into Warrant			

\*Abbreviated Presentation

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**Article B. Pay Previous Fiscal Years Unpaid Bills**

*Proposed by: Select Board*

*Estimated Value: \$5,468.94*

To determine whether the Town will vote to:

- a. pay the bills of the prior fiscal years,
- b. appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- c. provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, [by borrowing, or otherwise].

Fiscal Year 2019 liabilities to be paid using Fiscal Year 2024 appropriations:

Amazon	\$	993.24	FY24 Recreation Expense Budget
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Fiscal Year 2020 liabilities to be paid using Fiscal Year 2024 appropriations

Amazon	\$	566.00	FY24 Library Expense Budget
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Fiscal Year 2021 liabilities to be paid using Fiscal Year 2024 appropriations

Amazon	\$	80.31	FY24 Conservation Expense Budget
Amazon	\$	1,035.01	FY24 IT Expense Budget

Fiscal Year 2022 liabilities to be paid using Fiscal Year 2024 appropriations

Amazon	\$	35.69	FY24 IT Expense Budget
Amazon	\$	10.14	FY24 Library Expense Budget
Amazon	\$	185.55	FY24 Conservation Expense Budget

Fiscal Year 2023 liabilities to be paid using Fiscal Year 2024 appropriations:

_ PODS	\$	348.00	FY24 School Budget
Eagle Leasing	\$	1,032.00	FY24 School Budget
Eagle Leasing	\$	119.00	FY24 School Budget
Eagle Leasing	\$	159.00	FY24 School Budget
RP O'Connell	\$	640.00	FY24 School Budget
Chargepoint	\$	265.00	FY24 Facilities Expense Budget

Total		<u>\$5,468.94</u>	
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*Some additions may be made later if additional bills are found. Format to be fixed.*

**FINANCE COMMITTEE COMMENTS:** Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. The unpaid bills from previous years are summarized in this article and paid using the current year appropriations.

There is no additional cost to residents.

The Select Board recommends approval. Vote:

**ARGUMENTS IN FAVOR:** This is a standard article that allows the Town to pay bills for previous fiscal years.

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

**RECOMMENDATION:** The Finance Committee recommends *Blank*. Vote:

**QUANTUM OF VOTE:** 4/5 vote – see Massachusetts General Laws Chapter 44, Section 64

*For more information about this article, contact Finance Director Brian Keveny at [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

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## Article F. Fiscal Year 2025 Omnibus Budget

**Proposed by:** Select Board

**Estimated Cost:** \$--

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

To determine whether the Town will vote to raise, appropriate, transfer from available funds or borrow a sum of money in the aggregate amount of \$XXX for the operation and expenses of the Water Enterprise Fund, the Wastewater Enterprise Fund and Transfer Station Enterprise Fund as set forth in the Finance Committee’s Budget for Fiscal Year 2025, including capital expenses for equipment, improvements or other purposes, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town, with such appropriation being raised in the respective departmental receipts as follows:

MOTIONS UNDER ARTICLE 10:

1) “That each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2023 be voted, granted and appropriated as an expenditure for several purposes and uses set forth in said budget establishing a total budget of \$ XXXX which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated \$XXXXXX shall be raised by taxation, \$XXXXXX shall be provided by transfer from Ambulance receipts, \$XXXX shall be transfer from other funds, \$XXXXXX shall be provided from Water revenue, and \$XXXXXX shall be provided from Wastewater Revenues and \$XXXXXX shall be provided by Wastewater Certified Retained Earnings.

2) “That each and every numbered item set forth in the Finance Committee’s capital budget of Fiscal Year 2023 listed on pages XX-XX in the total amount of \$XXXX be appropriated for equipment and vehicles acquisitions and projected for the listed departments, each of which shall be an appropriation, and of the total sum so appropriated, the Treasurer, with the approval of the Select Board, is authorized to borrow \$XXXXXX pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, \$XXXXXX to be raised from taxation, \$XXXXXX shall be provided by transfer from Unreserved Fund Balance, \$XXXX shall be provided from Ambulance Receipts, \$XXXXXX shall be provided from Surplus Capital Accounts and, \$XXXX shall be provided by Water Enterprise Capital.

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

**FINANCE COMMITTEE COMMENTS:**

The Select Board recommends Blank. Vote:

**ARGUMENTS IN FAVOR:**

**ARGUMENTS OPPOSED:**

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

**QUANTUM OF VOTE:**

*For more information, contact Finance Director Brian Keveny 508-358-3611 or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

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## **Article L. Capital Stabilization Fund Appropriation**

**Proposed by:** Select Board

**Estimated Cost:** \$500,000

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

To determine if the Town will vote to appropriate \$500,000 to be deposited in the Town's Capital Stabilization Fund; and that said appropriation will be funded by Taxation.

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

### **FINANCE COMMITTEE COMMENTS:**

The Select Board recommends Blank. Vote:

### **ARGUMENTS IN FAVOR:**

### **ARGUMENTS OPPOSED:**

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

### **QUANTUM OF VOTE:**

*For more information about this article, contact Finance Director Brian Keveny at 508-358-3611 or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

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## **Article MM. Resolution in Support of Changing the State Flag & Seal of Massachusetts**

Proposed by: Petitioners

To determine if the Town will vote to:

**WHEREAS** the land area now known as the Town of Wayland was the homeland of Indigenous Peoples long before the first settlers arrived in 1638 to colonize this area.

**WHEREAS** the imagery of the Massachusetts flag and seal – a white hand holding a Colonial sword over the head of an Indigenous person, above a Latin motto that translates: “She Seeks by the Sword a Quiet Peace Under Liberty” – is seen by many as a symbol of violence against Indigenous people and a memorial to the violent colonization of their homelands.

**WHEREAS**, for more than 50 years, Indigenous leaders have called for the flag and seal of Massachusetts to be changed.

**WHEREAS**, a Special Commission on [the] Official Seal and Motto of the Commonwealth issued a report on November 15, 2023, calling for the creation of an advisory body to be funded and charged with the task of working with the Secretary of the Commonwealth to hire a professional designer to create a new image for the flag and seal of Massachusetts.

**WHEREAS**, it is now up to the Massachusetts legislature to prioritize changing the flag and seal by establishing and funding the advisory group called for by the Special Commission, and giving the advisory group a deadline to complete its task and return with a final design image.

**WHEREAS**, as of this writing, 79 communities in the Commonwealth have voted to support changing the Massachusetts flag and seal including, recently, the Town of Sudbury.

**NOW, BE IT RESOLVED** that the Town of Wayland hereby adopts this resolution to support changing the Massachusetts flag and seal to better reflect the Commonwealth’s aspirations for harmonious and respectful relations between all people who now call Massachusetts home. Specifically, this resolution supports the recommendations of the Special Commission to change the Massachusetts flag and seal and to create an advisory body to be funded and charged with the task of working with the Secretary of the Commonwealth to hire a professional designer to create a new image for the Massachusetts flag and seal. The Town Clerk shall forward a copy of this resolution to Sen. Nick Collins and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, and Sen. Jamie Eldridge and Reps. Carmine Gentile and David Linsky, with the request that they continue their strong support for the work of the aforementioned Special Commission and advisory body and advocate for making a new flag and seal for the Commonwealth a top legislative priority.

**PROPOSERS’ COMMENTS:** Indigenous Peoples lived in the land area now known as the Town of Wayland long before the first colonial settlers arrived in 1638. The Massachusetts flag and seal – with the image of a white hand holding a sword over the head of an Indigenous person – are seen by many as a symbol of the violent colonization of Indigenous Peoples’ homelands.

In November 2023, a Special Commission on [the] Official Seal and Motto of the Commonwealth issued a long-anticipated report calling for creation of a funded advisory body to work with the Secretary of the Commonwealth to create a new image for the flag and seal.

By way of this Resolution, we ask our legislators to make creation of a new flag and seal a top priority in the current legislative session. As of this writing, 79 communities in Massachusetts, including Sudbury,

have voted to support changing the flag and seal. Further information in this cause can be found at <https://changethemassflag.com/>

**FINANCE COMMITTEE COMMENTS:** There is no financial impact from this article. While the article itself may not have an immediate impact on the town, if the Legislature were to act on the resolution and change the state seal and flag, the town would have to update/replace anything in town that bears the old seal, which would have some cost.

The Select Board recommends Blank. Vote:

**RECOMMENDATION:** The Finance Committee takes no position on this article.

**QUANTUM OF VOTE:** Majority.

*For more information about this article, contact Petitioner, Karen Blumenfeld, via email at [kblumenfeld100@gmail.com](mailto:kblumenfeld100@gmail.com).*



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## **Article S. Revise Town Code Chapter 43: Personnel**

**Proposed by:** Select Board

**Estimated Cost:** N/A

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

Revise Town Code Chapter 43 Personnel to remove all conflicts with the Town Manager, as identified by Town Counsel.

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

Pursuant to the Town Manager Act, which was approved at the 2021 Annual Town Meeting and signed into law on March 16, 2022 in Chapter 33 of the Acts of 2022, the Town Manager is “responsible for the daily administration of the town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across town departments.” Upon review and analysis of the Town Manager Act and Town Code Chapter 43 Personnel, Town Counsel has identified numerous conflicts. Because Section 13 of the Town Manager Act states that in the event of a conflict with Town Code that the Town Manager Act prevails, Chapter 43 should be revised.

### **FINANCE COMMITTEE COMMENTS:**

The Select Board recommends Blank. Vote:

### **ARGUMENTS IN FAVOR:**

### **ARGUMENTS OPPOSED:**

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

### **QUANTUM OF VOTE:**

*For more information about this article, contact Town Manager Michael McCall at 508-358-3620 or by email at [mmccall@wayland.ma.us](mailto:mmccall@wayland.ma.us).*



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## **Article T. Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing**

**Proposed by:** Planning Board/Select Board

**Estimated Cost:** N/A

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

Amend the Code of the Town of Wayland to add a new Article 27 Multi-Family Housing Overlay District, Section 198-2701, et seq., in order to comply with G.L. c. 40A, Sec. 3A the so-called MBTA Communities legislation. And, amend the Zoning Map of the Town of Wayland to reflect a new overlaid district, comprised of three or more sub-districts, where multi-family housing is permitted as-of-right.

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

As a result of January 14, 2021 amendments to Section 3A of the Massachusetts Zoning Act, G.L. c. 40A, Wayland, an "MBTA Adjacent Community", is required to have a zoning bylaw that provides for at least 50 acres to be zoned for multi-family housing use. The designated multi-family housing zone may be superimposed on existing underlying zones so that development of land may be undertaken subject to the requirements of the overlay or by complying with all applicable requirements of the underlying district. The Town is not required to create multi-family housing. It is only required to zone so that it could be created at some time in the future. The basic State requirements are that the district: a) contain 50 acres - made up of at least one area of 25 contiguous acres and several smaller areas of no less than 5 contiguous acres each; b) support a minimum density of 15 units per acre on average; c) not be subject to any age restrictions; d) exclude surface waterbodies, wetlands and buffer zones, protected open space and recreational land, cemeteries, Zone I wellhead protection areas, privately-owned land used for educational or institutional uses, publicly-owned land generally; e) avoid sensitive land such as land subject to flooding and priority habitat for rare or threatened species; and f) encourage development of a scale, density and aesthetic that are compatible with existing surrounding uses.

The repercussions for failure to have such a district are loss of funding for grant programs and potential civil suit by the Massachusetts Attorney General and others. The town is required to submit a district compliance Application with Town Meeting approved zoning by no later than December 21, 2024.

### **FINANCE COMMITTEE COMMENTS:**

The Select Board recommends Blank. Vote:

### **ARGUMENTS IN FAVOR:**

### **ARGUMENTS OPPOSED:**

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

**QUANTUM OF VOTE:**

*For more information about this article, contact Planning Board Chair, Anette Lewis, at [alewis@wayland.ma.us](mailto:alewis@wayland.ma.us).*

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## **Article Z. Appropriation for Engineering Rt. 20 Corridor Roadway Improvements**

**Proposed by:** Select Board

**Estimated Cost:** \$---

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

To determine whether the Town will vote to appropriate a sum of money for third-party engineering services to provide fully engineered plans for the Route 20 roadway, from Route 27 to 492 Boston Post Road, for curb cuts, sidewalks, street trees, landscape and lighting to improve the Route 20 corridor.

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

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

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

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

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

### **FINANCE COMMITTEE COMMENTS:**

The Select Board recommends Blank. Vote:

### **ARGUMENTS IN FAVOR:**

### **ARGUMENTS OPPOSED:**

**RECOMMENDATION:** The Finance Committee recommends Blank. Vote:

### **QUANTUM OF VOTE:**

*For more information about this article, contact Town Manager Michael McCall at 508-358-3620 or via email at [mmccall@wayland.ma.us](mailto:mmccall@wayland.ma.us).*

**Select Board Goals  
2023-2024**

- Establish effective governance with the Select Board/Town Manager Act
- Advance the creation of affordable housing per the Housing Production Plan
- Develop long-range asset maintenance and capital improvement plan
- Advance Wayland's work to be equitable and inclusive
- Create effective communication with citizenry
- Climate Change adaptation and mitigation through effective stewardship of town resources, promotion of sustainability, and leading by example \*
- Promote economic development on the Rt. 20 Corridor
- Review, amend and/or create town policy, starting with financial policies

February 20, 2024

**VIA EMAIL** ([DHCDHousingAppealsCommittee@mass.gov](mailto:DHCDHousingAppealsCommittee@mass.gov))

Veronica G. Barros, Clerk ([Veronica.Barros@mass.gov](mailto:Veronica.Barros@mass.gov))  
Housing Appeals Committee  
Executive Office of Housing  
And Livable Communities  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Re: MCRT Investments LLC v. Town of Wayland Zoning Board of Appeals  
Housing Appeals Committee Docket No. 2023-05

Dear Ms. Barros:

On behalf of petitioner MCRT Investments LLC, please accept for filing in this case the enclosed Notice of Withdrawal.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions.

Sincerely,



Molly M. Quinn  
*Counsel for MCRT Investments LLC*

cc (via email only): Kevin P. O'Flaherty, Esq.  
Mariana Korsunsky, Esq.  
Amy E. Kwezell, Esq.



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES  
HOUSING APPEALS COMMITTEE

_____	)	
MCRT INVESTMENTS LLC,	)	
	)	
Appellant,	)	
	)	
v.	)	
	)	HAC NO. 2023-05
WAYLAND ZONING BOARD OF APPEALS,	)	
	)	
Appellee,	)	
_____	)	

**MCRT INVESTMENTS LLC’S NOTICE OF WITHDRAWAL**

Pursuant to 760 CMR 56.06(4)(e), Appellant MCRT Investments LLC (“Mill Creek”) hereby notices the voluntary dismissal of this matter and withdrawal of the initial pleading filed against the Wayland Zoning Board of Appeals on August 28, 2023. Mill Creek has decided not to proceed with the project and is, therefore, withdrawing its appeal.

Respectfully submitted,

MCRT INVESTMENTS LLC

By its attorneys,

/s/ Mariana Korsunsky  
Kevin P. O’Flaherty (BBO # 561869)  
Mariana Korsunsky (BBO # 675626)  
Molly M. Quinn (BBO # 696720)  
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Dated: February 20, 2024

**CERTIFICATE OF SERVICE**

I certify that on February 20, 2024, I caused a true and accurate copy of this document to be served by electronic mail on Amy E. Kwesell, counsel of record for the Board.

/s/ Mariana Korsunsky  
Mariana Korsunsky

# TOWN OF WAYLAND

## Massachusetts

### TOWN MANAGER

Michael McCall  
Town Building  
41 Cochituate Road  
Wayland, Massachusetts 01778  
www.wayland.ma.us



### SELECT BOARD

Anne Brensley  
Thomas J. Fay  
Adam G. Gutbezah  
Carol B. Martin  
William D. Whitney

### **DRAFT** Meeting Minutes

#### Select Board Meeting

Monday, January 22, 2024 at 7:00 p.m.

Wayland Town Building, Council on Aging Room / Hybrid  
41 Cochituate Road, Wayland, MA 01778

**Present:** Anne Brensley, Thomas J. Fay, Carol B. Martin and William D. Whitney

**Present, participated remotely:** Adam G. Gutbezah

**Personnel present:** Kelsi Power-Spirelet

**Personnel, participated remotely:** Town Manager Michael McCall

**A1. Call to Order, Review Agenda for Public:** At 7:00 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Chair W. Whitney called the meeting of the Select Board to order when a quorum was present. W. Whitney announced that the meeting would be conducted in-person and via remote means and that the public could also participate remotely via teleconference. W. Whitney announced that the meeting may be live-broadcast and/or recorded for re-broadcast. W. Whitney reviewed the agenda and announced each member by full name. He noted that A. Gutbezah would participate remotely.

**A2. Announcements and Public Comment:** There were no announcements from the Board and no public comment.

**A3. 2024 Annual Town Meeting (ATM): a) Discuss and assign all received articles for ATM (Town Clerk, Petitioners' and all Board and Committee submissions):** The Board reviewed the article list and discussed Article OO. Establish Athletic Fields Planning Committee.

**A5. Board Appointments: a) Appointment to the Cultural Council from non-voting to voting member:**

<b>Committee</b>	<b>Appointee</b>	<b>Term End Date</b>
Cultural Council	Annabelle Zhang	June 30, 2026

T. Fay moved, seconded by C. Martin, to appoint A. Zhang as a voting member to the Cultural Council for a term ending June 30, 2026. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezah, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**A9. Consent Calendar: a) Review and vote to approve listed items b) Discuss, consider, and potentially act on items removed from Consent, if any:**

- a) Vote the question of approving the sandwich board request by Steve Robb (Wayland Arts) for advertising upcoming events for Arts Wayland (Jan 28 - Jazz at First Parish; Feb 4 - Classical Music at First Parish; Feb 10 - Americana concert at Vokes) during the following upcoming dates: a. Jan 23 through Jan 28, b. Jan 29 through Feb 4, c. Feb 4 through Feb 10 at the Fire Station Two in Cochituate, Town Center (corner of Routes 20 & 27), Old Connecticut Path and Cochituate Road (Five Paths), and Route 20/Old Connecticut Path by Coach Grill.

T. Fay moved, seconded by A. Gutbezah, to adopt the Consent Calendar. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezah, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**A4. Recess to Attend the Finance Committee's 2024 Annual Town Meeting (ATM) Workshop:** At 7:15 p.m., the Board entered into a ninety-minute recess to attend the Finance Committee workshop.

**A6. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to:** At 8:50 p.m., the Board resumed its meeting.

**a) Discuss article preparation and timing:** The Board discussed which warrant articles would be handled with abbreviated presentation procedures and which had already been inserted. There was a discussion about how the CPA Articles could be grouped. There was a discussion if Article BB. Revise Town Code 91-1 and Article CC. Revise Town Code 91-2 needed to be inserted by the Board if the articles were submitted by the Town Clerk. M. McCall advised that the Board did not need to act as the Town Clerk was authorized to insert articles to the warrant.

T. Fay moved, seconded by C. Martin, to insert the Article P. Community Preservation Act - Set Asides and Transfer. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**b) Review schedule:** The Board discussed the timeline to review articles with the Finance Committee liaisons and the associated deadlines.

**c) Discuss and potential vote to refer petitioned zoning articles to the Planning Board for review, pursuant to M.G.L Chapter 40A § 5:** The Board discussed three zoning articles that it would submit to the Planning Board for review.

T. Fay moved, seconded by C. Martin, to refer petitioned zoning articles to the Planning Board for review, pursuant to M.G.L Chapter 40A § 5: 1) Article T. Amend Zoning Bylaws and Town Zoning Map - Massachusetts Bay Transportation Authority (MBTA) Communities Multi-Family Housing 2) Article KK.. Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1, and 3) Article NN. Solar Compact Development for Wayland. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**7. Town Manager's Annual Evaluation: discussion of process for evaluation of the Town Manager, next steps:** T. Fay noted that the Human Resources Manager had written procedure for the evaluation of the Town Manager. T. Fay summarized the evaluation process from the prior year. The Board identified dates for the next discussion of the evaluation.

**A8. Town Manager's Report a) Mass Municipal Association (MMA) Annual Conference update b) Town Manager Office Hours update c) Recap since last meeting:** M. McCall reported that he held open office hours on January 16, 2024 for residents to talk about topics of interest or concerns and one person attended. M. McCall reported that he recently attended the Massachusetts Municipal Association (MMA) Annual Conference and it was a good experience.

**A10. Minutes: a) Review and approve the minutes of January 8 and January 16, 2024:**

T. Fay moved, seconded by C. Martin, to approve the minutes of January 8, 2024 and January 16, 2024 as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**A11. Review Correspondence:** The Board reviewed the correspondence.

**A12. Select Board Members' reports and concerns:** T. Fay reported that it was nice to see progress at the Council on Aging/Community Center site and noted the Planning Board would hear one aspect of the project on January 23. T. Fay also updated the Board that he and M. McCall had met with neighbors of 212 Cochituate Road to discuss the possibility of expanding the parcel, and it was not likely an option. C. Martin requested that the Board discuss the plan for Cochituate Village. C. Martin acknowledged and thanked K. Power-Spirelet for her work. A. Gutbezahl noted there was a vacancy on the Youth Advisory Council. A. Brensley reported that WayCam hosted a successful event regarding communication. A. Brensley reported the Housing Partnership was still in need of a Treasurer. W. Whitney reported that B. Sterling had contacted him about aspects of the Council on Aging/Community Center and he would come to a future meeting to discuss it with the Board.

**A13. Topics not reasonably anticipated by the Chair 48 hours in advance, if any:** There were none.

**A14. Adjourn:** At 10:06 p.m., C. Martin moved, seconded by T. Fay to adjourn the meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**Items included in the packet for the Select Board Meeting of January 22, 2024:**

1. Revised Agenda posted on 01/19/2024 at 8:00 a.m. revises the agenda posted 01/18/2024 at 3:58 p.m.
2. List: Warrant Article list for 2024 Annual Town Meeting, dated January 18, 2024
3. ATM Warrant Article Request Form: Recognize Citizens and Employees for Particular Service to Town
4. ATM Warrant Article Request Form: Pay Previous Fiscal Years Unpaid Bills
5. ATM Warrant Article Request Form: Current Year Transfers
6. ATM Warrant Article Request Form: OPEB Funding
7. ATM Warrant Article Request Form: Enterprise Fund Budgets
8. ATM Warrant Article Request Form: Fiscal Year 2025 Omnibus Budget
9. ATM Warrant Article Request Form: Fiscal Year 2025 Revolving Fund Expenditure Limits
10. ATM Warrant Article Request Form: Update Personnel Bylaws and Wage & Classification Plan
11. ATM Warrant Article Request Form: Fund Union Agreements
12. ATM Warrant Article Request Form: Surface Water Quality Committee Budget
13. ATM Warrant Article Request Form: Accept Gifts of Land
14. ATM Warrant Article Request Form: Capital Stabilization Fund Appropriation
15. ATM Warrant Article Request Form: Choose Town Officers
16. ATM Warrant Article Request Form: Hear Reports
17. ATM Warrant Article Request Form: Sell or Trade Vehicles and Equipment
18. ATM Warrant Article Request Form: Community Preservation Act - Set Asides and Transfer
19. ATM Warrant Article Request Form: Special Education Stabilization Fund
20. ATM Warrant Article Request Form: Rescind Unissued Debt
21. ATM Warrant Article Request Form: Revise Town Code Chapter 43 Personnel
22. ATM Warrant Article Request Form: Amend Zoning Bylaws & Town Zoning Map - Massachusetts Bay Transportation Authority (MBTA) Communities Multi-Family Housing
23. ATM Warrant Article Request Form: Fire Department Staffing Study
24. ATM Warrant Article Request Form: Classification and Compensation Study for All Town Wage Scales
25. ATM Warrant Article Request Form: Loker Elementary School Solar Agreement
26. ATM Warrant Article Request Form: Solar Agreements for Town Properties
27. ATM Warrant Article Request Form: To Adopt the Massachusetts Specialized Energy Code
28. ATM Warrant Article Request Form: Funding for Route 20 Curb Cut and Sidewalk Engineering
29. ATM Warrant Article Request Form: Reaffirm Remote Participation at the Town Meeting
30. ATM Warrant Article Request Form: Revise Town Code 91-1
31. ATM Warrant Article Request Form: Revise Town Code 91-2
32. ATM Warrant Article Request Form: Community Preservation Act (CPA) - Affordable Housing Consultant Services
33. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Open Space Projects: Improvement at Pine Brook Conservation Area; Biocontrol of Purple Loosestrife at Cow Common; and Conservation Restriction, House Demolition, and Trail Construction for 27 Sherman's Bridge Road with Archaeological Monitoring
34. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Historic Preservation Projects: Preservation Materials for Town's Historic Collection; Preservation of Town Permanent Records and HVAC System at Grout-Heard House
35. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Historic Preservation Project: Restoration of Stone's Bridge
36. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Recreation Project: Improvements at Cochituate Ball Fields
37. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Recreation Project: Wayland Community Pool Rehabilitation
38. ATM Warrant Article Request Form: Authorize Affordable Housing Trust to Seek Affordable Housing

39. ATM Citizen Petition Form: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1
40. ATM Citizen Petition Form: Authorize Affordable Housing Trust to Seek Affordable Housing
41. ATM Citizen Petition Form: Resolution in Support of Changing the State Flag & Seal of Massachusetts
42. ATM Citizen Petition Form: Solar Compact Development for Wayland
43. ATM Citizen Petition Form: Establish Athletic Fields Planning Committee
44. ATM Citizen Petition Form: Extension of Moratorium on Synthetic Fields/Artificial Turf
45. Town of Wayland Board/Committee Appointments Status as of December 20, 2023
46. Email: From Cultural Council Chair R. Sideman-Kurtz, re: reappointment of A. Zhang
47. 2024 Annual Town Election/Annual Town Meeting Schedule, updated January 3, 2024
48. Draft: Select Board Meeting Minutes: January 8, 2024
49. Draft: Select Board Meeting Minutes: January 16, 2024

**Items distributed for information and use by the Board during the meeting of January 22, 2024 otherwise not included in the packet (Handouts):**

1. None.