



TOWN OF WAYLAND Annual Reports



*Two Hundred and Twenty-sixth Year
July 1, 2005 Through June 30, 2006*

COVER PHOTO

by Lynne Johnson Lipcon

Egret on Heard Pond

For more information on Heard Pond and other Wayland natural resources, see the Conservation Commission Report on page 47 and the Surface Water Quality Committee Report on page 63.



ANNUAL REPORTS FOR THE TOWN OF WAYLAND

FOR ITS TWO HUNDRED AND
TWENTY- SIXTH MUNICIPAL YEAR

JULY 1, 2005 TO JUNE 30, 2006

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BOARD OF SELECTMEN

Accomplishments during the fiscal year ended June 30, 2006, included hiring of the first Town Administrator and implementation of the transition plan from Executive Secretary to Town Administrator; adoption of a mixed-use overlay district zoning by-law to enable the development of the Wayland Town Center retail/office/housing project; and considerable time and effort on a number of initiatives designed to improve the Town's financial situation.

APPOINTMENT OF FIRST TOWN ADMINISTRATOR

After receiving approval for the new position of Town Administrator from residents at annual town meeting in April 2004 and from the state legislature in June 2004, the Board of Selectmen began a selection process to choose the first administrator. The Board engaged the services of an executive search firm (Bennett Yarger Associates) to develop a community profile and appointed a screening committee to assist with the search. On July 11, 2005, the Board named Frederic E. Turkington, Jr., chief administrator officer of Canton, Connecticut, as Town Administrator. Mr. Turkington assumed his duties on September 19, 2005.

FINANCIAL MATTERS

The Selectmen, Finance Committee, and School Committee work diligently to maintain the overall financial health of the Town. After considerable public input and hours of thoughtful discussion, the boards forwarded a proposed budget for FY 07 that required a \$2.3 million Proposition 2 ½ override that was approved by residents. Reductions in state aid, contractual wage

and salary increases, spiraling costs for employee health insurance and retirement plan contributions, and rising utility costs contributed to the need for additional tax levy capacity. Without the override, significant reductions in personnel and services would have occurred.

Anticipating a similar structural budget problem in FY 07 as the Town experienced in FY 06, the Board of Selectmen appointed a temporary committee comprised of the chairs of the Selectmen, School and Finance Committees and key administrative staff to study the cost saving suggestions of citizens, commissioners and employees for potential implementation to be reflected in the FY 07 budget and beyond. Among the items adopted were sale of surplus Town-owned land; energy conservation measures; collection of delinquent taxes; adoption of Section 18 requiring eligible retirees to participate in Medicare; shifting employee costs for fee-supported programs to special revenue funds; increase insurance deductibles; and bid payment amount for landfill cover material. Under continuing discussion and review are the creation of a facilities manager for all town and school buildings; modifying the process by which the capital improvement program is developed; management of legal services; rental of town-owned property; and exploring contractual, regional or joint provision (with School Department) or certain services.

Additional focus was devoted to considering ways to further streamline the operations of Town government. The Board established a nine-member temporary study committee to consider the feasibility and desirability of creating a department of public works encompassing the services now provided by

separate highway, water, and parks departments. Functions also considered for the consolidated department are septage, wastewater, landfill and engineering. The committee consists of representatives of oversight boards, Finance Committee, Personnel Board and chaired by former selectman Dennis Berry. A recommendation report will be issued in the spring of 2007.

MIXED-USE OVERLAY DISTRICT ZONING BY-LAW

The Board of Selectmen and the Planning Board heard presentations of a concept for Town Center mixed use (municipal, retail, housing and office) on the former Raytheon corporate office site on Route 20 in May 2005. The two boards began a process of developing a zoning by-law that would create a mixed use overlay district to be applied to the parcel and negotiating a development agreement that would culminate in a special town meeting in the fall of 2005. Although the proposed by-law failed to achieve the required two-thirds' majority at town meeting, a solid majority favored it. So the two boards worked with the developer to modify to proposed by-law and renegotiated the development agreement. The revised by-law was overwhelmingly approved at a special town meeting within the annual town meeting in May 2006. The proposed project has the potential to provide a true "town center" and community gathering space, additional diversity in housing, and an expanded commercial base.

OTHER MATTERS

A citizen volunteer group developed a sister community relationship with Waveland, Mississippi and worked tirelessly to raise funds, collect supplies, and assemble work

teams to assist residents in the Gulf Coast community rebuild following the devastation of Hurricane Katrina.

Residents re-elected William Whitney and Douglas Leard to three-year terms in the April 2006 election.

The Board worked closely with the Nike Site Reuse Advisory Committee to support the implementation of the article authorizing the purchase of the former missile site for the development of up to sixteen units of affordable housing. Demolition of existing structures on the site was completed. The committee worked with a land planning consultant to design a site plan, receive project eligibility from the state Department of Housing and Community Development, and develop a request for proposals from development teams to seek state funding and to construct the housing units.

In closing, the Board wishes to acknowledge and thank the many citizens of Wayland who volunteer countless hours of community service as members of appointed boards and commissions.

Board of Selectmen June 30, 2006

Douglas J. Leard
Joseph F. Nolan
Alan J. Reiss
Michael L. Tichnor
William D. Whitney

IN MEMORIAM

John C. Bryant, the “Father of Cochituate”

John C. Bryant, known to many as the “father of Cochituate,” died on July 19, 2005, at the age of 80. As the longtime director of the John C. Bryant Funeral Home in Cochituate Village, he brought compassion and sensitivity at a time of grief for Wayland families. A lifelong resident of Cochituate, he had a long and distinguished career as a Wayland Park and Recreation commissioner who worked diligently to establish quality baseball and soccer fields, as well as advocating for the cemeteries in Wayland. He served his country proudly during World War II in the U.S. Army Air Corps as a staff sergeant, receiving the Bronze Star for outstanding service to his country, the Asiatic-Pacific Ribbon, three Battle Stars, the American Theatre and the Victory and Good Conduct ribbons.



A dedicated public servant, Mr. Bryant was a member of the Dudley Pond Association, the Sudbury Valley Trustees, the Cochituate Preservation Association, and the Wayland Business Association. He served as a Trustee of the Allen Fund and he was an agent for the Board of Health until his death. He also served on the Public Ceremonies Committee, the Planning Board, the Historic District Commission, the Historical Commission, and the McManus Park Committee.

John was an original member of Boy Scout Troop 1 Cochituate, a longtime supporter of Scouting and adhered to the Scout’s Oath [“On my honor I will do my best. To do my duty to God and my country and to obey the Scout Law; To help other people at all times; To keep myself physically strong, mentally awake, and morally straight.”] until his death. Through his dedication to his profession and his community, John Bryant touched the lives of many Wayland residents.

Ken Moon, Environmental Advocate

A dedicated supporter of the environment, Ken Moon died on March 16, 2006, at the age of 80, but his legacy of forest trails and conservation land in the Town of Wayland will go on forever. Mr. Moon moved to Wayland with his family in 1960. He served as a member of the Conservation Commission from 1982 through 1996. He also served on the Bay Circuit Green Belt Committee, the Growth Policy Committee, and the Housing Task Force. He was the Dam Liaison Representative in 1986-1987, and a member of the Sudbury Valley Trustees almost since its inception.



However, it is in the acquisition of properties that Mr. Moon most distinguished himself. He worked tirelessly to get funding from the state, put together the information necessary for Town Meeting, and get community support to actually acquire the land. His other contributions to Wayland include making all the trail maps for the conservation area and marking many of the trails; organizing the Hamlen Woods Conservation Area and maintaining it for many years; being active in controlling the beaver population in conservation areas, including designing and building several innovative devices for preventing beaver dams; being involved in starting up the Community Gardens and in establishing the layout and making the plots every year; and building the Pinebrook Bridge virtually by himself.

The Wayland Conservation Commission is establishing a “Ken Moon Award” for the local volunteers who emulate the spirit and dedication toward conservation that Ken Moon possessed.



General Information

Form of Government	Open Town Meeting
Town Website	www.wayland.ma.us
Population (January 2006)	13,729
Number of Households	4,956
Polling Hours	7:00 A.M. – 8:00 P.M.
Polling Locations	Wayland Town Building (Precincts 1 and 4) Wayland Middle School (Precincts 2 and 3)
Current Tax Rate	\$12.58

School Enrollment

Claypit Hill Elementary	571
Happy Hollow Elementary	360
Loker Elementary	360
Wayland Middle School	720
Wayland High School	914

TOTAL ENROLLMENT 2,925 (June 2006)

Land Area - Town of Wayland

15.28 Square Miles

Landfill Hours: (Except Holidays)

Tuesday	7:00 am – 4:00 pm
Thursday	7:00 am – 4:00 pm
Saturday	7:00 am – 4:00 pm

Library Hours: (School Year)

Monday – Thursday	9:00 am – 9:00 pm
Friday	9:00 am – 6:00 pm
Saturday	10:00 am – 5:00 pm
Sunday	2:00 pm – 5:00 pm

Town Building Office Hours:

Monday	8:00 am – 7:00 pm
Tuesday – Friday	8:00 am – 4:30 pm

(Please check with individual departments as the hours may vary.)

FEDERAL AND STATE OFFICIALS REPRESENTING WAYLAND

United States Senators in Congress:	Edward M. Kennedy - D 2400 John F. Kennedy Federal Building Boston, MA 02203(617) 565-3170 E-mail: senator@kennedy.senate.gov	John F. Kerry – D 1 Bowdoin Square 10 th Floor Boston, MA 02114 (617) 565-8519 E-mail: john_kerry@kerry.senate.gov
Representative in Congress, Precinct 2 7th Congressional District:	Edward J. Markey – D 188 Concord Street Framingham MA 01702 (508) 875-2900	
Representative in Congress, Precincts 1, 3 and 4, 5th Congressional District:	Martin T. Meehan – D 11 Kearney Street Lowell, MA 01852 (978) 459-0101 E-mail: martin.meehan@mail.house.gov	
State Senator, 5th Middlesex District:	Scott P. Brown - R State House Room 520 Boston, MA 02133 (617) 722-1555 E-mail: Sbrown@senate.state.ma.us	
Representative in General Court, 13th Middlesex District:	Susan W. Pope - R State House Room 237 Boston, MA 02133 (617) 722-2305 E-mail: Rep.SusanPope@hou.state.ma.us	

ELECTED TOWN OFFICIALS	NAME	TERM EXPIRES
MODERATOR	C. Peter R. Gossels	2008
TOWN CLERK	Judith L. St. Croix	2007
SELECTMEN	Joseph F. Nolan	2008
	Douglas J. Leard	2009
	Alan J. Reiss	2008
	Michael L. Tichnor	2007
	William D. Whitney	2009
SCHOOL COMMITTEE	Barbara J. Fletcher	2008
	Heather A. Pineault	2009
	Jeffrey Dieffenbach	2009
	Louis M. Jurist	2008
	Robert B. Gordon	2007
ASSESSORS	Jayson S. Brodie	2008
	Susan M. Rufo	2007
	Jeffrey Alan Cohen	2009

ROAD COMMISSIONERS	Stewart A. Millerd	2007
	Anthony Timperio	2007
	Mark A. Santangelo	2008
	Shawn P. Fennelly	2009
	Anette S. Lewis	2009
PLANNING BOARD	Albert I. Montague, Jr.	2008
	Daniel B. Mesnick	2011
	Lawrence A. Stabile	2007
	Christopher W. Seveney	2009
	Lynne A. Dunbrack	2010
PLANNING BOARD Associate Member	Anette S. Lewis	2009
WATER COMMISSIONERS	Joel Goodmonson	2007
	Michael W. Keegan	2009
	W. Edward Lewis	2008
BOARD OF HEALTH	David A. Todd	2009
	Philip Pattison	2008
	Constance A. Bean	2009
	Anna M. Ludwig	2008
	Michelle Wolf	2007
TRUST FUND COMMISSIONERS	Jerrold I.W. Mitchell	2007
	John B. Wilson	2008
	Michael Patterson	2009
LIBRARY TRUSTEES	Perry R. Hagenstein	2007
	Malcolm A. Astley	2009
	Rosamond Swain	2009
	Anne B. Heller	2007
	Aida A. Gennis	2008
	Lynne J. Lipcon	2008
PARK & RECREATION COMMISSION	Stas Gayshan	2009
	Thruston Wright III	2009
	Anna Meliones	2008
	Mary Ellen Litter	2007
	William J. Bowhers	2007
HOUSING AUTHORITY	Mary Ann Wohlfarth	2008
	Mary M. Antes	2007
	Susan Weinstein	2010
	Charles Raskin	2009
	Martin Nichols	2008

APPOINTED TOWN OFFICIALS	NAME	TERM EXPIRES
Ad Hoc Budget Advisory Committee	Michael L. Tichnor	2006
	G. Christopher Riley	2006
	Jeffrey Dieffenbach	2006
Advanced Life Support Comm	Beth A. Zeeman	2007
	Vincent J. Smith	2007
	Douglas J. Leard	2007
	Elizabeth C. Sweitzer	2007
	Michael B. Patterson	2007
Trustees Of Allen Fund (3)	Michael B. Patterson	2006
	Benjamin W. Johnson III	2006
	Sema M. Faigen	2006
Animal Inspector (Livestock)	Bruce S. Sweeney	2006
Animal Officer (Dead Animals)	David R. Poirier	2006
Assessor, Assistant	Molly K. Reed	Permanent
Assessor, Administrative	Joseph Malay	Permanent
Assistant Town Administrator	John Senchyshyn	Permanent
Assistant Town Clerk	Lois M. Toombs	2008
Assistant Treasurer	Helen K. Lewis	2007
Building Commissioner	Daniel F. Bennett	2006
Local Inspector	Jay T. Abelli	2006
Gas Inspector	Allan Sherman	2006
Gas Inspector, Deputy	William Rheaume	2006
Plumbing Inspector	Allan Sherman	2006
Plumbing Inspector, Deputy	William Rheaume	2006
Wiring Inspector	Ward Keller	2006
Wiring Inspector, Deputy	Arthur J. Richard	2006
Cable TV (8)	Richard P. Turner	2006
	Robert W. Hanlon	2006
	Russell A. Ashton	2006
	Maurice H. Stauffer	2006
	(Four Vacancies)	2006
Central MA Advisory Rail Trail	David C. D'Orlando	2006
Civil Defense Director	Robert Irving	Permanent
Cochituate State Park Advisory	Harold Meyer	2007
Community Preservation Committee (7)	Stephen Curtin	2007
	Charles Raskin	2008
	Rebecca Regan	2007
	Anna Meliones	2006
	Michael B. Patterson	2006
	Jerome Heller	2007
	(Vacancy)	2008
Conservation Administrator	Brian Monahan	Permanent

Conservation Commission (7)	Frank R. Antonell	2007
	Ellen R. Tohn	2006
	Barbara Howell	2006
	J. Andrew Irwin	2008
	John R. Sullivan	2008
	Megan M. Lucier	2008
	Roger A. Backman	2007
Constables	William E. Pickett	2007
	Louis V. Gaglini	2007
	Nelson H. Goldin	2008
Council on Aging (9)	Clement Sansone	2008
	Betsy Soule (non-voting)	2006
	Martha E. Bustin	2007
	Julie Secord	2007
	Denise N. Yurofsky	2007
	George Blood	2007
	Harriet H. Onello	2007
	Geoffrey E. Smith	2006
	Mitchell J. Marcus	2007
Council on Aging-Co-Directors	William Morris	Permanent
	JoAnn Kunz	Permanent
Cultural Council	Kathryn Welter	2006
	Carole M. Felz	2006
	Barbara J. Carter	2006
	Margret B. Krakauer	2006
	Allen J. Kaplan	2007
	Anna Laura Rosow	2006
Dog Control Appeals Board	Susan Sherwood	2007
	Jeffrey S. Baron	2008
	Susan Koffman	2006
	Daniel Brown	2007
Dog Control Officer /Animal Inspector	Leslie E. Boardman	2006
Department of Public Works Assessment Committee	Michelle Wolf	2006
	Joseph F. Nolan	2006
	Robert Lentz	2006
	Anette Lewis	2006
	James K. Forti	2006
	Eugene C. Roberts	2006
	Robert L. Duffy Jr.	2006
	Maryanne Peabody	2006
Dennis J. Berry	2006	
Dudley Pond Area Planning Committee	Christopher Foster	2007
	Deborah Portyrata (Seven Vacancies)	2006
Emergency Planning Committee	Mark Santangelo	
	Mary M. Antes	
	Michael Tichnor	
	Robert Loomer	
	Robert Irving	
Fence Viewers	Board of Selectmen	2006
Field Drivers	Constables	2006

Finance Committee (7)	George Christopher Riley	2007
	Charles D' Ambrosio	2007
	Robert L. Lentz	2006
	Cherry C. Karlson	2008
	Sam H. Peper	2007
	Richard M. Stack	2006
	Karl A. Geiger	2008
Finance Director/Town Accountant	Michael DiPietro	2007
Fire Chief	Robert Loomer	Permanent
Health Director	Steven Calichman	2006
	Sanitarian, Inspector Julia M. Junghanns	2006
	Inspector of Milk Steven Calichman	2006
	Burial Agent Cynthia F. Bryant	2006
Highway Operations Director	Stephen F. Kadlik, III	2006
Historical Commission (7)	Paul Gardescu	2006
	Mary C. Reed	2007
	Bonnie S. Nash	2006
	John B. Langan	2008
	R. Richard Conard	2006
	Stephen J. Curtin	2008
	Howard L. Schultz	2007
Historic District Commission (7)	Christopher F. Nash	2008
	Christopher L. Hagger	2007
	Diana Warren	2007
	Margery F. Baston	2007
	Desmond J. McAuley	2006
	Gretchen G. Schuler	2008
	Edward H. Culver (Ned)	2006
Historic District Commission Alternate	Meaghan Winokur	2007
Housing Authority Director	Brian E. Boggia	Permanent
Housing Partnership Comm (9)	Betty J. Salzberg	2007
	Jonathan F. Saxton	2008
	Martin S. Nichols	2008
	Mary M. Antes	2008
	Rachel G. Bratt	2008
	Daniel Brown	2008
	Father Frank J. Silva (Two Vacancies)	2008
Human Resources Director/ Assistant Town Administrator	John Senchyshyn	Permanent
Information Technology Manager	Gwen Sams-Lynch	2006
Library Director	Ann F. Knight	Permanent
MAPC	Mary M. Antes	2006
MCAB	Mary M. Antes	Permanent
Master Plan Advisory Task Force	Regina Snow Mandl	2005
MBTA Advisory Board	Marcia P. Crowley	2006
Measurers of Wood & Bark	Paul Doerr	2006
	Lewis S. Russell, Jr.	2006

	Harry F. Sweitzer	2006
Metrowest Growth Mgmt Comm	Mary M. Antes	2006
Metrowest Open Space Task Force	(Vacancy)	2005
Minuteman Voc Tech School	Mary Ellen Castagno	2008
Nike Site Reuse Advisory Committee	Ira Montague	2007
	Constance N. Pitt	2007
	William Sterling	2007
	Michael Gitten	2007
	Paul Abramson	2007
	Olga Pitel	2007
	Brian Boggia	2007
	Brian T. O'Herlihy	2007
	Gretchen Schuler	2007
	Michael Staiti	2007
Rebecca Regan	2007	
Park & Recreation Superintendent	Nancy McShea	Permanent
Personnel Board (5)	Maryanne Peabody	2007
	Nicholas Willard	2009
	Nancy McCarthy	2008
	Jane A. Evans	2008
	Philip C. Schneider	2010
Planner, Town	Joseph Laydon	Permanent
Police Chief	Robert Irving	Permanent
Public Ceremonies Committee (5)	Christopher Hoy (non-voting)	2006
	John C. Dyer	2006
	Alessandra Kingsford	2007
	Karen K. Kiefer	2008
	Richard P. Turner	2008
Records Manager	Judith L. St. Croix	2006
Records Management Committee	Judith L. St. Croix	2006
	Lois Toombs	2006
	MaryAnn DiNapoli	2006
	Norma Badger	2006
	Dale Sicotte	2006
Regional Transportation Advisory Comm	Marcia P. Crowley	2006
Board of Registrars (4)	Georgia K. Gillespie	2006
	Judith H. Ide	2007
	Elizabeth A. Salerno	2008
	Judith L. St. Croix	2007
Assistant Registrar	Lois M. Toombs	2006
River Stewardship Council	Thomas Sciacca	2005
	Mary M. Antes (Alternate)	Permanent
Route 20 Corridor Committee (5)	David A. Roberts	2007
	Stephen B. Turner	2007
	(Two Vacancies)	
	Thomas H. McEnany	2006
Route 30 Corridor Committee (5)	Paul A. Rufo	2007

	(Four Vacancies)	
School Superintendent	Gary Burton	Permanent
Sealer of Weights & Measures	Courtney Atkinson	2006
Senior Tax Relief Committee	Geoffrey P. Smith	2006
	Robert B. Hatton	2006
	Mitchell J. Marcus	2006
	Stephen J. Colella	2006
	Patricia Nelson	2006
	Clement V. Sansone	2006
	Madeline O. Foley	2006
	Lillian I. Mills	2006
Septage Committee (8)	George H. Bernard	2007
Appointed by	Philip Pattison	2007
(4) Wayland (4) Sudbury	R. Blair Davies Jr.	2006
	John Dyer	2007
SMOC	Lawrence N. Scult	2006
Surface Water Quality Committee (5)	Michael Gitten	2006
	Wayne Kelley	2006
	Lili Griffin	2006
	Thomas J. Largy	2006
	Charles W. Moores	2008
	(Vacancy)	2006
	Jackson Madnick	2008
Surveyors of Lumber	Jean B. Pratt	2006
	Marcia P. Crowley	2006
	Harry F. Sweitzer	2006
Taxation Aid Committee (Town Meeting)	Markey P. Burke	2007
	Paul Keating	Permanent
	Thomas V. Maglione	Permanent
	Kenneth Sawyer	2006
	Mary S. Morss	2008
Town Administrator	Frederic E. Turkington Jr.	2008
Town Center Committee (Subcommittee of Planning Board)	(Vacancy)	2006
	Daniel B. Mesnick	2006
	Harvey R. Montague	2006
	Lewis S. Russell, Jr	2006
	Marisa G. Serafini	2006
	John R. Sullivan	2006
	Gretchen G. Schuler	2006
Town Counsel	Mark J. Lanza	Permanent
Town Surveyor	Alfred (Alf) Berry	2006
Transportation Committee	George Blood	
	Kevin Goodwin	
	Lorraine Greiff	
	John Thomas	
Transportation Improvement Program Coordinator	Joseph Laydon	Permanent

Treasurer/Collector	Paul Keating, Jr.	2006
Deputy Tax Collector	Kelley & Ryan Associates, Inc.	2005
Trinity Mental Health Rep	Karen Braunwald	Permanent
Veteran's Agent	John Turchinetz	2006
Veteran's Memorial Committee	John C. Dyer	2007
	Richard Hoyt	2007
	James H. Burkley	2006
Wastewater Management Commission	Lana Carlsson-Irwin	2006
	Eugene C. Roberts	2007
	R. Blair Davies Jr.	2008
Water Superintendent (Acting)	David Fields	
Wayland High School Bldg Comm	Mary L. Lentz	2009
	Lea T. Anderson	2009
	Joshua Bekenstein	2009
	Dianne H. Bladon	2009
	Stephen R. Breit	2009
	Brian J. Chase	2009
	James H. Howard Jr.	2009
	Stephen E. Tise	2009
	Joseph R. Lewin	2009
	Celia L. Lombardo	2009
	Eric Sheffels	2009
Youth & Adolescent Director	Paul R. Neustadt	Permanent
Youth Advisory Committee (7)	Mary Elizabeth Wright Groden	Permanent
	Lynne M. Cavanaugh	2007
	Elizabeth Butler	2006
	Doris E. Goldthwaite	2008
	Jeffrey Johnson	2004
Elected by student body	(Vacancy)	
Elected by student body	(Vacancy)	
	James K. Forti	
Youth Officer	James K. Forti	
Zoning Board of Appeals (5)	Jerry L. Boos	2008
	James E. Grumbach	2008
	Eric B. Goldberg	2006
	Steven Fugarazzo	2007
	E. Michael Thomas	2006
ZBA Associate Members (3)	Aida A. Gennis	2007
	Shaunt Sarian	2008
	Linda L. Segal	2006

GENERAL GOVERNMENT

TOWN CLERK

The following town meetings and elections were held during FY06:

- Annual Town Election..... April 25, 2006
- Special Town Meeting..... November 1, 2005
- Annual Town Meeting..... April 27, 2006
- Special Town Meeting..... May 3, 2006

(Please consult the Table of Contents for election results and town meeting minutes)

Board of Registrars

- Judith H. Ide..... 4/2007
- Elizabeth A. Salerno..... 4/2008
- Catherine A. Radmer..... 4/2009
- Judith L. St. Croix, Town Clerk..... 4/2007
- Lois M. Toombs, Assistant Registrar..... 4/2008

Population (Census January 1, 2006) 13,729

Registered Voters (June 30, 2006)

Precinct 1.....	2149
Precinct 2.....	2172
Precinct 3.....	2047
Precinct 4.....	<u>2371</u>
	8739

Vital Records

Births Recorded.....	136
Death Recorded.....	103
Marriages Recorded.....	31

Financial Report

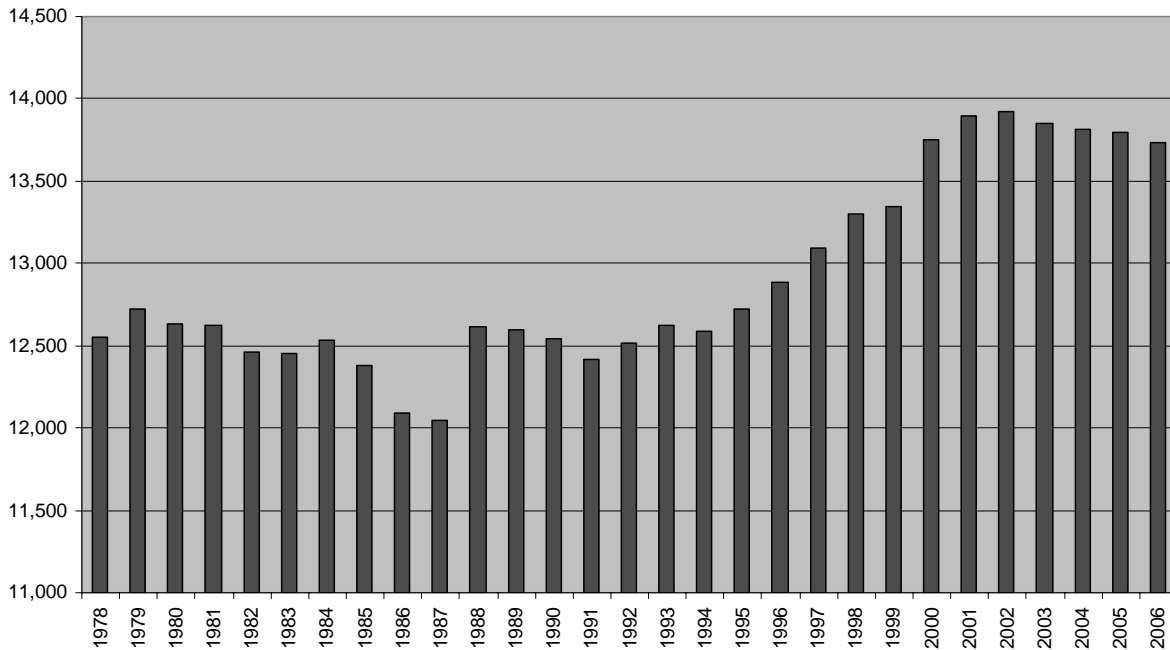
Miscellaneous (including dogs)... \$42,137.65

Dog Licenses Issued

Dog Licenses.....	1624
Dog Kennels.....	6

(See Chart Below for Population Growth, 1978-2006)

TOWN OF WAYLAND POPULATION



TOWN COUNSEL

During FY'06 Town Counsel performed general legal services for all Town departments, boards, committees, and commissions and for the School Department. Most Town employment relations law services were performed by the firm Deutsch, Williams, Brooks, DeRensis, Holland & Drachman P.C. Insurance defense counsel designated by the Town's liability insurance carrier provided defense of tort claims (negligence). Defense of workers' compensation claims was provided by counsel designated by the Town's insurance group's claims management service. Bond Counsel services were provided by the law firm of Palmer and Dodge. Other special counsel is used on a case-by-case basis.

A considerable amount of time was spent during FY'06 negotiating and drafting a development agreement with the Town Center Project developer, drafting the Mixed-Use Overlay District Zoning By-law Amendment, drafting the Wayland Commons Comprehensive Permit, an eminent domain taking case, a physical alteration permit denial case, one special permit modification denial appeal, two zoning variance denial appeals, two tax collection cases, a health and fire code enforcement case and one Open Meeting Law violation case. Town Counsel kept regular office hours in Wayland Town Building on Thursday afternoons. Town Counsel met with various boards and committees on an as-needed basis. Town Counsel also attended all sessions of the Annual Town Meeting and the Special Town Meetings.

Town Counsel represented the Town in various legal proceedings in the Massachusetts Appeals Court, Middlesex County Superior Court, the Land Court and the Appellate Tax Board. No monetary judgments were awarded against the Town in any case or proceeding during FY '06.

Respectfully submitted,
Mark J. Lanza
Town Counsel

INFORMATION TECHNOLOGY

The Information Technology Department (IT) provides computer-based information technology solutions for the Town of Wayland with an emphasis on financial accountability, continuity of service throughout the

lifecycle of an application, responsiveness to citizen needs, and a commitment to excellence in citizen satisfaction. IT manages local and wide-area computer networks in four locations serving 75 computer workstations, and works to ensure that Town staffs have access to these critical systems 99% of the time in most areas. IT supports more than 100 users with electronic mail and internet services, and provides centralized facility, operational, and help desk services for computer and network technology. Related equipment is housed in the IT Department where system backup, application procedures, printing services, and training/user support are provided.

The IT Department oversees and guides all technology-related activities associated with the delivery of products and services managed by every department, and provides first level user support for network, application, and desktop related issues. The IT Department supports one primary and six secondary midrange computers. Applications supported include financial accounting, payroll, personnel, utility billing, building inspection, and tax collection applications.

The goal of the IT Department is to deliver efficient, effective and reliable technology solutions and services in a cost effective manner to advance the service objectives of town staff, elected officials, and citizens. At the same time, IT safeguards the integrity of information critical to the operation of the Town and its partners (Police and Fire) in public service. These goals are accomplished by devoting resources to technological infrastructure, minimizing investment in legacy systems and implementing current technologies with an eye on the emerging technologies of the future. Information Technology is the cost of doing business and should be considered as a good investment. Commitment to these goals allows the Town to become the technically forward-thinking municipality that Town officials expect.

This report highlights IT 2005 accomplishments and in-progress initiative plans over the next three years: 2006-2008.

IT 2005 ACCOMPLISHMENTS

- **MUNIS Installation:** IT assisted with the hardware configuration and delivery of the Linux server and workstations.
- **Financial Software** was placed in production with Town and School Finance Departments.

- **PC Refresh Plan:** Deployed seven computers to the following Departments: Assessors, Council on Aging, Finance, Highway and Park & Recreation.
- Implemented **VPN solution** to provide access to Town's network infrastructure.
- Assisted numerous departments in **removal of computer equipments** that had been unused for over three years.
- **Inventoried** the desktops in the Town hall department areas.
- Migrated the Garage and Highway department's users **E-mail and Internet access** to the Town's network server
- **Linked** the Public Safety Building's desktop with the Town's Print, E-mail and File Sharing servers.

The 2006-2008 initiative plans below enable continuous technology transformation and support daily operations:

- Upgrade IT Infrastructure
- Improve Help Desk response services
- Implement a Disaster Recovery Plan
- Enhance IT Security

PERSONNEL BOARD

Chapter 43 of the Code of the Town of Wayland defines the role of the Personnel Board to be the development and administration of the Wage and Salary Classification Plan and personnel policies and procedures in cooperation with the affected town boards and departments. In addition, the Board is charged with approving all pay or classification changes of town employees; negotiating collective bargaining agreements for the town; establishing and maintaining central personnel files for all employees; reviewing the operation of the Wage and Salary Classification Plan and recommending appropriate changes to town meeting.

Jane Evans was elected Chair of the Board. Maryanne Peabody served as Vice Chair. Also serving on the Board were Philip Schneider and Nicholas Willard. Nancy McCarthy was appointed to fill a vacancy in July of 2005.

The Personnel Board is charged with negotiating the union contracts. Town employees are affiliated with 8 different collective bargaining agreements. These employees represent the vast majority of the Town's regular workforce. This past year an agreement was

reached on the remaining unsettled contract. All Town union contracts will expire on June 30, 2007. Negotiations on successor contracts are expected to begin early in 2007.

The Board has dealt with a variety of employment issues affecting employees. Topics included but were not limited to reviews of job descriptions, reviews of job classifications, employee complaints and employee grievances. The latter have been brought forward through the contractual grievance process, resulting in a number of hearings before the Personnel Board. The grievances were able to be resolved without having to engage in costly arbitration. The Board continues to maintain a posture of strict interpretation of the collective bargaining language.

A new Human Resources Information System is being implemented. The software product is from MUNIS. MUNIS is a major software supplier to cities and towns in Massachusetts. The new software will provide the Town with enhanced record keeping and reporting tools.

The Town continued to support its Employee Assistance Program (EAP) for all employees needing assistance with personal problems, work-related issues, legal or financial matters

Training for employees continues to be an area of importance. Wayland participates with neighboring communities in a training consortium. By pooling resources the Towns are able to stretch their training dollars. In addition to the consortium, the Massachusetts Interlocal Insurance Association (MIIA) has provided a variety of training opportunities through its insurance Rewards Program. Employees participated in programs that ranged from back-safety to public safety driver training to public officials liability training. Attendance at the MIIA programs also earns the Town credits towards its liability insurance premiums.

The Personnel Board would like to thank all boards, committees, officials and employees for their cooperation and input during the past year. The Board welcomes attendance at its meetings and would also like to remind all employees and officials that the Personnel Board is available to assist on a wide variety of personnel matters.

HISTORICAL COMMISSION

Members: Steve Curtin, Chair; Howard Schultz, Rick Conard, John Langan, Paul Gardescu, Mary Reed, Emily Rent (associate member)

Wayland Historical Commission Web Site:
<http://www.wayland.ma.us/historical>

The Wayland Historical Commission, a seven-member town agency, meets once a month, September through June, to plan the identification, evaluation, and protection of Wayland's historical, cultural, and archaeological resources. During FY2006, its scope of work included the administration of ongoing programs, as well as continuing involvement in several large projects including:

Historic Gravestone Restoration Project

In August of 2004, work began on the restoration and preservation of Wayland's endangered historic gravestones in the North and South Cemeteries. Funding for the project came from a 2003 Town Meeting Warrant article co-sponsored by the Historical Commission and the Community Preservation Committee, which appropriated \$65,000 of CPA funds to make repairs.

Nationally recognized Monument Conservation Collaborative (MCC), LLC of Colebrook, CT., was chosen by the Historical Commission as the conservator for this project after a thorough vendor selection process. The restoration and preservation project is now complete, with over 300 headstones in North Cemetery and South Cemetery that were identified in the project's scope of work being treated. Conservation work involved the cleaning of all headstones, as well as intensive repair procedures such as headstone excavation and resetting, crack sealing, and stabilization. In addition, 23 headstones and footstones outside the original scope of work were treated by MCC at no charge to the town.

Detailed treatment reports, including before and after photos of each headstone are now on file with the Wayland Public Library and the Parks and Recreation Department.

Historic Railroad Preservation

In April 2005, the Historical Commission presented to the town the "Wayland Railroad Interpretive Site Study" report. This study was commissioned to develop a vision and recommendations for the

preservation and future use of Wayland's historic railroad site and associated artifacts, located in the town center. The \$15,000 study was funded under the Community Preservation Act and authorized at the April 2003 Town Meeting. The Historical Commission chose the landscape architecture firm Hines Wasser & Associates LLC, of Brookline, MA., to draft the report, which included input from a number of different organizations including the Town Center Committee, the Historic District Commission, the Wayland Historical Society, the Conservation Commission, the Library Feasibility Study Committee, the Wayland Depot, Inc. nonprofit handicraft shop, the MBTA, and Arts Wayland, as well as local railroad enthusiasts and site abutters. Key objectives for the study included historic preservation of the buildings, structures and artifacts, educational/interpretive programming, active/passive recreational use, and public access to the site. The report is available for viewing at the Public Library, online via the Wayland Historical Commission Web Site <http://www.wayland.ma.us/historical> and by request through the Historical Commission.

Historic Marker Preservation Program

In spring 2004, the town voted to appropriate \$5,000 of CPA funds to be used to repair and restore Wayland's most endangered historic markers and monuments (50 years or older) that commemorate important events, sites and people in the Town's history. The repairs will be coordinated through the Park and Recreation Department, based on assessment and recommendations provided by the Historical Commission. The assessment process is completed and the Historical Commission has provided a final report to the Park and Recreation Department.

Archaeology Program

The Wayland Archaeology Group, a subcommittee of the Historical Commission, continued its data recovery work and educational programs, as well as an archaeological evaluation of several areas throughout the Town.

HISTORIC DISTRICT COMMISSION

During the last year, the Historic District Commission (WHDC) has been busy. The WHDC revised its application for use by owners of property in the existing local historic districts and developed easy to follow application instructions.

The WHDC also held additional public hearings prior to June 30, 2006. There were public hearings on applications for installation of fences at 18 Winthrop Road, 13 Bow Road, and 2 Bow Road, installation of a new gutter system and brick sidewalk at 11 Cochituate Road, and exterior modifications to 17 Bow Road, 20 Concord Road, and 15 Bow Road. The WHDC also met several times to discuss the status of unapproved Public Safety Building exterior features and provided a summary of these features to the Wayland Board Of Selectmen. Progress was made in resolving this issue.

The WHDC met in September 2005 with the architect of the Wayland Commons housing development to be located along Old Sudbury Road in proximity to the Wayland Center and Bow Road Historic Districts. The Commissioners made numerous recommendations and suggestions aimed at better integrating the proposed development with the neighboring Historic Districts. The WHDC also provided written comments to the Wayland ZBA on the Wayland Commons development.

The WHDC also held discussions on how the Town Center Development could reflect the two historic districts in a positive way. Plans were discussed to meet with the developers at a future WHDC meeting.

The Historic District Commission welcomes support from members of the community who share our interest in the preservation and enhancement of the significant historic resources in the Wayland Center and Bow Road Historic Districts.

PUBLIC CEREMONIES COMMITTEE

The Public Ceremonies Committee (PCC) coordinates Wayland's observance of Memorial Day, and recognizes events, persons, and projects of importance to the town. Members of the 2005-2006 committee were John Dyer, Christopher Hoy, Karen Kiefer, Alessandra Kingsford, and Richard Turner.

Town Meeting, April 27, 2006: For Article One at Town Meeting, the PCC honored the Wayland Beautification Committee for their contributions to the town. Beautification Committee members were presented with a flowering mountain laurel bush, a gardening book, and certificates of appreciation.

Memorial Day, Monday, May 29, 2006: Early ceremonies were held at Saint Zepherin's Cemetery, the World War II memorial, South and North Cemeteries, and at the Wayland Veterans Memorial, where United States, Massachusetts, Armed Services, and POW flags were installed by the Veterans Memorial Committee. The Girl Scouts, coordinated by Kathy Hodge and Veterans Agent John Turchinetz, placed U.S. flags on veterans' graves prior to the ceremonies. The Flag Brigade, led by Madison Kiefer, placed U.S. flags at the Veterans Memorial.

The Parade stepped off from Wayland Middle School at 11:00 AM, for the memorial service at Lakeview Cemetery, beginning at 11:30 AM. There, all were welcomed by PCC chair Alessandra Kingsford, Selectman Joseph Nolan, State Representative Susan W. Pope, and Gregory M. Casey, chief of staff for State Senator Scott Brown. The Reverend James Pocock of Trinitarian Congregational Church gave the invocation. Keynote speaker Michael Patterson offered a thoughtful tribute to those who served during the Cold War. Wayland High School senior Steven Kinney, on his way to West Point, read the Gettysburg Address with clarity and vigor. James Burkley, chair of the Veterans Memorial Committee, awarded the first Freedom Prize to Wayland High School student Zoe Leavitt. John Dyer offered reflections on the naval service of his uncle, Robert Bunai, a survivor of the *USS Indianapolis*.

Music was provided by the Wayland High School band, conducted by Joseph Oneschuk, the Middle School band, conducted by Diane Muffitt, and the Elementary Band, conducted by Deana Saada. The High School band featured the Coast Guard hymn, *Semper Paratus*, and the band's drum and bugle corps played Taps with distinction at the early services as well as at the main ceremony.

Included throughout the day were town guests and participants from the Wayland VFW and the American Legion Post, with commander Arthur Strafuss reading John McCrea's poem, "In Flanders Fields" and giving the closing prayer. Escorts from the Police and Fire Departments ensured a safe event. Refreshments were provided at the Middle School by the Girl Scouts.

The PCC is deeply grateful to all who made the 2006 parade and ceremony such a success.

FINANCE

BOARD OF ASSESSORS

The principal duty of the assessors is to locate and value all taxable property within a community so that the taxpayers will share the cost of services in proportion to the value of their property. It is also the assessor's responsibility to seek not only market value but also equalization or uniform treatment of taxable property.

The property tax in Wayland Massachusetts is an *AD VALOREM* tax, which means that it is based on the value of the property rather than the ability of the homeowner to pay.

Market price is sometimes confused with market value. Market price refers to the amount actually paid in a transaction and is a fact. Market value is an estimate of what a price should be when there are no special circumstances influencing the sale.

Shown are **fiscal year 2006 assessed** values for the separate classes of properties as well as the number of parcels in each class and their share of the tax levy. Date of value is January 1, 2005.

CLASS	PARCEL COUNT	VALUATION	% OF LEVY
Residential (100)	4844	\$ 3,220,739,432	95.85
Com/Industrial (300/400)	141	118,743,474	3.53
Personal (500)	242	20,582,400	.62
Exempt	(900)	264,127,900	

Tax Rate History

In order to provide tracking to Department of Revenue published data, tax rate history represents Class 101 (single family residences)

CLASS 101 Single Family Residences

Based on AVERAGE							Based on MEDIAN					
FY	Notes	Parcel Count	Average Assmt	Annual % Change in Avg. Assmt	Tax on Avg. Assmt	Annual % Change in Tax on Avg. Assmt	Median Assmt	Annual % Change in Median Assmt	Tax on Median Assmt	Annual % Change in Tax on Median Assmt	Abatements received 4	ATB filings 4
2000	1	3939	\$393,911	-----	\$5,917	-----	\$338,900	-----	\$5,090	-----	229	23
2001	2	3944	\$396,260	0.6%	\$6,190	4.6%	\$340,700	0.5%	\$5,322	4.6%	81	7
2002	2	3956	\$402,031	1.5%	\$6,505	5.1%	\$343,800	0.9%	\$5,563	4.5%	27	2
2003	1	3964	\$574,309	42.9%	\$7,190	10.5%	\$493,300	43.5%	\$6,176	11.0%	288	28
2004	3	3970	\$578,474	0.7%	\$7,595	5.6%	\$496,300	0.6%	\$6,516	5.5%	63	14
2005	3	3977	\$628,262	8.6%	\$7,904	4.1%	\$531,500	7.1%	\$6,686	2.6%	275	33
2006	1	3983	\$693,259	10.3%	\$8,693	10.0%	\$599,400	12.8%	\$7,516	12.4%	413	*

notes:

- 1 certified revaluation year (required by DOR every third year)
- 2 no revaluation - changes in average and median assessments result of "new growth"
- 3 interim revaluations (required by DOR since 2003 in years other than certified revaluation years)
- 4 Abatements and ATB are based on all classes.
- * pending

The single tax rate for FY 2006 was \$12.54 per \$1,000 of value. The maximum allowable levy limit was \$42,152,678; the Town levied \$42,135,218.95 with new growth contributing \$664,875.

Supplemental billing totals		
FY 02		\$50,200
FY 03		\$ 9,600
FY 04		\$16,468
FY 05		\$15,238
FY 06		\$21,212

In accordance with the code of Wayland, Section 19-7 the Board of Assessors makes the following Report:

A. A report for the previous six calendar years of abatement history follows:

2 (a, b, c)

FISCAL YEAR	# RECD	# GRANTED	# DENIED	AVG ABMT
2001	81	37	42	\$2,372.38
Supplemental	4	3	1	\$661.64
52/72A Exempt**	1	1	0	\$818.83
2002	27	16	11	\$2,037.60
Supplemental	1	1	0	\$222.62
2003*	295	211	118	\$840.06
Supplemental	0	0	0	\$0.00
2004	72	45	20	\$1,259.75
Supplemental	0	0	0	\$0.00
2005	269	169	98	\$1,518.11
Supplemental	1	1	0	\$2,909.00
2006**	413	75	145	\$676.81
Supplemental	1			\$676.81

* DOR Triennial Revaluation year

** Based on Board action as of June 30, 2006

2 (d, e)

(d) ATB filing last six years:

YEAR	
2000	23
2001	7
2002	2
2003	28
2004	14
2005	33
2006	pending

ATB decisions denied, by address, per year:

ADDRESS	YEAR
55 Hillside Drive	2000
22 Oak Hill Road	2000
29 Rice Rd	2000
81 Plain Road	2000
2 Plainview Road	2000
113 Dudley Road	2001
22 Old Tavern Rd	2003
6 Aqueduct	2004
4 Cutting Cross	2004
54 Old Conn Path	2004
58 Old Conn Path	2004
10 Hearthstone Cr	2005

e.) dollar change granted by ATB

#	PROPERTY	OWNER	Fiscal Yr	ATB ASSMNT	TAX ABATE	CPA ABATE
15	SEDGEMEADOW RD	CURTIS	FY03	\$547,300.00	\$381.86	\$5.73
57	MOORE RD	SCOTT	FY03	\$470,000.00	\$290.46	\$4.35
29	RICE RD	MAGLIONE	FY03	\$528,800.00	\$204.08	\$3.06
29	RICE RD	MAGLIONE	FY04	\$430,000.00	\$214.02	\$3.21

25	HEARTHSTONE CIR	CORBOSIERO JR	FY05	\$35,000.00	\$96.56	\$0.00
22	PARKLAND DR	PICO PROPERTIES	FY05	\$340,000.00	\$402.53	\$45.14
29	RICE RD	MAGLIONE	FY05	\$443,000.00	\$294.69	\$64.52
265	CONCORD RD	BARLOW	FY05	\$518,000.00	\$2,044.02	\$78.63
15	SEDGEMEADOW RD	CURTIS	FY05	\$580,000.00	\$219.45	\$90.29
70	BOSTON POST RD	BENNETT TRUST	FY05	\$709,000.00	\$1,069.66	\$114.55
253	RICE RD	HAIMS	FY05	\$1,560,200.00	\$2,683.56	\$274.66
400	BOSTON POST RD	GRM PROPERTIES	FY05	\$20,530,000.00	\$58,658.36	\$3,842.88

3. Inspections

The building permit and sales inspections are

	Exterior	Interior	Refusal
Permit/Sale	174	132	3
Cyclical Data Phase 8, & 9	446	349	13

B. FY 2007 assessments will be generated on the new Vision software.

C. The public meeting was held on November 15, 2005 for the Board to listen to taxpayers express their concerns. One taxpayer participated.

D. The Board sent out assessment notice letters after the fiscal year 2006 revaluation, per Article 40.

Exemptions

The Statutory Exemptions granted for the period of July 1, 2005 to June 30, 2006.

Exemption Type	Amount (not to exceed)	Count	Tax Amount
Clause 17D (Widow/Widower)	\$350.00	6	\$1,768.74
Clause 18 (Hardship)		2	\$3,400.00
Clause 22 (Disabled Veterans)	\$500.00	48	\$23,750.00
Clause 22A (10% Disabled)	\$850.00	3	\$2,550.00
Clause 22E (100% Disabled)	\$1,200.00	3	\$3,150.00
Clause 37 (Blind)	\$875.00	14	\$10,062.50
Clause 41C (Elderly)	\$1,000.00	34	\$27,007.46
Paraplegic (Vet)	Full	2	\$11,373.52
Circuit Breaker (CB)	\$750.00	109	\$70,907.41
Community Preservation Act (CPA)		135	\$6,361.36

Excise

The Registry of Motor Vehicles sends commitments throughout the calendar year for different years.

Abatements can be requested; an abatement filled out along with what happened to the plates (plate return receipt) and what happened to the car (bill of sale). We must have proof of what happened to the car itself and the plates. Please do not ignore an excise bill. If the bill goes unpaid the Registry will mark your records and payment will need to be made.

Excise for the period of July 1, 2005 through June 30, 2006

Commitments

2006	2005	2004	2003				TOTAL
\$1,869,993.81	\$409,039.18	\$28,952.93	\$8,326.34				\$2,136,312.26

Abatements

2006	2005	2004	2003	2002	1997	1996	TOTAL
\$35,151.69	\$1,9681.71	\$3,526.38	\$713.85	\$28.13	\$26.25	\$6.56	\$59,134.57

Respectfully submitted:

Susan Rufo, Chairman (July 2005-June 2006)
 Jayson Brodie (September 2005-June 2006)
 Jeffery A Cohen (April 2006-June 2006)

Thomas Maglione (July 2005-April 2006)
 Marcia Malmfeldt (July 2005-September 2005)

TREASURER/COLLECTOR

The Treasurer's Office is responsible for collecting all monies due to the Town of Wayland. This includes real estate taxes, personal property taxes, excise taxes, water bills, departmental turn-ins such as building permits, health permits, and park and recreation fees. We are also responsible for collecting the money received from the Community Preservation Act that now appears on each quarter's Real Estate bill. These receipts must be reported to the Town Accountant on a timely basis. Unspent money must be invested in high yield, insured accounts.

July 1, 2005	CASH BALANCE	\$ 10,836,442.28
Fiscal Year 2006	RECEIPTS	<u>\$174,640,427.67</u>
		\$185,476,869.95
Fiscal Year 2006	EXPENDITURES	\$174,341,105.63
June 30, 2006	CASH BALANCE	<u>\$ 11,135,764.32</u>
		\$185,476,869.95
June 30, 2006	TAX TITLE - 28 PARCELS	\$ 408,769.05

**BOND ANTICIPATION NOTES-
TEMPORARY NOTES**

Project	Type	Sold	Rate	Amount	Payoff	Interest	Buyer
School Building	BAN	11/18/2004	2.02%	\$10,745,000.00	9/15/2005	\$225,092.77	Eastern Bank
Various Projects	BAN	11/18/2004	2.02%	\$3,007,000.00	9/15/2005	\$63,007.54	Eastern Bank
School Building	BAN			\$(8,498,359.00)	9/15/2005		
Various Projects	BAN			\$(3,007,000.00)	9/15/2005		
School Building	BAN	9/15/2005	3.01%	\$2,246,641.00	8/1/2006		Bank of America
Various Projects	BAN	6/15/2006	3.80%	\$1,848,000.00	7/6/2006		Eastern Bank
Buildings	BAN	6/15/2006	3.80%	\$ 310,000.00	7/6/2006		Eastern Bank
Water	BAN	6/15/2006	3.80%	\$300,000.00	7/6/2006		Eastern Bank
				<u>\$6,951,282.00</u>			

MATURING DEBT AND INTEREST

	BALANCE JULY 1, 2005	PRINCIPAL FY 2006	INTEREST FY 2006	BALANCE JUNE 30, 2006
High School Remodel \$ 6,180,000.00	\$ 2,000,000.00	\$ 350,000.00	\$ 81,925.00	\$ 1,650,000.00
School - 1993 \$ 4,146,000.00	\$ 1,720,000.00	\$ 215,000.00	\$ 76,862.50	\$ 1,505,000.00
Multi-Purpose - 1996 \$ 6,158,000.00	\$ 1,905,000.00	\$ 310,000.00	\$ 91,900.00	\$ 1,595,000.00
Multi-Purpose - 1997 \$ 3,830,000.00	\$ 695,000.00	\$ 375,000.00	\$ 31,942.50	\$ 320,000.00
Multi-Purpose - 1998 \$ 8,722,000.00	\$ 4,530,000.00	\$ 420,000.00	\$ 184,057.50	\$ 4,110,000.00
Multi-Purpose - 2000 \$ 3,613,000.00	\$ 1,455,000.00	\$ 300,000.00	\$ 73,957.52	\$ 1,155,000.00
Multi-Purpose - 2001 \$ 3,425,000.00	\$ 1,980,000.00	\$ 355,000.00	\$ 83,438.76	\$ 1,625,000.00
Multi-Purpose - 2002 \$ 3,420,000.00	\$ 2,550,000.00	\$ 270,000.00	\$ 114,640.00	\$ 2,280,000.00
Multi-Purpose - 2004 \$ 2,550,000.00	\$ 2,220,000.00	\$ 285,000.00	\$ 67,253.12	\$ 1,935,000.00
Multi-Purpose - 2005 \$ 6,549,000.00	\$ -	\$ -	\$ 129,120.00	\$ 6,549,000.00
MWPAT	\$ 563,755.60	\$ 22,460.21	\$ 6,602.47	\$ 541,295.39
MWPAT	\$ 151,681.00	\$ 16,405.00	\$ -	\$ 135,276.00
	<u>\$ 19,770,436.60</u>	<u>\$ 2,918,865.21</u>	<u>\$ 941,699.37</u>	<u>\$ 23,400,571.39</u>

COMMISSIONERS OF TRUST FUNDS

The goal of the Commissioners is to invest Wayland’s trust funds to realize the best possible gain while maintaining a balance between risk and return appropriate to a public trust. The following are the fund’s balances at the end of selected years:

2006	\$ 2,086,604
2005	\$ 2,007,387
2004	\$ 1,876,786
2001	\$ 1,764,659
1995	\$ 681,655

TRUSTEES OF THE ALLEN FUND

The Allen Fund was established in 1854 through a gift from Miss Debby Allen and Mrs. Nabby (Allen) Draper. The permanent fund was intended for “beneficent objects”. The Allen fund was later combined with the “Donation Funds” which date back to 1678. Over the years several additional gifts were contributed to the Fund. Although the Allen Fund was virtually depleted by 1990 it has recently grown so that it can now provide annual gifts. In the past year, three gifts were given to deserving Wayland citizens.

For a Statement of Investment Policy please refer to prior Town Reports or contact the Commissioners of Trust Funds.

TOWN OF WAYLAND TRUST FUNDS

Short-Term Investments

Vanguard – Prime Money Market Fund \$ 2,219

Bonds

Vanguard Intermediate – Term Bond Index Fund – Admiral 491,331
 Vanguard Total Bond Market Index Fund 72,102

Stocks

Vanguard Extended Market Index Fund – Admiral 379,709
 Vanguard Growth Index Fund – Admiral 383,341
 Vanguard 500 Index Fund – Admiral 303,394
 Vanguard 500 Index 896
 Vanguard Value Index Fund – Admiral 453,610

Total Investments \$2,086,604

Individual Funds

Distribution Taken FY '06

Cemetery Funds	\$ 55,772
Library Funds	187
Library Endowment	9,241
Allen Fund	450
Greaves/Croft Funds	4,087
J. Leavitt Fund	- 0 -
S. Leavitt (Wayland Charitable) Fund	5,000
Gossels Fund (Library)	300
Gossels Fund (School)	600

Total distribution taken \$75,637

FINANCE DIRECTOR/ACCOUNTANT

Town of Wayland Combined Balance Sheet June 30, 2006

	General Fund	Special Revenue	Community Preservation	Capital Projects	Water Fund	Septage Fund	Wastewater Fund	Trust & Agency	Long-Term Debt Group	Total
Assets										
Cash and Investments:										
Cash	7,724,936	4,194,972	3,389,272	1,342,547	1,292,574	319,780	229,181	270,662		18,763,925
Temporary Investments								2,086,604		2,086,604
Total	7,724,936	4,194,972	3,389,272	1,342,547	1,292,574	319,780	229,181	2,357,266	0	20,850,529
Receivables:										
Property Taxes	782,924									782,924
Motor Vehicle Excise	96,099									96,099
User Charges					464,441		3,591			468,031
Tax Title	407,922									407,922
Due from Other Governments										0
Due to/Due from other funds										0
Total	1,286,945	0	0	0	464,441	0	3,591	0	0	1,754,976
Amount to be Provided For:										
Retirement of Bonds									23,400,571	23,400,571
Repayment of Anticipation Notes										0
Total	0	0	0	0	0	0	0	0	23,400,571	23,400,571
Total Assets	9,011,881	4,194,972	3,389,272	1,342,547	1,757,015	319,780	232,771	2,357,266	23,400,571	46,006,076
Liabilities & Fund Balances										
Liabilities:										
Warrants Payable	891,722	79,759		45,836	111,895			20,109		1,149,321
Accrued Payroll	1,573,833									1,573,833
Reserve for Abatements	184,326									184,326
Deferred Revenues	1,102,618									1,102,618
Deposits & Other Liabilities	1,101,082									1,101,082
Bond and Grant Anticipation Notes				4,704,641						4,704,641
Bonds Payable									23,400,571	23,400,571
Total Liabilities	4,853,582	79,759	0	4,750,477	111,895	0	0	20,109	23,400,571	33,216,393
Fund Balances:										
Retained Earnings						107,137	198,566			305,703
Retained Earnings Appropriated						212,643	34,205			246,848
Unreserved	2,659,238	4,115,213	3,389,272	(3,407,929)	1,195,120			2,337,158		10,288,071
Reserved for Expenditures	1,499,061				450,000					1,949,061
Total Fund Balances	4,158,299	4,115,213	3,389,272	(3,407,929)	1,645,120	319,780	232,771	2,337,158	0	12,789,684
Total Liabilities & Fund Balances	9,011,881	4,194,972	3,389,272	1,342,547	1,757,015	319,780	232,771	2,357,266	23,400,571	46,006,076

REVENUE FY06

RECEIPTS FY06

GENERAL FUND

REAL ESTATE TAXES	\$41,603,395
PERSONAL PROPERTY TAXES	\$259,178
MOTOR VEHICLE EXCISE	\$2,192,963
TAX LIENS/REDEMP. TAX TITLE	\$220,310
REVENUE/REFUNDS	\$200,330
INTEREST ON TAXES	\$690,550
PREMIUMS TEMPORARY	\$15,348
IN LIEU OF TAX PAYMENT	\$42,093
FEES	\$77,184
SCHOOL REVENUES	\$6,934
LIBRARY FINES	\$18,310
CEMETARIES	\$31,434
RECREATION FEES	\$800,443
LICENSES AND PERMITS	\$1,393,730
FINES AND FORFEITS	\$50,822
HIGHWAY UTILITY PERMITS/APPLICATIONS	\$22,192
DOG LICENSES	\$951
TOTAL REVENUES GENERAL FUND	\$47,626,167

GENERAL FUND AGENCY

INVESTMENT GENERAL FUND CASH	\$94,715,110
BETTERMENTS	\$22,873
PROJECT REVENUE - STATE AID	\$3,984,579
INSURANCE 32B	\$440,196
TOWN DEFERRED COMPENSATION	\$1,339
POLICE DETAILS	\$231,602
UNCLAIMED ITEMS	\$7,036
GUARANTEED DEPOSITS	\$390,064
BOARD OF HEALTH LANDFILL/CAPPING	\$50,000
REFUNDS	\$946,484
TOTAL GENERAL FUND AGENCY	\$100,789,283

SPECIAL REVENUE

SCHOOL ATHLETICS	\$178,647
OTHER SCHOOL	\$1,900,080
REIMBURSEMENT UNDER 5000	\$69,000
PEGASUS	\$265,330
WAYLAND HIGH HOCKEY	\$73,115
BOH TITLE 5 BETTERMENT & INTEREST	\$26,466
SCHOOLS 2000/2001/2002	\$500,427
METCO AFTER SCHOOL PROGRAM	\$45,954

VETERAN'S MEMORIAL DONATIONS	\$2,607
SCHOOL GRANT ACCOUNTS	\$1,031,562
REIMBURSEMENT OVER 5000	\$56,000
SCHOOL PARKING & EXTRACURRICULAR FEES	\$80,253
SALE OF CEMETARY LOTS	\$4,000
CONSERVATION RECEIPTS	\$27,488
AMBULANCE RECEIPTS	\$287,849
COUNCIL ON AGING PROGRAM	\$19,951
ZONING PLANNING CHAPTER 44 SECTION 53G	\$13,688
SCHOOL LUNCH	\$863,733
LIBRARY BOOK FUND	\$2,182
ELDER AFFAIRS GRANT	\$14,587
STATE AID LIBRARY	\$13,902
DUDLEY POND 319 GRANT	\$17,301
SALE TOWN OWN LAND	\$10,000
PARK & RECREATION GIFT FUND	\$1,755
CULTURAL COUNCIL - ARTS	\$2,591
COMMUNITY POLICING GRANT	\$35,492
LEPC GRANT - MEMA	\$12,750
HANNAH WILLIAMS PLAYGROUND	\$1,559
POLICE FID PERMITS	\$7,530
POLICE GIFT & DONATIONS	\$640
HIGHWAY DONATIONS	\$50,000
LIBRARY AUTOMATION & GRANT	\$3,077
ELDERLY DONATIONS	\$5,740
HEALTH SUB FEES	\$6,820
FIRE - S A F E ACCOUNT	\$19,819
SPEC ED REVOLVING ACCOUNT	\$125,164
FLEX ADMINISTRATION	\$21,000
WASTEBAN REVOLVING BOH	\$3,475
DIRT REVOLVING	\$54,000
TOTAL SPECIAL REVENUE	\$5,855,534
CAPITAL PROJECTS	
EQUIPMENT - BOND ANTICIPATION NOTES	\$4,109,500
HIGHWAY PROJECT REVENUE	\$291,832
WATER SYSTEM IMPROVEMENT	\$300,000
BOND SALE WATER	\$1,055,500
MIDDLE SCHOOL/BOND SALE	\$5,788,641
MIDDLE SCHOOL CONSTRUCTION ASST	\$4,955,673
COMMUNITY PRESERVATION & INTEREST	\$1,113,649
TOTAL CAPITAL PROJECT	\$17,614,795
WATER FUND	

USER CHARGES	\$1,730,322
OTHER CHARGES	\$52,133
LIENS	\$1,607
REFUNDS	\$22,744
TOTAL WATER REVENUE	\$1,806,806
SEPTAGE FUND	
LIENS	\$168
REIMBURSEMENT SUDBURY	\$634,006
REFUNDS	\$7,617
OPERATING ACCT - INTEREST	\$18,913
TOTAL SEPTAGE REVENUE	\$660,704
WASTE WATER	
RECEIPTS	\$119,697
BETTERMENTS INT./APPORTIONED/UNAPPORTIONED	\$48,730
MANAGEMENT INTEREST	\$9,710
TOTAL SEPTAGE REVENUE	\$178,137
TRUST AND AGENCY	
LIBRARY ENDOWMENT FUND	\$12,116
STABILIZATION INCOME	\$6,680
CHARITY/PERPET/SWAIN/ACADEMIC INCOME	\$13,789
FRANCIS J. SMITH DIGNITAS AWARD	\$172
GOSSALS HUMAN DIGNITY LIBRARY & SCHOOL	\$1,000
PERPETUAL CARE TRUST/GREAVES FUND	\$25,687
TRUST FUND REVENUE	\$59,444
GRAND TOTAL REVENUE FY06	\$174,590,870

EXPENDITURES FY06

EXPENDED FY06

AGENCY EXPENDITURES

GENERAL FUND CASH	\$99,383,107
REAL ESTATE TAXES	\$675,114
MOTOR VEHICLE EXCISE	\$31,987
PERSONAL PROPERTY TAXES	\$2,110
PAYROLL WITHHOLDING	\$12,912,745
PARK & REC DUES	\$14,581
POLICE DETAILS	\$221,991
INSURANCE 32B	\$200
COMM MBTA ASSESSMENT	\$77,934
AIR POLLUTION	\$4,916
MAPC	\$3,593
RENEWAL MOTOR VEHICLE EXCISE	\$6,247
COUNTY RETIREMENT	\$2,007,541
UNCLAIMED ITEMS	\$3,285
GUARANTEED DEPOSITS	\$93,075
REVENUE REFUNDS	\$6,120
SUMMER SALARIES	\$1,153,041
SCHOOL CHOICE/SPECIAL EDUCATION	\$49,108
TOWN POOL	\$4,146
POLICE FID PERMITS	\$5,700
TOTAL GENERAL FUND AGENCY	\$116,656,541
SPECIAL REVENUE	
RAYTHEON ENVIR TECH	-\$8,759
SCHOOL ATHLETIC	\$145,790
BASE/CHILDREN'S WAY/TECH GIFT ACCOUNT	
FOUNDATION GRANTS/HOCKEY	\$1,669,930
PEGASUS	\$240,350
BOH TITLE 5 BETTERMENT	\$10,000
SCHOOL	\$1,942,844
SCHOOL CABLE STUDIO	-\$4,700
METCO AFTERSCHOOL PROGRAM	\$46,973
VETERAN'S MEMORIAL	\$59,307
COUNCIL ON AGING	\$23,142
HIST COMM MAKER PROGRAM/CHAP44 SEC53G	\$17,378
INJURY PREVENTION GRANT	\$3,000
SCHOOL LUNCH	\$930,353
LIBRARY GIFTS	\$2,532
ELDER AFFAIRS GRANT	\$13,952

STATE AID TO LIBRARIES	\$15,105
SWQ DUDLEY POND	\$19,378
HIGHWAY UTILITY PERMITS	\$5,332
PARK & REC GIFT ACCT	\$3,155
COMMUNITY POLICING GRANT	\$22,263
LEPC MEMA GRANT	\$16,539
HANNAH WILLIAMS PLAYGROUND	\$826
ARTS LOTTERY COUNCIL	\$12,548
POLICE GIFT FUND	\$604
AMBULANCE REFUND	\$53,728
HIGHWAY DONATIONS	\$44,665
LIBRARY AUTOMATION ACCT	\$2,602
S A F E ACCOUNT	\$19,634
BOARD OF HEALTH TITLE 5	\$16,405
SPEC ED REVOLVING ACCOUNT	\$30,000
BOARD OF HEALTH SUB DIV	\$5,810
AMBULANCE GIFT ACCOUNT	-\$100
FIRE SAFETY EQUIPMENT	\$16,341
EMERGENCY PREPAREDNESS	\$3,989
WASTEBAN REVOLVING	\$1,695
DIRT REVOLVING	\$810
COMM PRESERVATION ACT	\$14,430
MISC BOND ANTICIPATION NOTE	\$1,951,500
TOTAL SPECIAL REVENUE	\$7,349,351
CAPITAL PROJECTS	
ROAD RESURFACING	\$472,375
WATER CAPITAL IMPROVEMENTS	\$1,055,500
MIDDLE SCHOOL BAN	\$10,745,000
TOTAL CAPITAL PROJECTS	\$12,272,875
TRUST AND AGENCY	
INVESTMENTS	\$187,540
KERTZMAN FUND	\$6,754
GOSELS FUND	\$25,000
CHARITY INCOME	\$450
PERPETUAL CARE INCOME	\$50,000
PARMENTER CEMETARY INCOME	\$1,287
GREAVES TRUST FUND	\$4,087
LIBRARY INCOME	\$687
JANET DOLAN MEMORIAL	\$828
FRANCIS J SMITH DIGNITAS AWARD	\$3,791
GOSELS HUMAN DIGNITY LIBRARY/SCHOOL	\$8,771
SUSAN LEAVITT TRUST	\$5,000

TOTAL TRUST AND AGENCY

\$294,195

GRAND TOTAL EXPENDED FY06

\$136,572,962

SEPTAGE EXPENDITURES FY06

EXPENDED FY06

1	SALARIES	\$236,586
	EXPENSE	
2	EXPENSE UTILITY	\$51,882
3	EXPENSE CHEMICAL	\$28,749
4	MISC. & OTHER EXPENSE	\$2,084
5	AUDIT	\$5,025
6	PROFESSIONAL SERVICES	\$15,700
	EQUIPMENT	
7	PURCHASE/RENTAL	\$2,952
8	EQUIPMENT MAINTENANCE	\$29,762
9	MATERIAL/SUPPLIES	\$1,056
	BUILDING/MAINT EXPENSE	
10	BUILDING UTILITY	\$541
11	BUILDING/EQUIPMENT ENERGY	\$7,020
12	MAINTENANCE REPAIRS	\$2,902
	SPECIAL BUDGET ITEMS	
13	DEBT SERVICE	\$62,700
14	SLUDGE DISPOSAL	\$162,127
	INDIRECT EXPENSES	
15	LAB	\$21,943
16	ADMINISTRATION	\$34,787
17	LEGAL SERVICES	\$10,085

TOTAL SEPTAGE BUDGET FY06

\$675,901

EXPENDITURES FY06		EXPENDED
SELECTMEN		
1	EXPENSE: DUES/POSTAGE/EDUCATION	\$23,961
2	BEAUTIFICATION PROP	\$7,056
3	CONSULTING	\$13,809
4	PUBLIC SAFETY BUILDING/COMM DECISIONS	\$2,760
5	NIKE SITE/ACQUIRE GILBERTS	\$139,920
6	WASTEWATER MANAGEMENT	\$2,170
	TOTAL SELECTMEN	\$189,676
EMERGENCY MANAGEMENT		
7	EMERGENCY MANAGEMENT	\$31,284
8	DIRECTOR AUX POLICE SALARY	\$1,915
	TOTAL EMERGENCY MANAGEMENT	\$33,199
TOWN OFFICE		
9	SALARIES	\$528,139
10	EXPENSE	\$62,810
11	EQUIPMENT	\$734
12	TELEPHONES	\$46,632
13	PROFESSIONAL/CONTRACT SERVICES	\$23,085
	TOTAL TOWN OFFICE	\$661,400
WAYLAND TOWN BUILDING		
14	SALARIES	\$105,169
15	BUILDING UTILITIES	\$156,389
16	EXPENSE	\$32,418
17	BUILDING REPAIR	\$4,752
	TOTAL TOWN BUILDING	\$298,728
COCHITUATE TOWN BUILDING		
18	EXPENSES	\$18,353
INFORMATION TECHNOLOGY		
19	SALARY	\$70,495
20	FORMS, SUPPLIES	\$21,875
21	EDUCATION/TRAVEL	\$2,691
22	NEW EQUIPMENT & PROGRAMS	\$1,982

23	RENTAL, TELEPHONE, COMPUTER EQUIPMENT	\$15,043
24	FINANCIAL SOFTWARE	\$189,323
25	PROFESSIONAL SERVICES	\$45,844
	TOTAL INFORMATION TECHNOLOGY	\$347,253
	TREASURER/COLLECTOR	
26	SALARIES	\$190,772
27	OPERATING EXPENSE	\$2,863
28	TAX TITLE EXPENSE	\$1,370
29	EXCISE TAX PROGRAM	\$1,034
30	BANKING SERVICES	\$26,171
31	LOCK BOX SERVICES	\$11,092
	TOTAL TREASURER/COLLECTOR	\$233,302
	ASSESSORS	
32	SALARIES	\$134,704
33	EXPENSE	\$8,490
34	OTHER EXPENSE	\$1,000
35	PROF SERVICES	\$17,404
36	PROPERTY REASSESSMENT	\$128,100
37	SOFTWARE INTERIM	\$38,998
	TOTAL ASSESSORS	\$328,696
38	FINANCE COMMITTEE	\$0
	PERSONNEL BOARD	
39	EXPENSE	\$4,851
	TOTAL PERSONNEL BOARD	\$4,851
	TOWN COUNSEL	
40	PROFESSIONAL SERVICES	\$215,730
41	MISCELLANEOUS	\$3,304
	TOTAL TOWN COUNSEL	\$219,034
	REGISTRARS	
42	SALARY	\$625
43	LISTING	\$3,556

	TOTAL REGISTRARS	\$4,181
	TOWN CLERK	
44	SALARIES	\$107,797
45	ADDED COMPENSATION	\$400
46	EXPENSE	\$4,100
47	CODIFICATION BY LAWS	\$2,818
48	TOWN CLERK CERTIFICATION	\$1,000
	TOTAL TOWN CLERK	\$116,115
	ELECTIONS	
49	OFFICERS SALARY	\$4,738
50	EXPENSE	\$5,118
	TOTAL ELECTIONS	\$9,856
	PLANNING BOARD	
51	SALARIES	\$94,916
52	EXPENSE	\$4,304
	TOTAL PLANNING BOARD	\$99,220
	TOWN SURVEYOR	
53	SALARIES	\$109,228
54	EXPENSE	\$4,858
55	VEHICLE GAS EXPENSE	\$212
56	COMPUTER SYSTEM	\$3,917
57	IMPLEMENTATION ASST.	\$4,493
	TOTAL TOWN SURVEYOR	\$122,708
	CONSERVATION	
58	SALARIES	\$103,441
59	GREENWAYS AREA	\$2,933
60	EXPENSE	\$6,280
61	PROFESSIONAL SERVICES	\$2,400
62	STORMWATER DRAINAGE	\$24,019
63	CANOE LAUNCH	\$55,000
	TOTAL CONSERVATION	\$194,073
	HISTORICAL COMMISSION	
64	EXPENSE	\$200

65	GRAVESTONE REPAIR	\$15,624
	TOTAL HISTORICAL COMMISSION	\$15,824
SURFACE WATER QUALITY COMMISSION		
66	ARTICLE 9	\$27,000
67	HURD POND	\$6,265
68	SURFACE WATER QUALITY	\$11,129
	TOTAL SURFACE WATER QUALITY	\$44,394
69	HISTORIC DISTRICT COMMISSION	\$130
COUNCIL ON AGING		
70	SALARIES	\$115,888
71	OPERATING EXPENSE	\$5,534
72	EQUIPMENT/TAX WORK-OFF PROGRAM	\$21,500
73	TRANSPORTATION	\$55,293
74	NEWSLETTER	\$3,713
	TOTAL COUNCIL ON AGING	\$201,928
	TOTAL GENERAL GOVERNMENT	\$3,142,921
POLICE		
1	SALARIES	\$1,646,708
2	ANNUAL PHYSICALS	\$4,797
3	SPECIALS	\$1,598
4	OPERATING EXPENSE	\$17,369
5	UNIFORM EXPENSE	\$23,334
6	TRAINING EXPENSE	\$70,881
7	SPECIAL SERVICES	\$4,746
8	PARTS SUPPLIES	\$20,367
9	LINE PAINTING	\$27,026
10	PUBLIC SAFETY COMPUTER	\$13,612
11	POLICE CARS PURCHASED	\$69,377
12	NEW EQUIPMENT, MISC, SUPPLIES	\$898
13	EQUIPMENT RENTAL	\$10,402
14	VEHICLE GASOLINE	\$37,752
	TOTAL POLICE DEPT.	\$1,948,867

FIRE

15	SALARIES	\$1,709,493
16	PHYSICAL EXAMS	\$2,800
17	OPERATING EXPENSE	\$10,201
18	AMBULANCE EXPENSE	\$10,275
19	FIRE ALARM SYSTEM EXPENSE	\$5,496
20	TRAINING AND EDUCATION	\$6,569
21	UNIFORM EXPENSE	\$20,000
22	FIRE TRUCK	\$104,999
23	COMPUTER MAINTENANCE	\$4,465
24	MISC. EQUIPMENT & HOSE	\$13,308
25	EQUIPMENT MAINTENANCE	\$19,568
26	EQUIPMENT RENTAL	\$685
27	VEHICLE GASOLINE	\$17,825
	TOTAL FIRE DEPT.	\$1,925,684

INSPECTION/BUILDING

28	SALARIES	\$246,711
29	BUILDING & ZONING EXPENSE	\$7,621
30	INSPECTORS EXPENSE	\$2,388
31	ZONING BOARD EXPENSE	\$4,649
32	VEHICLE GASOLINE	\$101
33	VEHICLE EXPENSE	\$2,581
34	COPY MACHINE	\$480
	TOTAL INSPECTION	\$264,531

DOG OFFICER:

35	SALARY	\$18,482
36	EXPENSE	\$2,347
	TOTAL DOG OFFICER	\$20,829

JOINT COMMUNICATIONS

37	SALARIES	\$392,859
38	OPERATING EXPENSE	\$19,071
39	BUILDING EXPENSE MAINTENANCE	\$20,411
40	BUIDLING EXPENSE UTILITIES	\$102,112
41	COMPUTER LICENSE	\$9,499
42	SERVICE CONTACTS	\$8,063
43	BUILDING REPAIRS	\$4,024
44	UNIFORM ALLOWANCE	\$1,600

45	SPECIAL ITEMS	\$2,601
46	VOTING RECEIVERS	\$8,099

TOTAL JOINT COMMUNICATIONS	\$568,339
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TOTAL PROTECTION	\$4,728,250
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BOARD OF HEALTH

1	SALARIES	\$210,474
2	SALARIES: SCHOOL NURSES	\$218,424
3	NURSING SUPPLIES/EQUIPMENT	\$8,895
4	NURSING TRAVEL/PROF MEMBERSHIP	\$1,528
5	FRINGE BENEFITS	\$1,386
6	OFFICE EXPENSE	\$5,472
7	IN STATE TRAVEL EXPENSE	\$1,000
8	PUBLIC HEALTH NURSING	\$40,060
9	PROFESSIONAL SERVICES	\$360
10	VEHICLE OPERATION/MAINT	\$889
11	MENTAL HEALTH CLINICS	\$47,400
12	MOSQUITO CONTROL	\$27,831

SPECIAL BUDGET ITEMS:

13	WATER QUALITY TESTING	\$1,822
14	HAZARDOUS WASTE MGT	\$14,168

TOTAL BOARD OF HEALTH	\$579,709
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HIGHWAY

1	SALARIES	\$684,359
2	UNIFORMS/OTHER FRINGE	\$12,718
3	MAINTENANCE OF ROADS	\$100,250
4	MAINT OF PRIVATE ROADS/BITUMINOUS MATERIALS/ STREET & TRAFFIC SIGNS/MISC	\$39,902
5	STREET & TRAFFIC SIGNS/MISC	\$39,902
6	MAINTENANCE OF EQUIPMENT	\$66,497
7	FUEL/GAS ACCOUNT	\$45,517
8	SNOW REMOVAL	\$237,914
9	SIDEWALKS & BICYCLE	\$6,015
10	ROAD RESURFACING	-\$2,915
11	CONTRACT BASIN CLEANING	\$21,998
12	EQUIPMENT MISC.	\$11,000
13	FRONT END LOADER	\$121,000
14	DUMP TRUCK	\$53,129
15	MATERIALS & SUPPLIES	\$15,708

16	SALT STORAGE FACILITY	\$15,000
17	WASTEWATER DISPOSAL	\$1,286
18	HIGHWAY GARAGE UTILITIES	\$37,158
19	OFFICE EXPENSE	\$5,814

TOTAL HIGHWAY

\$1,472,350

BOARD OF HEALTH-LANDFILL

1	SALARIES	\$215,705
2	LEACHATE COLLECTION	\$38,838
3	DISPOSAL OF WOOD	\$18,269
4	FUEL	\$13,993
5	MISC. ENGINEERING	\$25,988
6	REPAIRS	\$9,379
7	UTILITIES	\$16,444
8	SECURITY SYSTEM	\$6,001
9	OTHER EXPENSE	\$25,868
10	BANNED WASTE DISPOSAL	\$18,487
11	MAINTENANCE REPAIRS	\$40,599
12	MISC. EQUIPMENT	\$8,112
13	OTHER EXPENSE: COVER	\$19,138
14	LEASE EQUIPMENT	\$6,924
15	CONTAINERS	\$7,200
16	CAP & CLOSURE/ROLL OFF TRUCK	\$20,334
17	LANDFILL CAP	\$25,461

TOTAL LANDFILL

\$516,740

WASTE WATER

1	OPERATING EXPENSE	\$65,384
2	PROFESSIONAL SERVICES	\$70,507
3	MAINTENANCE & REPAIR	\$4,780
4	DEBT SERVICES	\$29,358
5	CAPITAL	\$22,129

TOTAL WASTE WATER

\$192,158

VETERANS BENEFITS

1	SALARIES	\$3,486
2	APPROPRIATION	\$2,269
3	OFFICE EXPENSE	\$1,376
4	MISCELLANEOUS	\$90

	TOTAL VETERANS BENEFITS	\$7,221
	SCHOOLS	
	SALARIES	\$25,547,191
	OUT OF STATE TRAVEL 6	\$1,200
	CLAYPIT HILL ROOF	\$64,060
	HIGH SCHOOL DESIGN	\$500
	SCIENCE CLASSROOM/FURNISHINGS/TECHNOLOGY	\$566,955
	BUILDING REPAIRS	\$194,706
	MIDDLE SCHOOL CONSTRUCTION	\$7,500
1	TOTAL SCHOOLS	\$26,382,112
2	REGIONAL VOCATIONAL SCHOOL	\$185,506
	YOUTH SERVICES	
3	SALARIES	\$140,872
4	EXPENSE	\$3,930
5	AUTOMOBILE EXPENSE	\$800
	TOTAL YOUTH SERVICES	\$145,602
	LIBRARY	
1	SALARIES	\$660,589
2	OPERATING EXPENSE	\$47,000
3	TUITION REIMBURSEMENT	\$2,471
4	MATERIALS PURCHASE	\$137,098
5	COMPUTERS	\$9,000
6	LIBRARY AUTOMATION	\$32,000
	TOTAL LIBRARY	\$888,158
	PARK & RECREATION	
1	SALARIES	\$575,802
2	REPAIRS & MISC.	\$49,964
3	LANDSCAPE, MATERIAL & SUPPLIES	\$35,522
4	UNIFORM EXPENSE	-\$4,800
5	TREE PLANTING	-\$450
6	TRAVEL & DUES IN STATE	\$494
7	TRAVEL OUT OF STATE	\$150
8	MISC SMALL EQUIPMENT	\$1,952
9	REPAIR SUPPLY & EQUIPMENT	\$3,842
10	DUMP TRUCK	\$43,674
11	LIGHTING COCHITUATE FIELD/MILL POND/BEACH/BB COURT	\$3,246

12	TREE TRIMMING	\$28,337
13	PUBLIC WORKS EXPENSE	-\$1,952
	TOTAL PARK & RECREATION	\$735,781
14	FEE SUPPORTED PROGRAMS	\$502,078
	PARK/RECREATION: POOL OPERATION	
	SALARIES	\$75,487
	UTILITIES	\$54,263
	MATERIALS, SUPPLIES	\$3,815
	PROGRAMS	-\$937
	MAINTENANCE MATERIALS, SUPPLY	\$39,713
15	TOTAL POOL OPERATION	\$172,341
UNCLASSIFIED		
1	INSURANCE GENERAL	\$412,852
2	INSURANCE 32B	\$4,295,154
3	UNEMPLOYMENT COMPENSATION	\$53,694
4	STREET LIGHTING	\$116,277
5	TOWN MEETING WARRANT	\$36,708
6	PUBLIC CEREMONIES	\$1,534
7	MEDICAL CONTRIBUTION	\$400,000
8	NON CONTRIBUTORY PENSION	\$11,727
9	PENSION DISABILITY ACCOUNT	\$10,000
10	OCCUPATIONAL HEALTH NURSE	\$5,942
11	EMPLOYEE ASSISTANCE PROGRAM	\$4,800
	TOTAL UNCLASSIFIED	\$5,348,688
DEBT AND INTEREST		
	INTEREST	
1	BOND ANTICIPATION NOTES EX	\$52,322
2	MULTI PURP EX 91 HIGH SCHOOL	\$81,925
3	MULTI PURP EXEMPT SCHOOL 1993	\$76,862
4	LAND ACQUISITION EXEMPT	\$86,050
5	MULTI PURPOSE 1997	\$13,319
6	MULTI PURPOSE EXEMPT 1997	\$13,800
7	MULTI PURPOSE ISSUE 1986	\$108,342
8	PUBLIC SAFETY BLDG. EXEMPT	\$165,857
9	LAND ACQUISITION	\$30,510
10	MODULAR CLASSROOMS/GYM	\$25,425

11	POOL REMODEL	\$8,382
12	STREET REMODEL	\$5,726
13	TEMP BORROWING MIDDLE SCHOOL	\$288,085
14	LAND ACQUISITION 2001	\$57,764
15	DEPT EQUIPMENT 2001	\$5,200
16	SCHOOL TECH 2001	\$2,000
17	TOWN BLDG/FIRE REPAIRS	\$3,615
18	SIDEWALK 2001	\$400
19	LANDFILL 2001	\$6,025
20	BUILDING REPAIR	\$827
21	RADIO REHAB 2002	\$360
22	TELEPHONES 2002	\$171
23	COMPACTOR UNIT 2002	\$700
24	CONTAINERS 2002	\$186
25	ASPHALT REPAIR UNIT 2002	\$389
26	PICKUP TRUCK 2002	\$669
27	SCHOOL TECH 2002	\$8,180
28	SCHOOL FURNITURE 2002	\$1,275
29	SCHOOL BLDG REPAIR 2002	\$3,528
30	SCHOOL VEHICLES 2002	\$809
31	PUBLIC SAFETY 2002	\$62,960
32	TOWN POOL REPAIRS 2002	\$5,900
33	LAND PURCHASE CAZANAS	\$1,475
34	CANOE LAUNCH	\$1,475
35	PUBLIC WAY 2002	\$1,875
36	SURFACE DRAIN 2002	\$2,710
37	REMODELING 2003	\$29,944
38	DEPARTMENTAL EQUIPMENT 2003	\$17,202
39	COMPUTERS 2003	\$9,744
40	PLANNING 2003	\$1,491
41	STORMWATER MAP 2003	\$994
	MATURING DEBT	
42	MULTI PURP EX 91 HIGH SCHOOL	\$350,000
43	MULTI PURP EXEMPT SCHOOL 1993	\$215,000
44	LAND ACQUISITION EXEMPT 1996	\$180,000
45	BOND SALE EXPENSE	\$62,403
46	MULTI PURPOSE 1997	\$147,300
47	MULTI PURPOSE EXEMPT 1997	\$150,000
48	PUBLIC SAFETY BLDG.	\$290,000
49	LAND ACQUISITION	\$120,000
50	MODULAR CLASSROOMS/GYM	\$100,000
51	STREET REMODEL	\$28,000
52	POOL REMODEL	\$35,000

53	LAND ACQUISITION 2001	\$90,000
54	DEPT EQUIPMENT 2001	\$130,000
55	SCHOOL TECH 2001	\$50,000
56	TOWN BLDG/FIRE REPAIRS	\$15,000
57	SIDEWALK 2001	\$10,000
58	LANDFILL 2001	\$25,000
59	BUILDING REPAIR	\$3,800
60	RADIO REHAB 2002	\$5,000
61	TELEPHONES 2002	\$2,239
62	COMPACTOR UNIT 2002	\$9,169
63	CONTAINERS 2002	\$2,442
64	ASPHALT REPAIR 2002	\$5,093
65	PICKUP TRUCK 2002	\$8,762
66	SCHOOL TECH 2002	\$35,000
67	SCHOOL FURNITURE 2002	\$16,704
68	SCHOOL BLDG REPAIR 2002	\$16,200
69	SCHOOL VEHICLES 2002	\$10,593
70	PUBLIC SAFETY 2002	\$80,000
71	TOWN POOL REP 2002	\$20,000
72	LAND PURCHASE CAZANES	\$5,000
73	CANOE LAUNCH 2002	\$5,000
74	PUBLIC WAY 2002	\$10,000
75	SURFACE DRAINS 2002	\$5,000
76	REMODELING 2003	\$60,000
77	DEPARTMENTAL EQUIPMENT 2003	\$105,000
78	COMPUTERS 2003	\$55,000
79	PLANNING 2003	\$25,000
80	STORMWATER MAP 2003	\$10,000

TOTAL DEBT & INTEREST

\$3,677,178

GRAND TOTAL BUDGET

\$48,676,793

WATER DEPARTMENT		
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1	SALARIES	\$448,229
2	BALWIN PLANT DESIGN	\$32,553
3	DRAPER/HAZELBROOK PROJECT	\$125,557
4	OPERATING EXPENSE	\$730,657
5	MATERIALS/SUPPLIES	\$8,141
6	PROFESSIONAL SERVICES	\$1,992
7	BORROWING COSTS	\$432,247

TOTAL WATER

\$1,779,376

Reserve Fund Activity - FY06

Date	Dept	Account	Amount
1/3/2006	Town Building	Building repairs	\$25,000
1/9/2006	Landfill	Equip repairs	\$11,000
5/23/2006	Surface Water	Dudley pond	\$6,000
6/26/2006	Town Building	Utilities	\$31,000
6/26/2006	Station 2	Utilities	\$3,000
6/26/2006	Assessor	Prof serv	\$10,000
6/26/2006	JCC	Building repairs	\$10,000
6/26/2006	Fire	Uniforms	\$1,500
6/26/2006	Fire	Equip repairs	\$5,000
6/26/2006	Fire	Gas	\$4,000
6/26/2006	Highway	Utilities	\$7,000
6/26/2006	Park & Rec	Gas	\$4,000
6/26/2006	Unclassified	Town meeting	\$21,000
6/26/2006	Town Counsel	Legal	\$40,000
		Total	<u>\$178,500</u>

EDUCATION AND LIBRARY

SCHOOL COMMITTEE

During FY 2006, two key issues dominated School Committee meetings and public hearings: unusually tight budget constraints and the condition of the Wayland High School facility. The School Committee ("Committee") spent much of its time discussing how to maintain a high quality educational program in the face of these challenges.

BUDGET

The FY06 budget totaled \$27,881,368, an increase of 5.68% over FY05, with an appropriation from the town of \$27,379,743. The balance was funded through additional fees and other offsets.

The budget process for FY07 began early in the year and was particularly difficult given the financial situation of the town and the likely need for a large override. The Administrators and School Committee worked to keep the budget increase low while creating reduction lists should the override fail. The Superintendent participated on the 07 Ad Hoc Budget Advisory Committee which identified revenue enhancements and cost savings measures. Despite reservations by the Committee, the resulting budget included increased and new fees across the district.

The final budget for FY07 required the majority of the town-wide override of \$2.3M and contained a 4.1% increase to \$29,014,143 with an appropriation of \$28,407,893. The increased costs were driven primarily by personnel contracts, special education services, and utility and transportation costs.

NEASC Report

The High School ("HS") received the final report of the visiting committee from the New England Association of Schools and Colleges ("NEASC") that followed a two-and-a-half year detailed self-study and visit. The report of the Commission was released this Fall and the HS was granted continued full accreditation.

The HS was commended across a broad spectrum of academic and other standards. However, NEASC also cited several major facility related concerns that detract from teaching and learning at the HS, and that

risk compromising the safety and welfare of the students and staff. This report did not come as a surprise given that the poor condition of the HS facility has been at the forefront of the School Committee agenda since before the 2002 feasibility study.

Given the serious nature of the concerns, the district was required to submit a Special Progress Report immediately. In response to these concerns, as well as those of the School Committee and community, the Committee requested and received \$50,000 to begin to address pressing safety and accessibility issues.

FACILITIES

There were two major capital projects this year: the Happy Hollow roof replacement and the addition of two modular science classrooms at the High School. Numerous delays beyond the control of the district kept the new classrooms from coming online until the Fall of 2006.

The Committee began to identify and prioritize the most pressing needs at the HS. The safety of the roof overhangs was identified as a key issue. The Committee will work to find cost effective ways to address the short term needs of the HS while working with the State to secure funding for a long term solution.

The High School Building Committee ("HSBC") conducted and analyzed a town-wide written survey on the HS, reviewed the NEASC report, monitored the progress of the Massachusetts School Building Authority ("MSBA") funding program, and submitted a Statement of Interest as the first step in applying for state funding, perhaps as early as July 2007.

The HSBC will expand by up to four members (from 11 to 15) as approved by the 2006 Town Meeting. The purpose of the expansion is to add fresh perspectives as the HSBC works with the community to define a plan for the HS that is widely supported by the taxpayers of Wayland.

ENROLLMENT

Enrollment continues to decline slightly since 2003-2004. The Committee is monitoring enrollment at the elementary level where enrollment has declined since 2000-2001 with lower than predicted numbers in kindergarten. If this trend continues in future years, the School Committee will give consideration to the possibility of reconfiguring the district.

PERSONNEL

Based on the results of the ES math report, a math/science coordinator was hired at the end of the year to begin implementation of the report's recommendations.

The Assistant Superintendent resigned at the end of the school year to become Superintendent in Franklin. Over the next couple of years, the district expects several administrative retirements.

POLICIES

The Committee completed an update of the Policy Manual. The policies can be found at Central Office in the Town Building or online.*

CURRICULUM

Key areas addressed over the year included the following: the Elementary School ("ES") math program, the ES literacy initiative, differentiated instruction at all levels and the achievement gap. More detailed information regarding curriculum can be found online* in the full curriculum reports.

PRIVATE CONTRIBUTIONS

The schools continue to receive generous support from the Wayland community through groups such as the Wayland Public Schools Foundation, the Wayland High School Scholarship Committee,

Arts/Wayland, along with our many parent-led school-based groups (PTO's, CAPA, Boosters).

LOOKING FORWARD

In the coming year, the Committee will focus on long range planning, negotiations, the condition of the high school facility, administrative turnover through retirements, hiring and retaining excellent educators throughout the district and providing a high quality education at the HS in the face of a deteriorating facility.

CONCLUSION

The School Committee appreciates the dedication of our professional educators and school employees and thanks them for the educational, as well as the non-academic opportunities they provide for the students of the Wayland Public Schools.

Finally, the Committee thanks the taxpayers of Wayland for their continued support of the schools.

Heather Pineault, Chair
Barb Fletcher, Vice Chair
Jeff Dieffenbach
Bob Gordon
Louis Jurist

* For further information please contact:

Wayland Public Schools
P.O. Box 408 – 41 Cochituate Road
Wayland, MA 01778

www.wayland.k12.ma.us
www.waylandschoolcommittee.org
info@waylandschoolcommittee.org

BOARD OF LIBRARY TRUSTEES

During FY2006 the Wayland Public Library enhanced its services and embarked on a major long-range planning effort. The year was marked by new program offerings as well as continuation of longstanding popular programs. The staff continued to develop our collections of materials, schedule cultural programming and exhibits, upgrade library technology, and plan for the future. A major focus has been on repairing and maintaining the library building itself, as well as considering the library's possible inclusion in the developing "Town Center" project.

LIBRARY BUDGET: The Trustees regret that despite the successful override vote, due to budget cuts made by the Town, the library will be opening one hour later on weekdays in FY07. We hope that this is a one-year phenomenon.

TECHNOLOGY: This year has brought about advances in technology that affect library service. During the summer of 2006 the library began offering downloadable audiobooks to Wayland library cardholders and town employees. Also, the Friends of the Library purchased a service for us that

allows users to reserve museum passes online from home at any hour of the day. We continue to offer public Internet access in both the adult area and in the Youth Services department. We also offer wireless Internet access to patrons who bring in their own laptops. We continue to upgrade library computers on a regular but conservative replacement schedule.

BUILDING AND GROUNDS: This year certain areas of the library building were identified as badly needing repairs. The flat roof on the 1987 addition is at the end of its life expectancy and failing rapidly, allowing water into the building. In addition, the clay tile roofing system on the original library building, dating from 1900, has also started to fail. Both roofs need to be replaced and so the Trustees requested money in the capital budget for FY07 to do so. This was approved at the polls and at Town Meeting and the flat roof will be replaced in the fall of 2006, while the tile roof will be replaced in the spring of 2007. Structural problems have led to cracking in the plaster ceiling, and this should be rectified in conjunction with the roof work in 2007. In light of the environmental difficulties attendant to expanding the library program and building at the current site, the Trustees continue to monitor the proposed new "Town Center" project and have expressed an interest to be considered as a tenant of the proposed new municipal building planned for that site. Our current facility continues to serve the community despite growing inadequacies in space available for collections, staff, and programs.

LONG-RANGE PLANNING: The Long-Range Planning Committee appointed this year to develop a five-year plan for the library completed its work in September. The Trustees approved the plan and have submitted it to the Massachusetts Board of Library Commissioners.

PERSONNEL: This year long-time administrative assistant Sally Lamprey retired from the library. Staff members attended professional conferences and training programs. The library participated in the town tax work-off program for seniors who performed many helpful services for the library. We greatly appreciate the work of our many volunteers, without whose help the library would not run as smoothly.

COLLECTION: Circulation (including network transfers) of library materials was 255,968. This was slightly down from the previous year. We attribute much of this decrease to the months when the Minuteman Library Network froze the transfer of

materials between libraries due to a breakdown in the delivery system. Library foot traffic has also been negatively affected by the ongoing state road construction project at the intersection in front of the library, which at times makes it very difficult to get in and out of the library property. We are told by many of our users that traffic is a deterrent to their use of the library. Again this year we are including items transferred to other MLN libraries in our circulation figures because this continues to be a significant way in which our library collection circulates. Our own patrons, in their turn, continue to make many requests for items held by other MLN libraries. Non-print items remain very popular, particularly audiobooks. We continue to have trouble finding space to house non-print materials. The library offers Wayland residents in-library and home access to a number of general and specialized online subscription databases to periodicals and newspapers. A chart of collection and other statistics for FY2005 follows this narrative.

PROGRAMS: The Library sponsored a large number of cultural and educational programs in FY06 for both adults and young people. In FY06 those programs included: an art history series, a Shakespeare series, and classical studies series, and Jewish literature discussion group, regular Poetry Workshops and book discussion groups, a Great Decisions group, and an ESOL tutoring program. In addition to regularly scheduled storytimes, youth programming included storytellers, puppet shows, a magician, musicians, book groups, movie screenings, arts and crafts workshops, and the summer reading program.

FRIENDS: We are indebted to the exceptional support of our hard-working and committed Friends group, without whom our library would be a much less vibrant institution. The proceeds from Friends' fundraising activities maintain many popular library programs, including museum passes, audio and video acquisitions, cultural programming, the summer reading program, and many other expenses that exceed the library budget. We thank them for their hard work and dedication to the library.

MILLENNIUM ENDOWMENT FUND: The Trustees are pleased to report that the endowment fund continues to grow through donations, bequests, and sound investment strategy on the part of the Commissioners of Trust Funds. This fund was established to sustain excellence in library service and to provide a stable supplementary source of support for the library. The fund is used to pay for

programs that are beyond the scope of the library's town appropriation.

EXHIBITS: The library continues to host a variety of art exhibits in the Raytheon Room, the library foyer, and the display case.

We would like to express our appreciation to the dedicated and accomplished library staff, our many diligent volunteers, and the cooperative members of other town departments. Our deepest thanks once again goes to the citizens of Wayland whose

enduring financial support has allowed us to provide them with another year of excellent library service.

Anne B. Heller, Chair
Aida A. Gennis, Vice-Chair
Rosamond P. Swain, Secretary
Perry R. Hagenstein
Lynne J. Lipcon
John B. Wilson (FY06)
Malcolm Astley (FY07)

Ann F. Knight, Director

SUMMARY OF FISCAL YEAR 2006 LIBRARY STATISTICS

	FISCAL YEAR 2005	FISCAL YEAR 2006
	CIRCULATION	
ADULT		
PRINT	77,638	75,804
NON-PRINT	70,583	69,725
JUVENILE		
PRINT	66,923	61,656
NON-PRINT	21,997	18,630
TRANSFERS TO MINUTEMAN LIBRARIES	39,118	30,153
TOTAL CIRCULATION	276,259	255,968
PRINT	6,418	8,206
NON-PRINT	1,910	1,651
TOTAL ITEMS ADDED	8,328	9,857
	OTHER	
REGISTERED BORROWERS	8,717	8,522
MLN Interlibrary Loans		
Filled for other Libraries	39,118	30,153
MLN Interlibrary Loans Filled for Wayland Patrons	23,599	20,295
REFERENCE QUESTIONS	26,235	20,280
PROGRAMS HELD	266	224
Total Attendance	5,054	4,413
FINES COLLECTED	\$21,194	\$20,691
TRUST FUND BALANCE		
ENDOWMENT FUND	\$451,219	\$477,746
OTHER TRUST FUNDS	\$150,524	\$158,200
TOTAL	\$601,743	\$635,946

PLANNING AND NATURAL RESOURCES

CONSERVATION COMMISSION

The following is a brief summary of the Conservation Commission activities for the fiscal year 2006. Additional information may be found on the Conservation Commission's web page maintained on the Town of Wayland's web site, <http://www.wayland.ma.us/conservation>.

The Conservation Commission holds the statutory responsibility for "the promotion and development of the natural resources and for the protection of watershed resources" of Wayland (MGL Chapter 40, Section 8C) and is responsible for the administration of the Wetlands Protection Act (WPA) MGL, Chapter 131, Section 40. Wayland's Wetlands and Water Resources Bylaw (Chapter 194) complements the Commission's responsibilities under the WPA. The administration and enforcement of the WPA and the Chapter 194 Bylaw accounts for a major portion of the efforts of the Commission.

Twenty-two Requests for Determination of Applicability were received,(two under Bylaw only and two after the fact). There were twenty-two negative findings that the work proposed would not alter areas subject to protection under MGL Ch.131, s.40 if performed as described in the submitted plans and subject to relevant conditions and therefore did not require the filing of a Notice of Intent.

Thirty-six Public Hearings were held two of which were under the WPA only. Four were to amend existing Order of Conditions (OOC). Twenty-four were on Notices of Intent on projects impacting resource areas. One application was after the fact. Six were Abbreviated Notices of Intent for Resource Area Determination (ANRAD). The Commission held seventy-one continued hearings, closed thirty and issued twenty-one findings/ OOC, four amendments to OOC, and four Order of Resource



Greenways Conservation Area

Photo by Robert Sergel

Determinations (ORAD). One application was withdrawn.

There were twenty-one requests for Certificate of Compliance. Twelve partial were issued, one was denied and nine were deferred. One project had never been done. Seven Requests for Extensions were received. Seven were issued.

Eighteen violations were discussed and two Emergency Certificates were issued.

Other Public Hearings were held on Stormwater policy issues and Chapter 194 regulations. Informal discussions were held on several projects. The Commission adopted a checklist to assist applicants preparing to appear before the Commission. The list includes information that will make the application clearer and more accurate.

The land management program was continued during the summer of 2005. David Mauer was the summer Conservation land staff and pursued the regular maintenance of the major conservation areas as well as attempting to restore the open field at Timber Lane Conservation Area. Due to past inactivity, this field had become completely dominated by an invasive plant species – buckthorn. After two plus years of work by a number of people, the field has been restored. Should the area be neglected for a single summer the efforts will be lost. One person who did volunteer work for community service hours was Ben Pedersen who then came to work for the Conservation Commission starting in May 2006. Ben Gilmore, one of the youngest Eagle Scout candidates to be involved in a project improving a Conservation area, restored a stream channel underneath a path at Timber Lane in April 2006. Steven Kinney did an Eagle Scout project at the Cow Common Conservation Area removing the old fence and doing other work to restore the parking lot on Route 27. Trail Day, 2006 was rained out. Other land management activities including rebuilding a bridge at the Castle Hill Conservation Area with D. Stotz, M. Patterson and many volunteers assembling the bridge that had been purchased by the Commission. D. Mauer and the Administrator prepared the materials, which were then installed by many volunteers. The work of land management relies heavily on volunteers and land stewards who are both the eyes and ears of the Commission as well as key participants in many activities preserving the Town's investment in this invaluable open space that has been protected through acquisition.

The Greenways Canoe landing, which was required to be constructed when the Town acquired the land at the former Paine Estate, was constructed in April of 2006. The work has generally been completed.

The Conservation Commission continues to sponsor walks by both Commissioners and Staff introducing interested parties to the many Conservation Areas here in Wayland. B. Howell has conducted her annual inspections of all of the Commission's named Conservation Areas and submitted her reports on items that require attention.

The Commission had another good year operating the Community gardens. Many gardeners have been using these plots for years. New gardeners are welcome to join this dedicated group of people. S. Lutz helped clean up garden plots in the spring of 2006 as part of a school project. The Commission has had some impressive help from community service projects and will continue to seek out volunteers in the future.

The Commission is pursuing more protection of land around Mill Pond. Money was approved by the Community Preservation Committee and Town Meeting to be used to acquire land.

Ken Moon was a long-time Conservation Commission member who dedicated more than thirty years to the Conservation Commission. (See IN MEMORIAM, page 4.) He was a Commissioner for many years and after stepping down remained an active land manager. Bridges were constructed, land purchased, and records maintained through Ken's efforts. Ken Moon passed away but the Commission has elected to create the "Ken Moon Award" honoring his years of efforts to the Commission. His contribution will be missed.

Conservation Commission members for the Fiscal Year 2006 were Frank R. Antonell, Ellen R. Tohn, Barbara Howell, J. Andrew Irwin, John R. Sullivan, Megan M. Lucier, and Roger A. Backman.

COMMUNITY PRESERVATION COMMITTEE

The provisions of the Community Preservation Act (CPA) were approved at Annual town Meeting 2001. The Committee's responsibilities are to identify and evaluate potential community preservation projects and, as appropriate, submit project recommendations in the form of articles at town meeting. The projects

will focus on open space preservation, historic preservation, or community housing. Funds can also be used for acquisition, creation or preservation of land for recreational purposes.

CPA Revenue – Since passage of the CPA in 2001 Wayland has received \$2,383,998 from the property tax surcharge and interest, and \$1,684,614 in matching State Trust Fund distributions, for a total revenue of \$4,086,612.

PROJECT REPORTS

- Repair of town’s historic gravestones - CPA funding was used to repair and preserve the most historic gravestones/markers in North and South Cemeteries. This four year effort involved an assessment of the condition of the stones followed by treatment ranging from cleaning to complete resetting for over 300 stones. An inventory and catalogue of the stones was developed. A report is available at the Wayland Library. Project completed. \$ 65,000
- Planning study to create a railroad interpretive site - A report is available at the Wayland Library. Project completed. \$15,000
- Repair/restore historic markers. The Wayland Historical Commission has assessed the condition of 30 of the town’s most historic markers and recommended the repair/upkeep needed. The Park and Recreation commission will oversee this work. \$5,000
- Environmental testing at former Nike Site. Project completed. \$35,000
- Acquire 2.75 acres at former Nike site for affordable housing and provide funds for demolition and site preparation. Land acquisition completed. Demolition and site preparation substantially completed. \$500,000
- Site preparation and demolition of former Nike site – This project refers to the approximately 11 acres of open space that remained after the 2.75 acres for housing were acquired. Land acquisition completed. Site preparation underway. \$100,000
- Acquire land of Gilberts on Brackett Road and Nob Hill Road - The agreement has yet to be

signed by both parties. The total cost is expected to be \$30,000.

- Administrative fees for the Community Preservation Committee – The CPC is authorized to spend up to \$10,000 for administrative matters. To date, no expenditures have been made.
- Set aside \$600,000 in Community Preservation Funds for future open space acquisition. This article only set aside funds, it did not authorize expenditure. No expenditures have been made.
- The April 2006 Town Meeting approved CPA funding of \$8,750 for two beautification projects and \$40,000 for professional architectural engineering site planning and related consulting services for the former Nike Site on Oxbow Road

The Committee also recommended that \$300,000 be approved to replace the historic portion of the Wayland library’s roof. The library trustees withdrew their request before this item could be presented at a town meeting.

PLANNING BOARD

The mission and the responsibilities of the Planning Board are specified in the state laws known as “Improved Methods of Municipal Planning” and “The Subdivision Control Law,” and are described as follows: to undertake planning and land use studies, including needs studies and comprehensive plans; to prepare plans of the resources and future development scenarios for the Town; to report annually to the Town regarding the condition of the Town; to prepare an official map of the public and private ways and public parks within the Town; to report on the layout, alteration, relocation, or discontinuance of public ways; and to adopt regulations for, and administer the processes of, dividing and subdividing land into building lots and other parcels.

Accomplishments and Activities

The Board met approximately 66 times between July 1, 2005 and June 30, 2006 to review and approve applications for new building lots in residential subdivisions, applications for several new residential building lots not requiring subdivision approval

(known as ANR lots), several site plans for non-residential development; to oversee the construction of various residential and non-residential developments for which approval had been granted, and to work on various planning studies and projects.

In the spring of 2005, The Town was presented with a proposal for the redevelopment of the Wayland Business Center (the former Raytheon Site) into a mixed use development. In response, the Planning Board began work on drafting a Mixed Use Overlay District Bylaw. The Board worked through the summer of 2005 drafting a zoning bylaw for consideration by a Special Town Meeting on November 1, 2005. The proposed MUOD Bylaw failed to receive the required two-thirds vote necessary for approval.

Following the November Special Town Meeting, the Planning Board began work on a revised Mixed-Use Overlay District. After holding 29 meetings to draft a revised bylaw, the Planning Board submitted the Mixed-Use Overlay District Bylaw to Special Town Meeting, which approved the bylaw on May 3, 2006. In June of 2006, the Board began to draft rules and regulations for the submission of a Mixed-Use Project under the new MUOD Bylaw.

In addition to its work on the MUOD Bylaw, the Planning Board submitted three articles to the 2005 Annual and Special Town Meetings, two of which were approved. The approved articles included amendments to the Inclusionary Zoning Bylaw and the Planned Wireless Communications Services District Bylaw. A proposed Scenic and Historic Road Overlay District Bylaw was not approved.

In FY 2006, the Board welcomed Daniel Mesnick, who was elected to the Board in April 2006 and replaced Rebecca Regan, who served three years on the board and did not seek reelection. Lynne Dunbrack and Christopher Seveney were elected Chairperson and Vice Chairperson respectively. Ira Montague continued in his role as Clerk.

Special Activities

Mr. Montague replaced Ms. Regan to serve as the Board's representative to the MetroWest Growth Management Committee and represents the Board on the Nike Site Reuse Advisory Committee. Mr. Stabile represents the Board on the Community Preservation Committee.

PLANNING BOARD MEMBERS

June 30, 2006

Lynne Dunbrack, Chair
7 Brackett Road
Wayland, MA 01778
Term: 2005-2010

Christopher W. Seveney, Vice Chair
8 Castle Road
Wayland, MA 01778
Term: 2004-2009

Ira Montague, Clerk
9 Erwin Road
Wayland, MA 01778
Term: 2003-2008

Lawrence A. Stabile, Member
120 Commonwealth Road West
Wayland, MA 01778
Term: 2002-2007

Anette Lewis, Associate Member
33 Claypit Hill Road
Wayland, MA 01778
Term: 2004-2009

Incoming Member
Daniel Mesnick, Member
64 Sycamore Road
Wayland, MA 01778
Term: 2006-2011

Outgoing member
Rebecca L. Regan, Vice Chair
69 Riverview Circle
Wayland, MA 01778
Term: 2004-2006

PLANNING BOARD TOWN STAFF

June 30, 2006

Town Planner
Joseph Laydon

Department Assistant
Jeanne Cassidy

BEAUTIFICATION COMMITTEE

Since its inception in 1998, Wayland Beautification has dedicated its efforts to beautifying highly visible areas of Wayland with garden spaces and trees. The garden spaces, which are primarily designed for low maintenance and multi-season interest, are routinely maintained April through October by a core group of volunteers. Twenty-eight barrels are also planted along the main roads and at the entrances to parks, the landfill and Town Building each June.

The sites for garden spaces are selected to provide enjoyment for both residents and visitors to Wayland. Hooker's Green, a large triangular garden located at the intersection of Rt. 20 and Old Conn. Path, welcomes visitors to Wayland from the east with its colorful combination of perennials and ornamental grasses. From the west, the entrance to the landfill is

enjoyed throughout the year as the pink and white roses of summer give way to the ornamental grasses throughout the fall and winter. A mixed shrub border has been planted as a companion to the evergreen holly border at Town Building, creating four seasons of interest with fragrance, fruit, and contrasting foliage. There are planted beds below the sign areas in town as well as a red daylily garden near the Knox monument at Five Paths.

Over 48 shade and ornamental trees have been planted by Wayland Beautification, which monitors and waters them until established. Sites for trees include such highly visible areas as Hooker's Green, the landfill, Alpine Field, Adams Lane, the high school and the middle school.



Since there is a strong educational component to Wayland Beautification's efforts, this year we designed and installed a demonstration drought tolerant garden at the landfill with funding through the Community Preservation Act. It is our hope that this garden will be useful to the public and encourage responsible use of our declining water resources. Funding was also approved for the design and installation of a garden space at the heater piece across from the Villa Restaurant. As a main entrance to Cochituate, we felt that this site deserved and required major enhancement. Public safety issues

will also be addressed as sight lines along Rt. 30 and East Plain Street will be significantly improved. The "Keep Wayland Tidy Campaign" was formed in response to the problem of litter in Wayland. Dedicated members of this subgroup of Wayland Beautification are organizing a multi-faceted approach to keeping the town's streets and public areas free of litter.

Wayland Beautification receives town funds as well as public donations to support its work. Major donations from the Wayland Business Association and The

Village Bank have been used for plant material and some installation of trees. Mahoney's, Russell's Garden Center, and Weir Meadow Nursery have been extremely generous in donating plant material for the barrels and gardens. Even with the selection of bulbs, annuals, perennials, shrubs and trees for sustainability, watering, fertilizing, weeding and mulching consume a substantial part of the budget. This work, which represents hundreds of hours of labor annually, is primarily done by volunteers and a summertime intern. Wayland Beautification continues to plan future projects thoughtfully but conservatively.

Membership in Wayland Beautification is by participation. Any resident with an interest in joining is invited to attend informal planning meetings held the first and third Wednesday each month at 8:00 a.m. in Town Building. Volunteers are always needed to help with planting and maintenance. Volunteers can call Diane Goodermote at (508) 358-7221.

Wayland Beautification is grateful for the tremendous cooperation and support it has received from numerous town departments. Wayland Beautification is proud of its accomplishments to date and looks forward to continuing to contribute in a meaningful way to the town's beautification efforts.

The members of Wayland Beautification for the period of July 1, 2005, through June 30, 2006, were Chris Cline, Marilyn Darack, Joanne Davis, Diane Goodermote, Werner Gossels, Sherre Greenbaum, Regina Kennedy, Elise Laurenzi, Joan McVickar, Michael Short, and Ralph Wegener.

TOWN SURVEYOR

As in past years, this year has seen many areas of activity in the Town Surveyors' office. Requests for maps, surveys and GIS products continue to pour in on a daily basis. We have been busy with providing maps and surveys for the "Town Center" project, cell tower zoning, new cemetery extensions, Nike site redevelopment and various highway projects to name a few.

The Town Geographic Information System, (GIS) is now under new management. Brendan Decker comes to us from the Virginia Department of Transportation where he provided various cartographic and GIS services to the DOT. Brendan's cartographic skills will provide the town with more esthetically pleasing maps. Please stop by to welcome him to Wayland.

The online version of the system may be accessed from the Town website or by typing the following address into your web browser, (<http://www.wayland.ma.us/surveying/disclaimer.htm>). We now have a brief set of written instructions for the system which can be downloaded from our webpage or picked up in our office. Please take the time to visit this site and let us know what you think.

Updating the Town Atlas continues to be a challenge due to the large number of parcel and property line changes that occur in any given year. The most current version of the Atlas is available in our office.

Responding to requests for information from various committees and boards as well as the general public continues to occupy a significant portion of our time. This helps us keep our hand on the "pulse of the community."

Our office is also a repository for many historical, physical, and regulatory maps of the town. All of these maps are available to the general public.

Once again, we invite the general public to stop by and visit.

Respectfully submitted
Alfred M. Berry, Town Surveyor

ZONING BOARD OF APPEALS

The Wayland Zoning Board of Appeals is composed of five members (Chairman Michael Thomas, Jerry Boos, Steve Fugarazzo, Eric Goldberg and James Grumbach), and three associate members (Aida Gennis, Shaunt Sarian and Linda Segal), appointed by the Board of Selectmen. The ZBA conducts public hearings on all applications for zoning relief. The ZBA generally meets on the second and fourth Tuesday of each month at 8:00 p.m. when there are three or less hearings scheduled, and at 7:30 p.m. when there are more than three hearings scheduled. The meetings for each public hearing are held in the Town Building. Participation in the public hearings by interested citizens is always welcomed.

Eric Goldberg resigned from the chairmanship on June 30, 2006. We would like to recognize and thank Eric for his leadership, expertise, professionalism and commitment to the Town. We greatly appreciate that Eric is continuing his participation in the Board after his tenure as chairman.

The cases that are heard by the ZBA include: (1) applications for dimensional or use variances from the zoning bylaws, (2) applications for special permits requested under the zoning bylaws, and (3) appeals from various decisions of the Building Commissioner. The ZBA also hears applications for site plan approval under certain circumstances. The ZBA has jurisdiction over comprehensive permit applications under Massachusetts General Laws Chapter 40B, in which a developer, under certain circumstances, is able to bypass local zoning laws if 25% of the proposed units are affordable. The ZBA has jurisdiction over cell tower applications which are governed by the Telecommunications Act of 1996, by virtue of which an applicant, under certain circumstances, is able to bypass local zoning laws if there is a "substantial gap in coverage" and there are no feasible alternatives.

The most common type of proceeding heard by the Board is a request to construct an addition to a home that is "grandfathered," i.e., it does not comply with the current zoning bylaws, but did comply with the bylaws that were in effect at the time it was built. If such an addition will either increase the gross floor area of the dwelling by more than 20%, or deviate in any way from the current bylaws, a special permit is needed from the ZBA.

Notices of hearings before the ZBA are published in the legal notices section of the Wayland Town Crier at least fourteen days prior to the date of the hearing. In addition, abutters of the subject property are notified of a hearing by mail. Each applicant is charged a filing fee, which covers the cost of publication and other administrative expenses. ZBA application forms may be obtained from the Building Department in the Town Building during regular business hours. Decisions rendered by the Board are filed with the Town Clerk; notice of each decision is given to the applicant and others and, after an appeal period of twenty days has lapsed, the decision becomes final, unless an appeal is filed. In the event that the ZBA grants relief to an applicant, the special permit or variance is generally granted subject to explicit conditions.

The Building Commissioner, Daniel Bennett, is the Zoning Enforcement Officer for the Town. Citizens may report zoning violations and requests for zoning enforcement in writing to the Building Commissioner. The ZBA has jurisdiction to hear appeals relating to the Building Commissioner's response to such requests.

There were 49 applications filed with the Zoning Board of Appeals during FY 2006. A total of 26 hearings were held. A total of \$7,725.00 in application fees was collected.

NIKE SITE ADVISORY COMMITTEE

The Board of Selectmen ("BOS") appointed eleven members to the NSRAC in November 2004 and charged them with advising the BOS on developing a cost-effective plan and implementing that plan to reuse the Nike Site, located on Oxbow Road. The site comprises two parcels; one of approximately 10.71 acres (Lot 1) that is reserved for conservation and passive and active recreation; and the other consisting of approximately 2.75 acres (Lot 2) that is reserved for the construction of up to 16 residential units with a priority given to affordability as defined by the Commonwealth. The site plan is to include a 50' naturally vegetated buffer around the entire property and a wheelchair accessible trail.

The committee received a Priority Development Grant from the Department of Housing and Community Development to complete a site plan and schematic architectural drawings for up to 16 units of housing on the Housing parcel of land. This was completed by Mostue and Associates and Geller-DeVellis following three public meetings (November 17, 2005, December 8, 2005, and March 30, 2006) at which interested residents were asked to critique the plans.

The NSRAC applied for and received STM approval for \$40,000 in Community Preservation Act funding to support architectural, engineering, and comprehensive permitting activities.

The NSRAC recommended and received approval from TM and the State Legislature to exchange part of Lot 1 for an equal part of Lot 2 in order to provide better location of the housing and improve the buffering of Lot 2 from immediate abutters. (The new lots are labeled 1A and 2A.)

The NSRAC prepared an application requesting site eligibility for up to 16 units of housing at the former Nike Site. This application was submitted to DHCD in May and approved several weeks later.

All above-ground structures on the two parcels were demolished and removed from the site using CPA funds appropriated by the ATM 2004. NSRAC

recommended a plan to secure the silos with large concrete pads and subsequently remove the fencing surrounding the property. This plan will be implemented in the coming fiscal year.

The NSRAC began discussions with the Conservation Commission regarding the location of the wheelchair accessible trail around the perimeter of the larger Nike Site (Lots 1 and 2). Plans will continue.

The NSRAC information is updated regularly at <http://www.wayland.ma.us/planning/nike/NikeSite.htm>.

Committee Membership:

Gretchen Schuler and Bill Sterling, Co-Chairs
Paul Abramson, Brian Boggia, Michael Gitten, Ira Montague, Brian O'Herlihy, Olga Pitel, Connie Pitt, Rebecca Regan, Michael Staiti

METROWEST GROWTH MANAGEMENT COMMITTEE

MetroWest Growth Management Committee (MWGMC) was formed in 1985 and includes leaders from Ashland, Framingham, Holliston, Marlborough, Natick, Southborough, Sudbury, Wayland, Weston and Wellesley. MWGMC helps local elected officials and planning staff meet growth management challenges by facilitating inter-local collaborative planning and problem solving to enhance the quality of life and economic competitiveness of the MetroWest region. In addition, MWGMC is the oldest of the eight subregions of the regional planning agency, Metropolitan Area Planning Council (MAPC).

One selectman/mayor or city council member and one planning board member represent each member community. MWGMC is funded by member assessments, grants and contracts. MWGMC maintains an office in Natick and employs a staff of two to deliver core services to member communities. Wayland's representatives to the Committee are former Selectman Mary Antes and Planning Board Member Ira Montague.

Technical Assistance – In FY06, the Technical Assistance to our member communities expanded.

Low Impact Development - MWGMC developed Low Impact Development, Stormwater & Erosion Control, Earth Removal and Illicit Discharge Bylaws.

The bylaws were adopted by the Town of Southborough and are available on our website (www.metrowestgrowth.org).

Housing - MWGMC assisted several member communities in drafting Affordable Housing Bylaws and regulations, and in the formation of Municipal Affordable Housing Trust Funds. At present, MWGMC is developing rules and regulations for Wayland's Inclusion of Affordable Housing bylaw.

Regional Pre-Disaster Mitigation - MAPC and MetroWest staff will work with communities to identify areas within each community that are at risk of damage from natural hazards, evaluate existing protection measures, and develop a multiple-hazard mitigations strategy to reduce future damages. MWGMC is proving an in-kind match rather than asking each community to provide the \$3,000 local match. The grant will make each community eligible to receive federal disaster mitigation.

Legislative Breakfasts - Our ties with the MetroWest legislative delegation are strong. The semi-annual Legislative Breakfasts are always well attended by legislators and municipal staff and leaders.

Planners Roundtable – Our monthly Planners' Roundtables for local planners and planning board members provide staff and officials with technical information and training on planning and growth issues. It also provides planners with the opportunity to share expertise, experience, and questions with their colleagues. In FY06, MWGMC held its first meeting of a MW Housing Task Force, and has arranged for a series of discussions about how to derive the most benefit from the scarce dollars available for affordable housing.

Regional Impact Review (RIR) - One of the core services MetroWest Growth Management provides to its members is the Regional Impact Review (RIR). Regional Impact Reviews provide local leaders an opportunity to comment on the impacts of proposed commercial, industrial, and residential development projects, and provides administrative services to citizen advisory boards. This allows for regional development impacts to be considered early in the development project. Regional Impact Reviews were conducted for the Natick Mall expansion, Lowes, EMC, Wayland Town Center, Beacon@495, and Genzyme.

NYANZA In late summer, the MWGMC voted to establish a Nyanza Task Force to develop strategies to further study and mitigate the plume that has affected the Sudbury River in the past and may continue to adversely impact this valuable environmental resource in the future. MWGMC is hoping to obtain a grant to study whether the plume needs to be addressed as a health hazard that may impact the Sudbury River and the many MetroWest communities along the river.

The MetroWest Transportation Taskforce focuses on analyzing and advocating for MWGMC communities on transportation matters. Chaired by former state legislator John Stasik, the Transportation Task Force advocates for improved transportation services to the region, and strategies to influence transportation planning and decision-making by the Boston Metropolitan Planning Organization. The task force held the second annual transportation event, "Gridlock or Green Light?". The goal of this effort is to elevate the transportation discussion (adequacy of transportation infrastructure and adequate funding of

transportation) to a higher level and connect it to the Smart Growth/Sustainable Development movement.

RTA Efforts

Over the summer, the "495/MetroWest Alliance for Transit Services" was created to discuss new opportunities that are available to MetroWest communities as a result of recent statutory reforms allowing suburban communities served by the MBTA to join an existing or new Regional Transit Authority. Alliance members include: 495/MetroWest Corridor Partnership, MetroWest Growth Management Committee, Marlborough Regional Chamber of Commerce, MetroWest Chamber of Commerce, MetroWest/495 Transportation Management Association, and TransAction Associates. The Alliance will be conducting an outreach campaign to communities to discuss the need for each municipality to prioritize its transportation needs and inform local leaders about the RTA choices available.



PUBLIC SERVICES

BOARD OF HEALTH

The Board of Health derives its authority through specific delegation of power from the state legislature. This authority includes both the powers that are expressly granted by state statutes and those powers that are necessarily implied from those statutes. The extent of the state's delegation of power varies from designating the Board of Health as the primary enforcement agent of the state's regulations to authorizing the Board of Health to draft its own regulations regarding public health matters (M.G.L. c.111 §31). Local regulations may be more stringent than existing state mandates, but in no case may they be inconsistent with state regulations.

The Board of Health wishes to gratefully acknowledge the major contribution, which Marie Durant has made to the community and the Board during her tenure on the Board. In April, new member David Todd joined Board members Constance Bean, Anna Ludwig, Philip Pattison and Michelle Wolf.

The Town's Community Septic Management Program continues with the Title 5 Betterment Program where direct financial assistance up to \$10,000 is available to homeowners with failed septic systems at an interest rate of 5%. In addition, residents who replace failed septic systems are entitled to a Massachusetts State income tax credit. Interested residents who qualify should contact the Board of Health office or the MA Department of Revenue for information.

As part of the MDPH Region 4A coalition for collaborative emergency preparedness, the Board has approved an Emergency Dispensing Site and Plan, as well as a Continuity of Operations Plan for the BOH. The Board received shipment of a biological refrigeration unit for storing vaccine, which was purchased through a Region 4A emergency preparedness grant. In addition, Region 4A is offering assistance and some grant money to develop a Wayland Medical Reserve Corps, which is intended to supplement the LEPC Citizen's Emergency Response Team (CERT). The Board is also pleased to have the assistance of former Board members Dr. Steven Locke and Dr. Arnold Soslow as a Pandemic

Flu Task Force to form a town wide neighborhood network in the event of a pandemic event.

The first annual Healthy Wayland Health Fair took place on Saturday, June 10, 2006 at the Longfellow Club with various speakers and exhibits on improving the public health and community resilience of Wayland for about 250 participants. The Board wishes to thank the dedicated group of volunteer organizers and sponsors for their efforts on this worthwhile event.

The Board was awarded a mini-grant from MHOA for skin cancer prevention, which included CDC brochures on skin cancer protection and a tent to be used for protection from the sun for Town recreation programs and events.

The Board of Health serves as a document repository for the environmental assessment and remediation activities at the former Raytheon site at 430 Boston Post Road.

The Board is continually updating information on the Board of Health website at www.wayland.ma.us/boh.

Inspectional Services

Compliance with Title 5 regulations continues to place demands on the Board of Health. The staff issued 158 septic system permits, including 15 new construction permits, 76 upgrades of septic systems, 8 revised permits and 59 alteration permits. In addition, 160 soil tests for repairs and new lots were witnessed and recorded by the staff. 225 building permit projects were reviewed and approved. The staff also reviewed a total number of 170 Title 5 inspection reports, of which 154 systems passed, 8 systems conditionally passed and 8 systems failed. A total of 115 Certificates of Compliance were issued during this period. The Board of Health, staff and the BOH consulting engineer also reviewed several new subdivisions, proposed 40B housing projects and proposed Town Center plans.

The Board of Health provided its routine inspectional services as required by State law and Town regulations relative to food establishments, public and semi-public swimming pools, Town beach, and

recreational camps. State regulations required testing on a weekly basis at the Town Beach, where samples never exceeded State standards. Additionally, investigation and follow-up of complaints filed with the Board of Health relative to housing, public health nuisances and other environmental matters were also conducted. Three such complaints became District and Superior Court matters.

Routine Services

The department oversees the daily management of public health and environmental programs, collection of communicable disease statistics, issuance of burial permits, issuance of licenses as reported in the statistics section, review of subdivision plans and building permit applications, and monitoring the special services provided under contracts by Parmenter VNA and Community Care, Human Relations Services, and the East Middlesex Mosquito Control Project.

Mosquito Control

The Board of Health applied Altosid XR Briquets (150 days) in June 2006 for the prevention of mosquito breeding in the drainage catch basins in the roads and streets of the Town. Each application prevents or greatly curtails mosquito breeding for one hundred fifty plus days. The Board of Health completed treatment at the end of June 2006 with the assistance of the East Middlesex Mosquito Control Commission. There were no positive birds for WNV in Wayland confirmed by MDPH during the 2005 mosquito season.

Rabies Control

The risk of rabies continues to be a potential problem. Rabies has been found in the past in foxes, raccoons, skunks and bats in town. The Board of Health continues to provide information to the community in an effort to reduce the threat of rabies to the general public.

Community Health Nursing

The Board of Health, under a memorandum of understanding with the School Committee, completed its second year of responsibility for the school nursing program providing health services with full-time R.N.s to the five public schools in Town. These Town employees provide emergency, routine and preventative health services to the schools, consult with school staff and parents concerning health concerns, provide some health education services and maintain student health records. In addition, there are 5 community health nurses who act as substitute nurses. In the 2005-2006 school year, 15,271 student

visits to the health rooms were made and nurses administered 2,740 doses of medication.

Additionally, nurses provide the required screening services to students and comply with relevant State regulations and reporting requirements. As a result of an Essential School Health Services grant and donations by Dr. Simone Mordas and an anonymous Claypit Hill parent, all school clinics are now equipped with an Automated External Defibrillator (AED). Installation of the SNAP Health Center Records software was completed on the school health clinic computers and training continued throughout the year.

Landfill Division

Wayland's Recycling Program continues to achieve one of the highest ratios of recycling solid waste in the Commonwealth.

The Board and the Finance Committee looked closely at the detailed budgets for the Health Department and the Landfill. Given the Town's projected financial condition, the Finance Committee required the Board to develop cost reducing initiatives and to consider an increase in fees. Wood collection days were limited to every other month in an effort to reduce the amount of waste wood collected at the landfill. In addition, electronics were collected one day a month. After a six-month trial and insufficient budgeted funds to cover the disposal cost of all electronic waste ban items, the Board reluctantly initiated a pay-as-you-throw program for certain electronics items. A reserve fund transfer of \$11,000 was requested and granted by the Finance Committee for emergency equipment repairs.

After much research, the Board awarded a favorable contract for disposal of recycled paper and commingled plastics to the Newark Group. In addition, the Town will be paid for daily cover material under a favorable contract awarded to End Cap Technology, Inc.

The Landfill staff continues to pick up all trash from the Town's schools and public buildings. A good portion of this trash is also recycled. This program continues to save the Town a considerable amount of money. Additional containers were also provided to the School Department for several construction projects for additional savings to the Town.

The Landfill was pleased to assist the Surface Water Quality Committee in the Heard Pond Weed Recovery project by hauling and composting invasive

water chestnut weeds, resulting in a substantial savings for the Town.

In compliance with DEP's financial assurance requirement, the Town continues financial planning for post-closure by reserving \$50,000 annually from landfill sticker sales. FY06 sticker fees for landfill services were increased to \$220 for regular stickers and \$165 for senior citizen stickers:

- Sticker sales revenue \$514,826
- Recycling revenue \$ 21,654

Animal Inspector

The Animal Inspector provided annual inspections for animal keeping permits in the Town. The following is a summary of the animal inspections for FY06:

Cattle	34
Horses	15
Ponies	5
Sheep	10
Donkey	2
Goats	5
Swine	2
Llamas	2

Animal Control Officer

The Animal Control Officer responded to requests from the Police Department and the Board of Health regarding problem animals reported on public or private property and for the collection and disposal of dead animals on public property.

BOH Statistics as of June 30, 2006

The Board of Health issued the following licenses and permits:

Animal Keeping	21
Burial	92
Disposal Works Construction:	
New	15
Alteration	59
Repair	76
Review of Previously	
Approved Plan	8
Building Permit Approvals	225
Variance Requests	19
Disposal Works Installers	51
Food:	
Food Service Establishment	32
Limited Food Service	14

Milk and Cream	38
Retail Food Establishment	7
Limited Retail Food	14
Funeral Director	1
Guest House	1
Massage Establishment	4
Massage Therapist	8
Operating Semi-public Pool	11
Pool Construction (private)	5
Pool Installer	3
Recreational Camp for Children	8
Refuse Collection	25
Septage Hauler	52
Tobacco Sales	14
Wastewater Treatment Plant	5
Private Well (Irrigation)	5

Communicable Diseases reported to the Board of Health:

Babesiosis	1
Campylobacter	4
E. Coli	1
Giardia	1
Group B Strep	1
Hepatitis	4
Latent Tuberculosis	3
Listeria	1
Lyme Disease	25
Meningitis (suspect)	1
Pertussis	1
Salmonella	1
Shiga Toxin	1
AIDS	<5 *

* Number of cases living in Wayland when first diagnosed, as provided by the State Dept. of Public Health for the period of 1983 through September 1, 2006.

In addition, 248 residents participated in the two Household Hazardous Waste Collection Days sponsored by the Board of Health.

PARMENTER HEALTH SERVICES

The Wayland Board of Health contract with Parmenter VNA and Community Care in FY05-06 was limited to Public Health Services. The Public Health Program covers a broad range of services to Wayland residents, which are preventative and supportive in nature. They include:

- A range of regularly scheduled clinics at Parmenter and at other sites where the community gathers in the town
- Ordering and distributing vaccines

- Tracking and reporting of communicable diseases
- Providing immunizations to at risk population
- Health education and community service programs
- Administering the Pantry Program
- Providing free home care services to residents without health insurance that qualify
- TB screenings
- Flu and Pneumonia vaccination clinics

In 2005-2006, Parmenter provided 962 screenings (blood pressure and blood sugar) to Wayland residents, screened 28 people for TB, provided 603 flu shots and 11 pneumonia shots. 282 homecare visits (nursing, social service, home health aide and nutritionist) were made to individuals without health insurance or other means of payment. Forty-five communicable disease follow-up contacts were made.

HUMAN RELATIONS SERVICE, INC.

The Human Relations Service (HRS), a private, non-profit community mental health agency, has been the Town's provider of mental health services since FY97. HRS, located in Wellesley Hills, it is the nation's oldest community mental health agency.

During FY06, HRS delivered 1,306 total service hours. 1,206 of these hours were for direct clinical service to clients (diagnostic, testing, individual, group, or family therapy, psychopharmacology). Of these, 366 hours were provided to students and their families who were seen in connection with their special education plan, and 100 hours were for school consultation. This combination of treatment and consultation is an ideal way to both meet students' need and avoid the dislocation and expense of residential and other special programs.

840 total hours were provided to residents of the town outside of the school-related special education program. These families did not come to us through the schools. HRS offers all Wayland residents a sliding fee scale.

The 1,306 total service hours to the Town in FY06 were almost 3% higher than the hours in FY05, a resumption of the general rising trend of service usage in recent years. As noted in the past, qualitatively, the severity of the presenting problems for which families and the schools have sought help has been increasing in Wayland as in the other communities HRS serves. HRS anticipates continued

demand for services as a result of continuing stress on children and families, leading to emotional and behavioral problems at home and at school. As in the past, HRS's strong relationship with the Wayland Public Schools puts us in an excellent position to support local counselors and caregivers wherever possible, and to provide intervention sooner when problems get beyond their purview.

HRS's relationship with the Town has continued to deepen. Wayland residents who serve on HRS's Board of Trustees have been active and engaged, supporting the clinic with their time, energy, and insights. They also help remind HRS of the unique needs and issues facing Wayland. HRS staff will also continue to support the community through lectures and workshops on a variety of topics of interest to parents and teachers.

EAST MIDDLESEX MOSQUITO CONTROL PROJECT

The East Middlesex Mosquito Control Project conducts a program in Wayland consisting of mosquito surveillance, larval mosquito control, and public education.

The risk of mosquito borne disease continued to be a concern in eastern Massachusetts. In August and September of 2005 there were six residents who contracted West Nile Virus (WNV) including one fatally and four residents who contracted Eastern Equine Encephalitis (EEE) including two fatally. In September 2005 a horse from Concord died from EEE. Flooding rains in May and June of 2006 resulted in increased mosquito activity and provided conditions that were favorable for the development of EEE risk.

The adult mosquito surveillance program used traps to collect mosquitoes from 5 locations within the town. From July 2005 through June 2006, information was used from 12 mosquito trap collections from 6 different nights. Selected mosquitoes were tested for WNV and EEE by the Mass. Dept. of Public Health.

The larval mosquito control program used the larvicides Bacillus thuringiensis var. israelensis (Bti), and methoprene, which are classified by the EPA as relatively non-toxic. An April helicopter application of Bti controlled mosquito larvae at 103 wetland acres. Field crews using portable sprayers applied Bti in the spring and the summer to 17.25 wetland acres during 40 site visits when high densities of

mosquito larvae were found breeding in stagnant water. In June 2006 Project personnel applied time release Altosid XR Briquets (methoprene) supplied by the Wayland Board of Health to control Culex mosquito larvae at 1,918 roadside catch basins.

The Project's public education program is designed to develop awareness within the public and the private sectors as to their roles in mosquito control. The Project serves as a resource to residents, municipal officials and the local media on controlling mosquitoes, breeding sites and mosquito borne diseases. A website, www.town.sudbury.ma.us/services/health/emmcpr, provides residents with information on mosquitoes, control programs and related topics.

INSPECTION/BUILDING DEPARTMENT

The Building Department staff administers and enforces all applicable state and local regulations (Town By-laws, Zoning By-laws, Massachusetts General Laws, Massachusetts State Building Code, etc.), for all properties within the Town.

As mandated by Town By-laws and Massachusetts General Law the Building Department administers and enforces the following:

The construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance, and revocation of permits or licenses, installation of equipment, classification, and definition of any building or structure, use and occupancy of all buildings and structures or parts thereof;

The rehabilitation and maintenance of existing buildings;

The standards or requirements for materials to be used in connection therewith, including but not limited to, provisions for safety, ingress and egress, energy conservation, and sanitary conditions;

Interpretation and enforcement of the Town of Wayland Zoning By-law; and enforcement of certain provisions of the Town of Wayland Town By-laws. Administrative liaison to the Zoning Board of Appeals;

Administrator and keeper of all records, plans, etc. that pertain to the above responsibilities;

Periodically inspect and certify buildings and

structures or parts thereof with regard to use as required by the Commonwealth of Massachusetts.

On a daily basis, the Building Department serves the residents, business owners, and contractors within the community by processing numerous permit and zoning applications, issuing permits, performing periodic state inspections, conducting site visits, investigating complaints and granting certificates of use and occupancy. Department staff maintains communication with applicable land use departments to better serve its users and expedite the permit approval process.

We continue to perform the necessary on site inspections as required by state and local regulations, respond to and investigate complaints received with regard to zoning enforcement and building construction.

The following is a list of major projects within the Town of Wayland that are in process or have been completed over the past year:

Islamic Center – Completed the renovation of the existing facility and constructed a new 15,000 square foot community center including new classrooms, prayer hall and function room.

241 Boston Post Road - Completed construction of a new three-story office building.

Wayland Commons – Processed the application and approval for a Comprehensive Permit to construct 48 townhouse condominium dwelling units 25% of which will be affordable.

321 Commonwealth Road - Interior renovations for 9,500 square foot daycare facility

The Field at Mainstone – Commenced construction of 9 attached single family dwellings off Rice Road

Single Family Dwellings - Construction of 23 single Family Dwellings

The Building Department continues to insure the public safety, health and welfare of the residents of the Town of Wayland, as they are affected by building construction.

The following fees were collected for FY'06:

Building Permits:

Number of Permits:	617
Value	\$43,102,761.00
Fees	\$ 611,635.00

Plumbing Permits:

Number of Permits:	348
Fees	\$ 27,270.00

Gas Permits:

Number of Permits	294
Fees	\$ 15,012.00

Electrical Permits:

Number of Permits	491
Fees	\$ 60,042.00

Zoning Cases:

Number of Decisions	49
Fees	\$ 7,725.00

BOARD OF ROAD COMMISSIONERS

The Board of Road Commissioners has exclusive jurisdiction over public ways and sidewalks. It is responsible for overseeing the operations of the Highway Department in: maintaining, repairing, and constructing all Town roads, sidewalks, bridges, and associated drainage facilities; snow and ice operations; fleet maintenance; and procurement of services for major projects and equipment.

In FY2006 the Highway Department reconstructed 3.5 miles of roadway and associated drainage facilities on: Rice Road, Bayfield Road, Lakeview Road, Sunset Road, and Dudley Road. In addition, the Highway Department completed its annual program of sealing cracks on road surfaces to forestall roadway deterioration and cleaned catch basins throughout Town.

In FY2006 the Department received 65 permit applications for street/sidewalk openings and received 8 physical alteration permit applications for installation of or changes to curbs, sidewalks, driveway and road openings, and drainage. On most roadways, the Town owns land on either side of the road, well beyond the edge of the pavement. The town retains this land so that it can be used to store

snow that is cleared from the road surface, for placement of underground and above ground utilities, for storage of materials during roadway construction projects, for road widening, and for other municipal purposes. Placement of underground sprinklers, plantings, or structures (e.g., walls and fences) in the unpaved portion of the town's roadway layout can interfere with municipal services and impair sight lines for vehicles exiting driveways. With increased development and traffic in Town, the Board of Road Commissioners and the Highway Department have more aggressively sought to curtail private use of the unpaved portion of the Town's roadway layout.

In FY 2006, the Department responded to 15 winter storms and intermittent icing conditions and kept our roads clear and passable. The Highway Department was able to perform the Snow & Ice operations without the services of two permanent mount sanders.

Prior to the opening of school, the Department painted crosswalks in all school zones. During a five-month period in the spring, it completed sweeping of public ways in the entire Town. And, the Department responded to 416 residents' requests for service for items such as repair of potholes, grading of private ways, additional snow clearing along the rights - of - way, clearing of brush at the sides of public ways, and maintenance of street signs.

In response to a federal mandate, the Highway Department completed the third year of a town-wide five-year program to install all new street signs that have easily readable, reflective lettering. As of June 30, 2006, 90% of this program has been completed throughout the Town.

From monies specifically approved by Town Meeting, the Highway Department purchased a new 2006 3 - cubic yard front-end loader with plow.

The Highway Department will continue to interface with the Massachusetts Highway Department (MHD) on MHD's completion of the construction phase of roadway improvements at the Route 20/126/27 intersection and the enhancement project in Wayland Town Center. Due to a stop work order from Mass Highway for financial reasons, the completion date for this project has been extended to November 2006.

In addition, the Board of Road Commissioners continues to work with the Police Chief in: establishing traffic safety measures to reduce speeding within local neighborhoods throughout

Town, and to reduce on-street parking of large commercial vehicles.

The Board of Road Commissioners on two occasions has solicited bids for a new salt shed to be built on the former DiCarlo property with monies approved at the April 2005 Special Town Meeting.

The Board of Road Commissioners continue to work with the Park and Recreation Commissioners to conduct a garage feasibility study exploring a possible construction of a new Park and Highway facility.

The Board of Road Commissioners has a final design to reconstruct the intersection of West Plain Street and Old Connecticut Path using monies from the developer of a major housing project in Framingham. The members of the Board of Road Commissioners are as follows:

Mark Santangelo, Anette Lewis, Anthony Timperio, Stewart Millerd, Carl Rosenblatt (term expired April 2006) and Shawn Fennelly (term began April 2006).

WATER COMMISSION

The Wayland Water Department was created by a vote of Town Meeting in April 1878 "to supply itself and its inhabitants with pure water." This mandate given by the Town includes complying with all federal and state regulations and maintaining a water system that includes 85 miles of water mains, 689 fire hydrants and two water storage tanks that together hold 2,500,000 gallons of water. The Board of Water Commissioners has also determined that the mandate requires the water department to begin filtering the water.

After exhausting all alternatives to improve Wayland's quality of water, the Water Department has concluded that certain wells need to be filtered to upgrade the quality. Unfortunately, improved water quality will mean higher water costs, which will affect all of Wayland's water customers. At the 2006 Annual Town Meeting, the citizens of Wayland approved a \$7.4 million expenditure for building a filtration plant at the Baldwin Pond Station as submitted by the Water Commissioners.

The Water Department filed plans for the filtration plant to the D.E.P. after they had approved the Pilot Project last year. The department awaits approval

from the DEP in the first half of the New Year. Once approved the water department is ready to submit contracts for bidding with the intention of starting development in the second half of 2007. The plans are for the plant to be up and running by the end of the first half of fiscal year 2008.

Even with the effort to promote and advertise water conservation, water consumption over the last two years has remained above the MA DEP guidelines. As a result, the new water bills will show the amount of total water consumed per day in gallons. This will allow the residents of Wayland added information to assist them in meeting conservation goals. The DEP is pressuring every water department to work towards a 65 gallon per person, per day.

Dave Fields was promoted to General Foreman of the Water Department and has also taken on the added duties of acting superintendent. He has initiated the following priorities and new policies, which have greatly benefited the Town of Wayland and the Water Department.

- ♣ The Flushing Program has been modified to increase the number of water mains that are cleaned using less water.
- ♣ Customer care and addressing customer's concerns have become a priority to Water Department employees.
- ♣ Continue implementing a rating system to determine hydrant replacement needs.
- ♣ Meetings held to include employees in the planning and preparation of current and future improvements and concerns regarding customer relations, pump stations, the distribution system and state water regulations.
- ♣ Working with all Town Departments to utilize equipment and man power in order to save time and money.
- ♣ Study of distribution system to isolate areas in need of improvement.
- ♣ Valve installation/exercise program to limit the amount of customer's effected by water main breaks or general emergency requiring areas of water mains to be shut off.

- ♣ Educate and inform Wayland citizens in water usage and conservation. The goal set by the DEP is 65 gallons per person, per day.

The Commissioners would like to welcome Michael Keegan who has replaced Robert Duffy, Jr. as water commissioner. We also would like to thank Mr. Duffy for his many years of service to the Wayland Water Department and much appreciation for the effort and dedication of the water department staff that can be counted on both day and night to respond and service the needs of the residential citizens and business owners of Wayland.

SURFACE WATER QUALITY COMMITTEE

The Wayland Surface Water Quality Committee (SWQC) has been chartered by the Board of Selectmen to “oversee, monitor, maintain and improve the health and quality of bodies of water in the Town of Wayland... SWQC shall take appropriate action to maintain water quality, contain invasive weed growth, and seek and manage appropriate grants to improve the surface waters”.

The 400 acres of surface waters and the abutting roads of Wayland are used for swimming, fishing, boating, ice skating, strolling, jogging, exercise and scenic drives by a majority of our citizens. This is quality open space, recreational space and wildlife habitat. Over the years, in spite of roadway, storm drain, septic and water quality improvements advanced by SWQC with DPA and other Town assistance, invasive weeds plague the town’s waters and pose a human safety issue. During the period from June 2005 to Nov. 2006, SWQC performed the continuation of the following multi-year projects and programs:

Dudley Pond: Wayland’s most populated and used surface water body. In the past, herbicides and hand pulling were used to address invasive weeds. However, repeat use of herbicides is expensive and can create herbicide resistant plants. Over human health, drinking water and environmental concerns, the Board of Health and the Conservation Commission banned herbicides for a period. SWQC is implementing a range of complimentary alternative programs and research that goes along with state mandated IPM program.(Integrated Pest Management).

Beyond Hand Pulling: We implemented the third year of a program of aggressive hand pulling and removed 140,000 Eurasian Milfoil invasive weeds with divers this past summer in Dudley Pond. However, the weeds are growing faster than we have been able to remove them. On a positive note, several bottom native plants are coming back, not seen for many years. To deal with this explosive weed growth, partially due to extreme weather, SWQC has been looking at options used around North America and consulted with a number of experts and COLAP. A number of studies and alternative Programs are being explored including - A rare but native beetle (weevil) was introduced in July of 2006 to see if this Eurasian Milfoil invasive weed-eating beetle will survive in the ecology of Dudley Pond. If successful, the beetles and native pond bottom vegetation may help control invasive weeds after 3-5 years to get established pond wide.

THREE FUTURE PROGRAMS

In case the weevil do not produce desired results, we are also researching and doing pilot tests on 3 other methods to address the weeds and lower the nutrient run off that feeds the weeds. The following 3 programs are paid for with CPA funds:

1. A test of a circulator machine in Dudley Pond that mixes the water and has been effective in other ponds in Canada and the US for lessening the Milfoil Invasive weed. The machine also raises dissolved oxygen (DO) levels and improves water quality and clarity. This may have use later in other ponds.
2. Remote Scans of all major Town water bodies, using forward sensing infrared to find leaking septic & reduce the nutrients that feeds the weeds.
3. Water testing in 3 of great ponds to establish a scientific base line and find other nutrient and water quality problems.

A 319 grant filed by the Dudley Pond Assoc., financially managed by the Town, will cover the pilot introduction of the weevils, address the Middle School run off problem with a bio retention cell, create some public education and provide for stenciling storm drains.

Long term benefits: A combination of these techniques, in conjunction with hand pulling weeds (from a state grant) could save the town millions of dollars over the long run, help maintain public safety, help prevent drowning, maintain property values and tax base in the town and help preserve our water resources for future generations.

Heard Pond a success story of preserving a natural and wild setting: Harvesting vendor ACT continued removing the invasive Water Chestnut weed. SWQC devised a creative plan to compost the weeds at the Wayland landfill instead of using a private contractor to haul them away, working with the Departments of Health, Highway, and landfill. This saved the Town well over \$150,000 from 2003 - 2006 in private contractor hauling, incineration fees and Massachusetts from more air pollution. We have successfully lessened the weed mass by 50 fold and created 2 million pounds of high grade compost made from the invasive weeds (from 1,2 million lbs removed in 2003, the harvested weeds have been reduced down to only 26,000 lbs in 2006) which is given back to the citizens of the town for free. The composted weeds not given out are traded for top soil saving the town money as well.

Media Outreach: SWQC was successful in enticing Channel 4 TV News to do a live remote, plus the Globe, Middlesex News and Town Crier Newspaper to do a half dozen news stories, probably seen by over one million people, in 2005/6 to promote the environmental and cost savings activities, promote organic lawn care, nutrient reduction and bring positive P.R. to the Town.

Education and grants: We have produced several educational programs, one by a Canadian weed expert and another well attended program given with assistance from Green Homes Northeast, that addressed run off, lawn care and low impact development. SWQC has been documenting, photographing and measuring various programs and has also wrote and got funded for a small grant from the Scenic Rivers program, with Conservation Commission assistance.

FUTURE PROGRAMS 2006/2007 and town cooperation or sharing: These include continued Heard Pond harvesting, to eventually a reach volunteer hand pulling to almost eradicate this weed and exploring getting the Federal Government to cover future costs of hand pulling in Heard Pond. SWQC hopes to work with the water department and other town boards, departments and committees related to water; to further public education. Discussions will continue with the Towns of Natick, Wellesley and Newton to explore sharing of knowledge and resources, leading to our mutual benefits.

Prevention and details: SWQC may design / install new signage at boat launch areas to prevent spread of

weeds. We write RFP's and contract and monitor other projects as they relate to surface waters.

Future actions for Dudley Pond: Ongoing Hand pulling of weeds and possible harvesting covered in part by the Dudley Pond Association. Possibly explore next steps of draw down feasibility study. Optionally, meet with DEM & Fish & Wildlife to explore a Carp pilot study, monitor circulators and weevil progress. In the future, if funds or grants are available we will do some restoration of native plant species and fast growing ground cover for erosion control on hills around Dudley Pond.

Future public education and out reach: will be furthered through mailings/e-mailings of existing relevant material and a speaker series, related to lawn run off, buffer zones and septic systems to appeal to people in the watersheds and school children.

SWQC Research and volunteer help: Over the past six years, members of the SWQC attended 14 different educational conferences including ones held by the Council On Lakes and Ponds (COLAP), two by the Clean Water Fund and a North American Lake Managers Society (NALMS) conference. These sessions went over common problems and potential solutions to address many of Wayland's water quality issues and save the town money. SWQC will be researching different sources of State and Federal funding. For further information or to volunteer help, Please Contact Jackson Madnick, Chairperson or Members, Bob Goldsmith, Tom Largey, Toni Moores or Dr. Lisa Newton.

PARKS AND RECREATION COMMISSION

The Mission of the Wayland Parks and Recreation Department is to provide programs, facilities and services designed to enhance individual and community values of physical, social, creative, cultural and intellectual growth and development. Our contributions are measured by community participation.

The Wayland Parks and Recreation Department is organized into four divisions: Recreation, Parks, Cemetery, and Forestry. Each department is committed to customer service – creating and maintaining the highest quality of service within a framework of fiscal responsibility that relies on

efficient utilization of community resources, citizen involvement and collaboration within the community.

Park and Recreation has been working diligently to add new and expanded enrichment programming for our community. We reach far beyond sports including science, arts, theatre and family events. We have worked creatively this past year with swim team organizations to keep the pool open on a rental basis. The Park Department continues to work hard maintaining all school grounds/athletic fields Town Buildings' lawns, the Town Beach, playgrounds, cemeteries and parks.

The members of the Parks and Recreation Commission from July 1, 2005, through April 25, 2006, were Jim Forti, Anna Meliones, Stas Gayshan, William Bowhers, and Mel Litter. The members from April 26, 2006, through June 30, 2006, were Anna Meliones, Stas Gayshan, William Bowhers, Mel Litter, and Thruston Wright.

WAYLAND/SUDBURY SEPTAGE TREATMENT FACILITY

FY'06 was the ninth year of operations following the Wayland and Sudbury Town Meeting's adoption of the administrative changeover to a Committee structure. The eight member committee is composed of four members from Wayland and four members from Sudbury, appointed by various boards in each town. Camp Dresser & McKee (CDM) continues under contract to provide administrative and technical assistance to the facility.

The facility service area has continued to expand into a truly regional septage treatment facility. For FY 2006, the facility received and treated 10,299,814 gallons of septic waste, with 56.7% of the septage received coming from communities other than Wayland and Sudbury. The Town of Wayland residents contributed 16.4% of the volume and 22.5% originated from Sudbury. The septage volume increased significantly from FY 2005 by 2,105,401 gallons or 25.7%. This is directly related to a full scale demonstration project at the facility to demonstrate an innovative and cost effective means for improved treatment plant effluent quality and increased throughput capacity. The results of that program are currently being reviewed and discussed with the Massachusetts Department of Environmental Protection. It should be noted that not all septage generated in Wayland and Sudbury is disposed of at the facility. Some septage haulers choose to use other

wastewater treatment facilities. If all septage generated in Wayland and Sudbury was disposed of at the facility, the cost of disposal and treatment could be kept as low as possible for the citizens of the two towns.

Revenues generated increased to \$785,224 as a result of a rate increase of one half cent per gallon along with strong growth in waste treatment revenues from the large increase in service provided. The facility showed an overall annual operating surplus of \$123,166, although some expenses from FY 2006 related to the plant process pilot study still need to be paid. The facility staff, the Septage Committee and CDM continues to work on increasing efficiency, decreasing costs and maintaining the high level of septage treatment and effluent quality.

The quality of the water discharged from the facility currently continues to meet the requirements of the Massachusetts Department of Environmental Protection, except for excursions related to stressing the facility during the plant process performance testing period. The current five-year discharge permit expired in March 2005, although it is still considered to be in effect until a new permit is finalized. A draft of a new permit has been received which requires an additional level of treatment be provided. This will provide additional long-term environmental benefits, but will require a capital investment. Discussion between the Septage Committee and DEP regarding these possible changes resulted in the agreement to allow the facility to try a plant-based study to determine the extent of modifications required to meet the new discharge limits.

The Wayland/Sudbury Septage Committee is committed to serving the communities and the local environment by exploring cost-saving alternatives while maintaining facility performance and improving service.

WASTEWATER MANAGEMENT DISTRICT COMMISSION

The Wayland Wastewater Management District Commission was approved by Town Meeting and established by the Massachusetts Legislature under Chapter 461 of the Acts of 1996. The Commission operates a sewer system along Route 20 from the intersection of Route 27 to a wastewater treatment plant located on the former Raytheon property. Approximately 36 business and residential properties

are served by the system. The system is operated and maintained by an outside contractor.

The Commission operates as an Enterprise Fund which means that operations are financed in a manner similar to the financing of a private business. The cost of operating and maintaining the system is financed by user charges consisting of betterment assessments, privilege fees, and user fees. User fees which are invoiced quarterly are based on winter water usage or on twenty percent of the sewer capacity allocated to the property whichever is greater. The Commission's budget is reviewed by the Finance Committee and approved by Town Meeting. However, the Commission receives no funding from the Town of Wayland. If a surplus is realized, it is retained by the Commission for capital improvements, system maintenance, and to pay for deficits.

For FY2006, income was \$178,137.63 and expenses were \$192,157.61 for a deficit of \$14,019.98 which was paid from Retained Earnings. The budgeted deficit was \$31,500.55. The deficit was less than expected as a result of user fees exceeding budget by \$19,697.38. During the year, the Commission increased the minimum billing of user fees from 15 % of sewer capacity to 20 % of sewer capacity effective July 1, 2006. The Commission's bank balance at the end of FY2006 was \$229,147.79. During the year, the amount of \$72,561.47 was

withdrawn from the Commission's bank account to pay expenses from a prior year.

The Commission agreed to permit the Wayland Meadows housing project to connect to the sewer system. In return, the developer of the project agreed to pay the Commission the amount of \$600,000.00 of which at least \$200,000.00 is scheduled to be paid in FY2007. The Commission will incur some expenses in making the connection to the project. Income and expenses relating to Wayland Meadows are not included in the Commission's budget for FY2007.

During FY2006, the Commission's treatment plant treated and discharged 3,233,101 gallons of wastewater for an average of 8,858 gallons per day. The water discharged from the plant complied with all Federal and State regulations. The permitted discharge is 52,000 gallons per day. The system is substantially underutilized with a resulting negative effect on the plant's ability to treat wastewater and on the financial performance of the system. The low utilization is due to lack of occupancy of the former Raytheon facility which is expected to become Town Center. Wayland Meadows will add an estimated 4,300 gallons per day to the wastewater.

The members of the Wastewater Management District Commission for the Fiscal Year July 1, 2005, through June 30, 2006, were Lana Carlsson-Irwin (Chair), Eugene Roberts, and R. Blair Davies. The Executive Director is William R. Prendergast.

PUBLIC SAFETY



FIRE DEPARTMENT

During the twelve months of FY 2006 our department responded to 3,317 calls for assistance. As in recent years, ambulance calls lead the way with 965 requests for emergency transport. A total of 381 fire-related emergencies were reported, nine of which were listed as a serious structure fires. The most costly of these occurred on December 30, 2005. This three-alarm fire started in a vehicle parked in the garage under the home resulting in a fast spreading fire that resulted in severe damage to the Grove Street residence. In all, over \$356,000 dollars of real and personal property was destroyed by fire during the last year in Wayland. We were again fortunate to experience no loss of life or serious fire related injuries during the period.

Our department continues to seek improvement in the availability and response time of paramedic services within our region. As previously reported, this department still depends on the limited availability of paramedic units that our shared with many other Metro West communities. We continue to experience situations when, despite the need for advanced pre-hospital medical care, none is available. In other situations the prolonged response times of these units result in situations that make the delivery of paramedic care impractical. Our department will continue to explore feasible, cost effective ways to provide this vital service to our residents.

Major renovations were made to our 13-year-old combination aerial ladder and pump during the past year. With an expected service life of twenty plus years this type of mid term refurbishment is essential to keep the vehicle in safe operating condition. Work performed included a complete overhaul of the vehicles hydraulic systems; the pump was rebuilt, the vehicles cooling system replaced, the vehicle was relamped and repainted, new braking systems were installed and the tires replaced.

We were once again fortunate to receive federal grant monies to purchase communications and safety equipment needed to perform our mission. Under this program 95% percent of equipment costs are reimbursed by the Department of Homeland security. This year Wayland was the recipient of over \$58,000 in federal aid.

Our Public Fire Education program continued on many fronts. In addition to our traditional fire prevention programs for school children, Firefighters partnered with the elderly to install smoke detectors, carbon monoxide detectors and keys boxes at their homes.

The passage of state legislation this year now requires that every homeowner install carbon monoxide detectors in their homes. Known as

“Nicole’s Law” this legislation was enacted after the tragic death of Nicole Garofalo, a 7-year-old Plymouth resident who fell victim to carbon monoxide poisoning after snow blocked the flue of the homes heating system. During the past year we have worked with local realtors and tenant groups to assist them in complying with the new law.

Last January, the retirement of Fire Inspector Francis Burke resulted in the promotion of Firefighter Robert Dorey to Inspector. Mr. Kenneth McGuire was appointed as a Firefighter to fill the vacant position.

INVENTORY OF ALL FIRE DEPARTMENT MOTOR VEHICLE APPARATUS

1,250 gallon per minute pumping engine	Engine 1	E-One	1997
1,250 gallon per minute pumping engine	Engine 2	E-One	2004
4-wheel drive brush truck	Engine 3	Ford	1997
1,000 gallon per minute pumping engine	Engine 4	E-One	1983
1,250 GPM pump with a 75-foot aerial	Ladder 1	E-One	1993
Ambulance, primary	A-1	Ford	2005
Ambulance, reserve	A-2	Ford	1999
Chief’s car	Car 1	Ford	2004
Shift commanders vehicle	Car 2	Ford	2003
Pick-up truck w/ utility body	Car 3	Ford	1997
Fire Inspector’s car	Car 4	Ford	2000
Fire alarm repair truck	M-1	Ford	2005

PROPERTY DAMAGE 5 YEAR COMPARISON

2001/2002	\$ 450,000
2002/2003	\$ 225,000
2003/2004	\$5,706,865
2004/2005	\$ 224,000
2005/2006	\$ 356,000

TOTAL INCIDENTS (emergency and calls for service) 5 YEAR COMPARISON

2001/2002	3,326
2002/2003	2,936
2003/2004	3,232
2004/2005	3,284
2005/2006	3,317

CLASSIFICATION OF INCIDENTS 2004/2005

Fire Emergencies	381
Medical Emergencies	965
Other Emergency services	391
Motor Vehicle Accidents	100
Hazardous Materials Incidents	202
Fire Alarm System Work	302
Inspections	807
Public Education	50
Training Sessions	119
TOTAL INCIDENTS	3,317

POLICE DEPARTMENT

The Police Department experienced some personnel changes during the fiscal year as efforts continued to bring the department to a fully staffed level. New hires during the fiscal year occurred on November 25th, Officer Christopher Demers, and on March 27th, Officer Christopher Musick. This brought the total complement of sworn officers to twenty-one, one short of the department's authorized strength of twenty-two. On May 22nd, Sergeant Patrick Swanick was reassigned to the Detective Sergeant position from Administrative Sergeant. A new dispatcher, Jamal Khalid, was hired on April 6th to replace Ken McGuire, who left the position to join the ranks of the Wayland Fire Department.

During the fiscal year the police department was again successful in obtaining funds through several grant opportunities, such as the Governor's Highway Safety Bureau's, "Click It or Ticket", "Road Respect", and "You Drink, You Drive, You Lose" campaigns. In addition, the police department obtained a number of items and funds for several programs through the Executive Office of Public Safety's Community Policing Grant. This grant makes it possible for the police department to operate the Bicycle Patrol, conduct the Citizen Police Academy, and provide specialized Rape, Aggression, Defense training to teenage girls. The department obtained an electronic message board through a state grant. The portable board can be used to notify citizens of an emergency or traffic related events. In conjunction with the Wayland Fire Department and Emergency Management, a Reverse 911 system was installed at the Public Safety Building. This system allows for mass notification of an emergency to residents through the telephone system.

In the fall of 2005, the police department conducted its third Citizens Police Academy. Interested residents are taught about the various jobs that are performed by Wayland police officers in the community. In addition to a tour of the new Public Safety Building, participants were exposed to topics such as; powers of arrest, sources of law, alcohol abuse, O.U.I. enforcement, motor vehicle law, accident investigation, domestic violence, the court process, detective services and patrol procedures. As part of the course each student experienced a "ride-along" for part of a shift with a Wayland police officer and was given the opportunity to fire some of our weapons at the police firing range. The course is

designed to give interested citizens a better understanding of police operations in Wayland, and the value of the investment made for public safety. It also provides an opportunity for police officers to hear the opinions and concerns of residents on matters of public safety and police services.

In June of 2006 the department conducted its first Student Police Academy. This four-day course was especially designed for students in the sixth through eighth grades, to teach them about various aspects of law enforcement and public safety. Sixteen Wayland children participated in the training that included a daily physical fitness regimen and a trip to the Middlesex County Courthouse in Framingham.

In the Spring of 2006 the department also conducted a "Cops Card" contest for children in grades K-5. The youngsters were asked to collect all 22 cards of various police officers and dispatchers in order to enter a raffle for prizes. The prizes included gift certificates at Toys R Us and a Red Sox package that featured tickets to a game at Fenway Park and the opportunity to lead the crowd in the singing of "Take Me Out to the Ballgame" during the 7th inning stretch. The Red Sox mascot "Wally the Green Monster" helped deliver the prizes to the lucky winners during the last week of school.



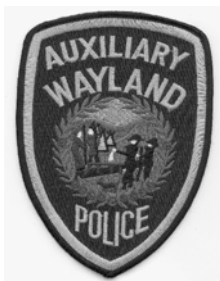
In fiscal year 2006 the police department continued its effort to reduce the traffic accident rate in our town by enforcing the motor vehicle laws, and working with the Wayland Highway Department to insure that roads are well maintained and have appropriate regulatory and warning signs. In fiscal year 2005, there were 301 traffic crashes investigated by the Wayland Police Department. In fiscal year

2006 there were 265 investigations of accidents, a reduction of 12%.

The Wayland Police Department maintained a vigorous training program during fiscal year 2006. All officers received firearms training and qualifications and attended the police in-service training. Individual officers attended specialized training in a variety of subjects such as; Background Investigations for Public Safety Positions, Homeland Security and Pictometry Training Workshop, Bio-Key's Identity Match Fingerprint Identification System, Basic Computer Search and Seizure Course, Less Lethal Force Options, High Risk Critical Incident Training, Law Enforcement Liability/Accreditation, Presenting a Better Narcotic Case, Massachusetts Civil Service Law, Junior Operators and Police Powers Concerning Foreign Licenses, Role of the First Responder in a Crisis/Suicide Situation, Introduction to Internet Crime Involving Child Exploitation, Drug Law Enforcement for Patrol Officers, The Reid Technique for Interview and Interrogation, Credit Card Fraud and Identity Theft Investigation, Dealing With Disgruntled Employees, Incident Command 200, COBWEB Bicycle Patrol Training, Internal Investigations Seminar, Juvenile Issues Seminar, Massachusetts Association of Women in Law Enforcement Conference, and Police Civil Liability.

During the past fiscal year there were 12,651 total incidents recorded by the department.

AUXILIARY POLICE



✦ Ride Along Program

This program is a continuing training program with the Wayland Police Department. An Auxiliary Officer voluntarily signs up to ride as a second officer in a Police Department Patrol Unit. During the patrol, the Auxiliary Officer learns how to put into practice the training they have received in

Monthly Training Meetings, In-service Training and from regular Officers. This provides the Town with a two-man patrol unit. On many occasions the presence of a second Officer in the initial responding unit has been extremely beneficial. Also, as part of the Ride Along Program Auxiliary Officers participate in the GHSB YOU DRINK, YOU DRIVE, YOU LOSE Enforcement and Click-or-Ticket grant programs.

✦ X-ray Unit

The X-ray unit is an element of the Auxiliary's used by the Police Department on special occasions, for patrolling the Town buildings as well as the schools, and as back up for Department Patrol Units, if requested. This allows the Town to have three marked cruisers and one marked two (2) Officer Auxiliary cruiser to provide more visibility to the public.

✦ Training

The Wayland Auxiliary Police Department (WAPD) receives training through out the year to certify or recertify the Aux. Officers in First Responder, CPR/AED, collapsible baton, handcuffing, OC spray, firearms and the Use of Force Continuum. Each year during January and February the Aux. Officers receive thirty (30) hours of In-service Training in concurrence with the Framingham Auxiliary Police Department. This training consists of Terrorism, defensive tactics, domestic violence, Law updates and Incident Command. The participation in this training is high and motivated. The training is to comply with MPTC, State, Town and Department policies. Also the WAPD has had guest instructors for different departments and has certified instructors within its own ranks. Aux. Off. Joe Parks, Jacob Vicente and Josh Wallace Have completed the C.O.B.W.E.B (Cops On Bikes With Education for Bicyclists). This training certifies Officers to utilize bicycles while on patrol.

✦ Turn Over Rate

The Auxiliary Department has watched the following Aux. Officers realize their goal of becoming Police Officers: Off. Jonathan Butler is a Part-time Patrolmen for the Stow Police Department. Due to health reasons in Aux. Officer Michael O'Malley's family he resigned. Our best wishes are with the O'Malley family. We wish all members that have moved on to seek other goals good luck in all their future endeavors.

⊕ **Special Thanks**

Thanks to Chief Robert Irving for the support and guidance in this program. Thanks to Officer Chris Hanlon, Auxiliary Police Commander, for volunteering his time to motivate, train and lead us. Thanks to all the regular officers of the Wayland Police Department that have participated in the Ride Along Program and have taken the time to enhance the Aux. Officer's knowledge by allowing Aux. Officers to ride along while they are on regular patrol. The Wayland Auxiliary Police Department (WAPD) would like to thank Cpt. Mark Speigle and the Framingham Auxiliary Police Department for inviting the Officers of the WAPD to take part in the annual In-service Training. Thank you to Sgt's Ralph and Joe Bibbo of the Middlesex Sheriff's Office, for giving their time to the WAPD in support of our firearms qualification. Thanks also to all the families and loved ones who have sacrificed time and special days when the Auxiliary Police are called upon for duty.

Ride-a-long Duty
 25 Tours of Duty
 Total Hours 114

X-ray Patrol
 15 Tours of Duty
 Total Hours 101

GHSC
 You Drink, You Drive, You Lose 12
 Click it or Ticket 4

Court 5

Special Assignments
 X-mas Lights 56
 Memorial Day 25
 Halloween/Cabbage Night 12
 WMS Walden Pond 6
 Wayland Jr. Police Academy 18
 WPD Meeting 12
 Groton 350th Celebration 52
 Thanksgiving Football Game 4
 Special Patrol 16
 Special 120

Candidate Interviews 34

Training Assignments
 Monthly Meetings 360
 Firearms Training 55
 In-service Training 15

Total Donated Hours 1021

Dollar value based on entry-level Police salary of \$19.81 per hour \$20,226.01

DOG CONTROL OFFICER

TOTAL # CALLS 1,330
 # COMPLAINT CALLS 167
 # LOST DOG CALLS 85
 # LOST CAT CALLS 41
 # (*) MISCELLANEOUS 850
 TOTAL # DOGS PICKED UP 24
 TOTAL # DOGS "NOT CLAIMED" SENT TO SOCIETY 2
 TOTAL # BITE CALLS 3
 1 CAT BITE and 2 DOG BITES
 TOTAL # QUARANTINE ORDERS 29
 TOTAL # CITATIONS/SUMMONS 129
 # NO LICENSE CITATIONS 64
 # LEASH LAW VIOLATION 12
 # OTHER OFFENSE 38
 # COURT SUMMONS PROCESSED 15

(*) Examples of miscellaneous calls are questions relative to animals, wildlife, license questions, stray cat calls, etc.

COMMUNITY SERVICES

COUNCIL ON AGING

The Council on Aging (COA) works to promote and enhance the quality of life for older citizens and their families. The COA seeks to provide a full range of services, including information and referral, transportation, socialization, nutrition, education, health promotion, and opportunities for creativity. The COA also provides outreach to elders who through physical and/or cognitive impairments are unable to participate in Senior Center programs.

Accomplishments: A new Co-Director, Julie Secord, started in February. **New classes and programs:** Included this year were programs such as T'ai Chi, Conversational Spanish, and Texas Hold 'em. The COA continues to work with seniors and their families to ameliorate the impact of property taxes, and offered 44 seniors the chance to participate in the Property Tax Work Off program. Collaborations included obtaining and installing carbon monoxide detectors with the Fire Department. We also continue to maintain a presence on the Local Emergency Planning Committee.

Events and Services: The COA mails its newsletter, *The Wayland Senior*, to every senior household in town as well as to 150 seniors and senior centers out of town. The newsletter highlights events, activities, and information on health and aging. **Ongoing programs** include T'ai Chi, line dancing, crafts, movies, bridge, exercise, genealogy classes, computer classes, art appreciation, men's breakfasts, Kids Holiday Shoppe, Holiday Lights Tour, billiards, state legislator office hours, intergenerational events, trips, and social events. This year we also offered a State House tour, a sign up day for MBTA passes, a presentation by State and Federal representatives from the Veterans Services, a Health Series with Parmenter Health Services, a booth at the Wayland Health Fair, talks on Prescription Advantage and reverse mortgages, intergenerational events over school vacations, two digital camera workshops, a karaoke pub and a variety of health related talks. **Services** include transportation, health clinics, free legal consultations, insurance benefits counseling, a meal site and home delivered meals, speakers, AARP tax assistance, handyman referrals, hotline reassurance calls, outreach, help with Fuel Assistance

applications, assistance with completing property tax forms, and the Property Tax Work-Off Program. In addition, the COA offers ongoing support to the Wayland Senior Club and the Golden Tones, both of which meet in the Senior Center.

Challenges: In 2006 the COA was challenged to maintain and improve services. In addition, space constraints at the Senior Center impact programming choices. The Council on Aging has requested space consideration at the new Wayland Town Center within the municipal pad. Transportation needs for the elderly and disabled pose an ongoing challenge as well.

Goals for FY '07

- Continue to expand transportation services for seniors and those with disabilities
- Continue to advocate for property tax relief for senior residents
- Find practical ways to increase the amount of affordable housing in Wayland.
- Widen the scope of those served to include family caregivers, seniors of diverse ethnicities, people facing retirement, and elders at risk
- Improve and expand the COA information resources and outreach efforts
- Promote intergenerational programs that emphasize integration of community interests
- Improve liaison communication with the police and fire to enhance services to at-risk elders
- Provide information seminars aimed at educating seniors on housing options, strategies for aging well and planning for aging, managing the health care system, and the use of legal tools for estate planning.

The members of the Council on Aging for the Fiscal Year July 1, 2005, through June 30, 2006, were George Blood, Martha Bustin, Mitchell Marcus, Harriet Onello, Clement Sansone, Geoffrey Smith (Vice Chair), Elizabeth Soule (Chairperson), and Denise Yurkofsky. Julie Secord was secretary from July 1, 2005, through January 31, 2006.

SENIOR PROPERTY TAX RELIEF COMMITTEE

Regular meetings were held during the year. Present members are Steve Colella, Madeline Foley, Bob Hatton, Clem Sansone, Lillian Mills, Patricia Nelson and Geoff Smith. Council on Aging Co-Director JoAnn Kunz also attended these meetings.

This year the committee was involved in submitting an article at Town Meeting to reduce the property tax deferral interest rate from 8% to 3.5%. That effort was successful. The committee also helped to design a questionnaire sent out to every senior household to determine interest in a voucher program. This voucher program would be implemented under the Senior Property Relief Task Force.

The committee also follows all ongoing legislative efforts at the State level involving property tax relief efforts for senior citizens. Geoff Smith, chairperson, sits on a local committee with several other Metrowest towns. This committee meets regularly to outline efforts on a statewide level.

SOUTH MIDDLESEX OPPORTUNITY COUNCIL

South Middlesex Opportunity Council, Inc. (SMOC) is a not-for-profit corporation providing social services, housing development and job training for 10 towns in the Metrowest region. As one of the towns in SMOC's service area, Wayland is able to appoint one representative to a 30-member board of directors. Nine of the other directors are selected from the other towns in the region; ten directors are selected from the groups served by SMOC; and the remaining ten are selected from the public at large, various community organizations and businesses.

Larry Scult is the appointed representative from Wayland to the SMOC Board.

CHARITABLE COMMITTEE

The Committee provides short-term, emergency help to people who have lived in Wayland for at least one year. Payment is made directly to vendors or the suppliers of services. Assistance has been provided for utilities, medicine, food, rent, clothing, medical service, special transportation connected with medical needs, and for other items.

The Wayland Charitable Committee (WCC) reports to the Commissioners of Trust Funds. The Committee's work is funded through a bequest from Suzanne A. Leavitt, which has been supplemented by gifts from Wayland residents, community organizations, and businesses.

In FY'06 the Charitable Committee provided \$21,857 in short-term help to Wayland residents. The largest areas of need were utility payments and rent payments. Since it was established in December 1997, the WCC has provided more than \$120,000 in assistance.

VETERANS' AGENT

The Veterans' Agent is responsible for the administration of assistance to eligible Armed Service Veterans, their spouses, and dependents pursuant to the provisions of MGL c.115.

During FY'06 only modest sums were expended. However, it is anticipated that expenditures for FY'06 year will be higher. Veterans returning from Afghanistan, Iraq, and other combat areas will require encouragement, guidance and help in their rehabilitation to civilian life. In addition, our aging veterans will require greater assistance with healthcare benefits and other needs.

Memorial Day

The Veterans' office, prior to Memorial Day, assisted by the Wayland Girl Scouts, placed flags at our local cemeteries for our deceased veterans. Wayland is reimbursed seventy-five percent for the cost of the flags by the Department of Veterans Services (DVS).

A flowerbed display and accompanying sign, "IN MEMORY OF ALL VETERANS" was continued at the entrance of our three town cemeteries. This office coordinated the effort with two of our town citizens who will make this a permanent annual event. Each spring a new planting of flowers and its maintenance will continue to honor our deceased veterans at these cemeteries.

Veterans Day

During November the Wayland Public Library honored Veterans with a display of memorabilia, news articles, and photographs of our combat veterans sharing their experiences. Many favorable comments were noted. In addition, a service honoring all veterans was held on November 11,

Veterans' Day, at the Trinitarian Congregational Church in which the Natick Army Laboratory participated along with other decorated veterans. A brief ceremony honoring all veterans was held at the Veterans' Monument.

Patriotic Tribute

Wayland High School honored Wayland Veterans and Wayland Fire and Police in observance of September 11th at a home football game in November. The Veterans' office coordinated this effort by contacting and inviting its veterans and their family members to this game. The Veterans, Police and Fire Departments participated with the posting of the colors, assembling on the field at half time and the singing of Patriotic songs conducted by the Wayland High School Band.

Operation Recognition

This office coordinated a continuing effort with the History Class of Wayland High School in seeking Vietnam War Veterans and documenting their

experiences. During the preceding years, veterans of World War II and Korea were interviewed.

Nursing Home Visitations

Veterans confined in our local nursing home in Wayland were visited on Valentines Day and during the Christmas season. Encouragement and a small token were given to each veteran, expressing our appreciation for their sacrifices. In addition, this office participated in the visitation of hospitalized veterans at the VA Hospital in Bedford and distributed Valentines provided by the Wayland Women's Club to each veteran.

Town Pole Flags

This office appreciates our Fire Chief and his department for their on-going, continuing efforts assuring that our flags are flown properly and proudly. The fifty town flags will be taken down following Veterans' Day and returned again prior to Patriot's Day, and their condition will continue to be monitored.



WAYLAND VETERANS MEMORIAL – Flag Brigade Vigil, November 11, 2006

VETERANS' MEMORIAL COMMITTEE

The Wayland Veterans Memorial consists of three parts: a Monument, a Book of Remembrance, and an annual scholastic award called the Freedom Prize.

FY 2006 was very successful year. At the dedication ceremony, July 3, 2005, the Veterans Memorial was

accepted by the Town of Wayland. Later in the fall, November 11, a brief ceremony honoring all veterans was held at the Veterans Monument. This ceremony was coordinated with the Veteran's Day Recognition Ceremony held at the Trinitarian Congregational Church prior to the ceremony.

In the spring, May 29, 2006, the first annual Memorial Day service at the Veterans Monument was instituted as part of the veterans' visits to all the town's memorial sites and markers prior to the march to the Lakeview Cemetery ceremonies. Later that same day another first was achieved: the scholastic Freedom Prize was awarded to Wayland High School sophomore, Zoe Leavitt, for her essay titled, *The Paradox of Freedom: Freedom of the Press during War Time*. Also, during the spring and summer of 2006, two additional Wayland veterans' names were added to the Veterans Monument engravings of those killed in action (KIA).

During Memorial Day week, the monument was enhanced by a display of large and small flags of the United States and large flags for the State of Massachusetts and the five military services. The flag display was shown again during Veterans Day week in early November. Flags were provided by the PCC and the Flag Brigade. The February 2006 edition of the national quarry newspaper, *Slippery Rock Gazette*, ran a front page story and photo of the Wayland Veterans Memorial calling it a dream (of six years) to create a reality in 17 tons in shiny black granite...brought together by community spirit and called a Celebration of Freedom.

The Veterans Committee participated in the Wayland Business Association annual silent auction and provided donations of paintings and computer equipment. On April 27, the Committee hosted a military-style breakfast at the Council for Aging (COA). In addition to the breakfast, representatives from the U.S. Army Natick Labs gave an educational briefing and demonstration of the next generation warrior field army clothing and electronic networking equipment. On May 2, the Veterans Committee was recognized for its participation in "Make a Difference Day" sponsored by Wayland's Spread the Bread organization at the Wayland Country Club at which time Spread the Bread was honored by the Paul Newman foundation as one of America's top ten organizations for community service.

Work was continued during this reporting period on the Book of Remembrance. The Book of Remembrance includes an honor roll of many who served in the U.S. military, as well as a list of donors to the memorial. It also documents the many memorials and markers which are located within Wayland. A draft of the Book of Remembrance is planned to be completed early 2007 with publication later in the year. We asked each veteran to give to the veteran's agent a brief recollection of his/her

military service for inclusion in the Book of Remembrance. The Veterans web page, www.wayland.us.ma, was updated and now includes a slide show of the dedication ceremony on July 3, 2005, the Veterans Town Report, and a copy of the first scholastic Freedom Prize essay.

Fund raising efforts are continuing to assure a self-sustaining endowment for the Freedom Prize and to cover publication costs for the Book of Remembrance. Donations are tax deductible and should be addressed to the Wayland Treasurer, marked for the Veterans Memorial Fund.

Committee meetings were held monthly except for the summer months and will continue throughout the next fiscal year until the Book of Remembrance is completed. The Veterans Committee reports to the Selectmen as a community volunteer service and receives no town budget allocation; all funds come from private donations.

HOUSING AUTHORITY

The Wayland Housing Authority (WHA) was incorporated in 1970 under M.G.L. Chapter 121B as a public authority to provide safe and sanitary housing to the Town of Wayland. The WHA administers the following housing programs for the Town:

- Bent Park State Elderly Housing
- Cochituate Village Apartments Federal Elderly Housing
- Family Scattered Site Federal Public Housing
- Section 8 Voucher Rental Assistance Programs

The WHA is accepting applications for all public housing waiting lists. The Section 8 Voucher Program waiting list is closed due to the high volume of applications and limited participant turnover. However, the WHA anticipates that the Section 8 waiting list will be re-opened in late 2006. The WHA maintains a local preference for admissions in all housing programs.

In addition, information for other town-wide affordable housing programs can be obtained at the WHA office:

- Soft Second Loan Program (First-time homebuyer mortgage assistance)
- Affordable Accessory Apartment Program
- First-time Homeownership Programs

The WHA monitors existing Chapter 40B affordable housing units and ongoing owner compliance with affordable housing deed restrictions.

In 2005, the WHA received a HUD grant of \$112,900 to fund capital improvements. This grant was utilized to partially fund the installation of new windows at the Cochituate Village Apartments. Windows on three sides of the building have been replaced with new, energy-efficient windows. In addition, false window panels were installed on the front of the building to revive the historical character of the original 1910 school building.

The WHA's updated agency plan for the federal housing programs, which describes the mission of the WHA, long-range goals, objectives and action plan, may be reviewed at the WHA office.

The WHA raises its operating funds from rent revenue and HUD subsidies. This fiscal year, the WHA paid \$19,636 in a payment in lieu of taxes to the Town of Wayland.

The WHA has representative serving on the Wayland Housing Partnership, the Community Preservation Committee, and the Nike Site Reuse Advisory Committee.

The WHA is indebted to the community volunteers who provide outstanding service to the WHA and our residents. The WHA appreciates the Town's continued support of public and affordable housing.

FAIR HOUSING COMMITTEE

The Fair Housing Committee is charged with facilitating equal access to housing regardless of race, color, age, sex, religion, national origin, sexual orientation, veteran status, disability, welfare status, or children. To do this, the Fair Housing Committee must analyze the community and develop a plan to eliminate any barriers that may exist that hinder equal access to and the choice of housing. The committee is directly responsible to the Board of Selectmen and the Massachusetts Commission Against Discrimination (MCAD). It must adhere to guidelines set forth by MCAD to avoid jeopardizing Wayland's applications for state grants. Complaints about housing discrimination may be made to the Fair Housing Committee through the Fair Housing Officer. There have been no complaints in recent years.

YOUTH ADVISORY COMMITTEE

Wayland Youth and Family Services provides five basic services to youth, families, and the community: 1) counseling, 2) community education and prevention, 3) consultation, 4) information and referral, and 5) crisis intervention (after hours we refer people to Advocates Psychiatric Emergency Services in Framingham).

Counseling is the primary focus of the program. The staff provides consultation and counseling for children, adolescents, parents and families for communication problems and family conflicts, stress management, substance abuse, and the impact of family disruption, such as separation, divorce, illness and death. We also address issues of depression, suicide, anxiety, eating disorders, concerns about sexuality, physical or sexual abuse, and peer relationships. Our services include intensive family therapy, outreach, and participation in school meetings. These services are provided at no cost to Wayland residents and students. All counseling is strictly confidential.

Community Education and Prevention are our second priority. A number of our projects are aimed at substance abuse prevention. We participate in the Wayland Substance Abuse Prevention Coalition which brings together school staff, parents, and concerned members of the community. Wayland was fortunate to receive a grant to support these efforts and we have collaborated with the new prevention coordinator, Heidi Heilman. As part of this collaboration we initiated a monthly forum for high school parents to discuss topics related to substance use. We also began a program of community intervention in response to parties and other incidents in which the police become involved due to alcohol or other drug use. This involves inviting the parents of the students involved in the incident to a meeting in order to provide support, education, and an opportunity to share strategies for dealing with adolescent substance use.

In collaboration with Heidi Heilman and the Wayland Police Department, we also strengthened our diversion program. This program is for students who are caught using substances or involved in other illegal activities. Participation in our diversion program is an alternative to having charges pursued in court. The program includes a psychological assessment, a psychoeducational group or individual counseling, and 15 hours of community service.

WYFS sponsors the Single Parent Network which organizes programs for single parents and their children. The goal of this network is to provide opportunities for single parents to meet, socialize, and support each other in both emotional and practical ways, and to offer programs and speakers that address the needs and challenges of single parents. A single parents discussion group has met monthly. The programs have included eating dinner together and childcare provided by students from the High School community service program.

We have worked with students in a variety of ways. We have continued to lead the Community Service Leadership Program at the High School which gives high school students the opportunity to do community service with Habitat for Humanity, Traditions, a local homeless shelter, the annual Fishing Derby, and other projects. This year the group had a very successful winter clothing drive. We also initiated the Annual Community Service Awards Ceremony and Fair. We had about 15 different organizations provide information about community service opportunities. Eleven adults and twenty six high school students were honored for their contributions to community service. We also provide a very popular and active Summer Community Service Program for high school students. Every year one of our staff member gives presentations to high school biology classes about body image and eating disorders prevention.

Current goals for WYFS include: continuing our substance abuse prevention efforts; establishing more of a presence at Wayland High School, made possible by a new office provided to us at the high school; providing high quality parenting programs in collaboration with Friends of WYFS and the Wayland PTOs; and maintaining the quality of our counseling program as well as the other programs we offer.

Members of the YAC: Reverend Erin Splaine (chair), Jim Forti, Dr. Doris Goldthwaite, Lynne Cavanaugh, Beth Butler.

TRANSPORTATION COMMITTEE

During the past year a state economic stimulus bill was passed into law that would, for the first time, allow Massachusetts cities and towns to join or form a new Regional Transit Authority, and credit 100% of the RTA assessment against a municipality's MBTA assessment. Wayland has been assessed the

following amounts by the MBTA for the past two years: Fiscal Year 2006: \$77,934, Fiscal Year 2007: \$80,103.

The Transportation Committee has begun to study the feasibility and value of Wayland entering into a relationship with the town of Sudbury's Senior Center to join an existing RTA or create an RTA that would serve seniors and residents with disabilities from each town. Both towns are assessed MBTA fees and neither town receives direct MBTA bus or rail service.

The Committee advises the COA on operation of the town's van purchased through the Massachusetts Mobility Assistance Program. The COA currently contracts with JFK Transportation, Inc., for staff, dispatch and maintenance of the vehicle. The van provides door to door wheelchair accessible paratransit service to residents Monday-Friday from 8-4 within Wayland, Framingham, Lincoln, Natick, Sudbury, Weston and to Emerson, Newton-Wellesley Hospitals, Waltham hospital medical building & Waltham Social Security office.

John Thomas, Chair

CULTURAL COUNCIL

In 2006, the Massachusetts Cultural Council awarded the Wayland Cultural Council \$2,500 to be used to fund varied cultural programs and activities that would benefit the community.

After soliciting applications and interviewing the applicants, the Wayland Cultural Council awarded the following grants:

Golden Tones: We Bring the Music	\$ 440.00
Musicians of the Old Post Road: Mozart in Paris	\$ 450.00
Sudbury Valley Nature Photographers Digital Presentation	\$ 400.00
Wayland Free Public Library Medieval Epic Poetry	\$ 420.00
Wayland Park and Recreation Department – Magical Experiments	\$ 400.00
Three Apples Story Telling Children's Hour at Wayland Public Library	\$ 150.00

The Artspace Gallery at the Wayland Town Building featured the diverse culture, history and the

exceptional talent of the community. Exhibits included High School prints and graphics, Wayland Beautification and improvements, Wayland Then and Now, Arts/Wayland and Quilts by Anne Moses.

The Wayland Cultural Council hosted a public reception for some exhibits. We hope to continue this successful formula in 2007. We welcome suggestions and applications!

CABLE TV COMMITTEE

The Cable TV Committee consists of a group of Town residents who advise the Selectmen on matters relating to the Town's cable television and related cable services. Under applicable law, the Selectmen are the official "issuing authority" for the Town's cable licensees and prospective licensees.

There are eight members of the Committee: Phil Radoff (chair), Maury Stauffer, Russ Ashton, Richard Turner, Ken Isaacson, Bob Hanlon, Steve Allen and Mark Reiss (non-voting student member).

The Committee has followed the developments in Congress of proposed legislation that would create a federal licensing procedure for cable TV service providers and would strip municipalities of the power to regulate and license such providers. Most municipalities throughout the country and the Commonwealth that have considered the matter have taken a position opposing such legislation, which has generally been supported by the cable industry. The Committee has submitted to the Selectmen a draft letter to the Commonwealth's US senators urging opposition.

At present, the Town's sole cable TV provider is Comcast. However, it has become apparent during the past year that Verizon is also interested in receiving a license to provide cable TV service to the Town, as it now provides to certain other towns in the Commonwealth and other states. Before any formal action is initiated by either the Town or Verizon to commence the process currently in place for initiating a license application, the Committee will meet with Verizon representatives on an informal basis to explore Verizon's objectives and will report back to the Selectmen.

Wayland Community Access and Media, Inc.

(WayCAM), which works cooperatively with the Cable TV Committee, is the independent non-profit corporation that oversees the activities of Wayland's local access station, which is received on Channel 9. WayCam has one part-time employee, Jim Mullane, the Station Manager, who is assisted by a group of volunteers. WayCAM's Board of Directors consists of Betsy Moyer, president; Richard Turner, Vice-President in charge of operations; Jane Stabile, treasurer; Joe Damplo, representing Wayland schools; Ken Isaacson and Tom Turner.

The Wayland Channel has served the community of Wayland for twenty-one years, as of September 17, 2006. During the past year the programming on Wayland Channel 9 has more than doubled, with an increase not only in educational and public interest coverage but also in the broadcast of public meetings. WayCAM's mandate is to broadcast Annual and Special Town Meetings, but it has also been broadcasting Board of Selectmen and School Committee meetings, as well as meetings of general interest to the Town, with increasing regularity.

During the past year, WayCAM installed, at its own expense, a broadcast studio console and backdrop drapes in the Public Hearing Room in the Town Building and permanent videotaping equipment in the School Committee Room, and has also completed improvements in the Board of Selectmen's Meeting Room, from which BOS meetings are broadcast live.

The educational programs provided by the Wayland Local Access Channel have been a quiet and unheralded service to the Town of Wayland and to its young people. The current Program Director, Jim Mullane, has served the Town in this capacity for eight years and has been an energetic and creative champion of education for young people, providing programs for students of all ages. His classes for high school students have increased to six. Programs in video production are also offered to elementary school and middle school students.

All of these programs give unique technical training to our young people, not only in television production but also in the areas of graphic arts, advertising, electronics and performing arts. The programs have helped to build self esteem in the students and confidence in their own skills, have inspired creativity and imagination and have enriched their school experience.

ANNUAL TOWN ELECTION - APRIL 25, 2006
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Eligible Voters: 8,697
 Total Votes Cast: 5,455
 Percent of Voters: 63%

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<u>BOARD OF SELECTMEN (2)</u>					
Blanks	700	706	601	656	2663
Douglas J. Leard	773	798	633	889	3093
William D. Whitney	713	597	577	806	2693
Mark A. Santangelo	580	710	576	577	2443
Write-Ins	4	7	5	2	18
TOTALS	2770	2818	2392	2930	10910
<u>SCHOOL COMMITTEE (2)</u>					
Blanks	1097	1167	935	1053	4252
Jeffrey R. Dieffenbach	817	814	693	909	3233
Heather A. Pineault	843	827	758	953	3381
Write-Ins	13	10	6	15	44
TOTALS	2770	2818	2392	2930	10910
<u>BOARD OF ASSESSORS (1) 2 YR</u>					
Blanks	569	565	474	579	2187
Jayson S. Brodie	802	837	711	878	3228
Write-Ins	14	7	11	8	40
TOTALS	1385	1409	1196	1465	5455
<u>BOARD OF ASSESSORS (1) 3 YR</u>					
Blanks	369	329	254	323	1275
Thomas V. Maglione	334	397	362	394	1487
Jeffrey Alan Cohen	678	676	573	745	2672
Write-Ins	4	7	7	3	21
TOTALS	1385	1409	1196	1465	5455
<u>LIBRARY TRUSTEES (2)</u>					
Blanks	1159	1263	1052	1189	4663
Rosamond P. Swain	871	841	734	951	3397
Malcolm L. Astley	736	708	603	788	2835
Write-Ins	4	6	3	2	15
TOTALS	2770	2818	2392	2930	10910
<u>BOARD OF HEALTH (2)</u>					
Blanks	1372	1401	1139	1390	5302
Constance A. Bean	707	752	667	791	2917
David A. Todd	686	661	584	746	2677
Write-Ins	5	4	2	3	14
TOTALS	2770	2818	2392	2930	10910

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<u>ROAD COMMISSIONER (2)</u>					
Blanks	937	1016	867	808	3628
Anette Seltzer Lewis	480	515	450	529	1974
Shawn P. Fennelly	468	504	365	510	1847
Sherre M. Greenbaum	419	385	336	519	1659
Carl Rosenblatt	463	394	371	562	1790
Write-Ins	3	4	3	2	12
TOTALS	2770	2818	2392	2930	10910
<u>PLANNING BOARD (5 YR)</u>					
Blanks	252	269	284	267	1072
Susan Fae Koffman	383	346	308	351	1388
Daniel B. Mesnick	589	616	402	636	2243
David A. Todd	159	173	199	207	738
Write-Ins	2	5	3	4	14
TOTALS	1385	1409	1196	1465	5455
<u>PARK & REC (3 YR) (2)</u>					
Blanks	1414	1440	1209	1426	5489
Stas Gayshan	660	678	614	729	2681
Thruston Wright, III	689	693	568	771	2721
Write-Ins	7	7	1	4	19
TOTALS	2770	2818	2392	2930	10910
<u>WATER COMMISSIONER</u>					
Blanks	575	567	475	588	2205
Michael Walter Keegan	807	833	719	871	3230
Write-Ins	3	9	2	6	20
TOTALS	1385	1409	1196	1465	5455
<u>TRUST FUND COMMISSIONER</u>					
Blanks	578	583	488	589	2238
Michael B. Patterson	797	816	706	868	3187
Write-Ins	10	10	2	8	30
TOTALS	1385	1409	1196	1465	5455
<u>QUESTION NO. 1 (OVERRIDE)</u>					
Blanks	6	6	10	14	36
Yes	832	675	616	872	2995
No	547	728	570	579	2424
TOTALS	1385	1409	1196	1465	5455
<u>QUESTION NO. 2 (DEBT EXCLUSION)</u>					
Blanks	28	32	37	35	132
Yes	1011	851	723	996	3581
No	346	526	436	434	1742
TOTALS	1385	1409	1196	1465	5455

**TOWN OF WAYLAND
SPECIAL TOWN MEETING**

NOVEMBER 1, 2005

DATE:

Tuesday, November 1, 2005

ARTICLES DISPOSED OF:

1 - 7

RETURN OF SERVICE

MIDDLESEX, s.s.

OCTOBER 18, 2005

I, William E. Pickett, Jr., duly qualified Constable of the Town of Wayland, do hereby affirm and certify that I have posted the Warrant for the Special Town Meeting to be held on Tuesday, November 1, 2005 by my posting copies thereof at the Wayland Town Building, Cochituate Post Office, Wayland Library and the Happy Hollow School, by posting fourteen (14) days at least before the date appointed for the posting of the Warrant for the Special Town Meeting. Posting was done October 18, 2005.

VOTES ENACTED:

TUESDAY, NOVEMBER 1, 2005 AT THE WAYLAND HIGH SCHOOL FIELD HOUSE,

C. PETER R. GOSSELS, MODERATOR:

Pursuant to the Warrant dated October 17, 2005 signed by Michael L. Tichnor, Alan J. Reiss, Douglas J. Leard, William D. Whitney, and Joseph F. Nolan, Selectmen, served and return of service given by William E. Pickett, Jr., Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Special Town Meeting met this day at Wayland High School Field House; and at 7:30 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

ARTICLE 1: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen

Estimated Cost: \$17,153.37

To determine whether the Town will vote to:

1. pay the following bills of the following prior fiscal years:

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>	<u>Board</u>
Choate, Hall & Stewart	2005	210.00	Board of Selectmen
William August Esq.	2005	922.50	Board of Selectmen
Kopelman & Paige	2005	15,029.91	Board of Selectmen
Kopelman & Paige	2004	990.96	Board of Selectmen

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

MOTION:

Michael Tichnor moved and was duly seconded that the Town:

- (a) pay the following bills of the following prior fiscal years:

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
Choate, Hall & Stewart	2005	210.00
William August Esq.	2005	922.50
Kopelman & Paige	2005	15,029.91
Kopelman & Paige	2004	990.96
<u>Total</u>		<u>\$17,153.37</u>

- (b) appropriate \$17,153.37 for the payment of the foregoing bills of Fiscal Years 2004 and 2005; and
- (c) provide for such appropriation by transferring \$17,153.37 from the General Fund-Unreserved Fund Balance.

VOTED: 1ST VOICE VOTE: UNDECIDED
 2ND VOICE VOTE: SCATTERING OF NOES
 3RD VOICE VOTE: SCATTERING OF NOES
 STANDING COUNT BY MODERATOR:
 IN FAVOR: 722
 OPPOSED: 1 MOTION CARRIED

<p>ARTICLE 2: REZONE THE REEVES HILL SITE AS A PLANNED WIRELESS COMMUNICATIONS SERVICES DISTRICT</p>

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws of the Town, by:

- A. Inserting under section 198-302.1.8 thereof the following new section 198-302.1.9:

302.1.9. A Planned Wireless Communications Services District that includes the land on Reeves Hill, so-called, as shown on Plate 34 of the Atlas of the Town of Wayland, Massachusetts, 1996, numbered as Parcels 34-026, 34-027, and 34-026A, and as shown on the plan entitled "Town of Wayland Planned Wireless Communications Services Zoning Overlay District," prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA. 01778, dated August 11, 2005, a copy of which plan is on file in the office of the Town Clerk.

- B. Adding said Planned Wireless Communications Services District to the Zoning Map referenced in Article 3 thereof.
- C. Inserting after Article 15 thereof (Wireless Services District) the following new Article 15A (Planned Wireless Communications Services District):

ARTICLE 15A

Planned Wireless Communications Services District

- §198-1550. Purpose
 §198-1551. Location
 §198-1552. Use Restrictions
 §198-1553. Design Restrictions
 §198-1554. Contents of Application
 §198-1555. Liability Insurance; Removal and Removal Bond

- §198.1556 Applicable Provisions
- §198.1557 Town-Owned Emergency Equipment
- §198-1558 Modification of Permitted Facilities

§198-1550. Purpose

- 1550.1. For the purposes of this Article 15A, “wireless communications facility” shall have the same meaning as in section 198-104.2, and “wireless communications services” shall have the same meaning as in section 198-1501.1. The purpose of this Article is to establish a district on or near the top of a geographically prominent hill in the Town, which has long been the subject of study and planning for wireless use in the Town, and in which wireless communications services may be provided while preserving and protecting the public health, safety and general welfare, while fulfilling the purposes of the Federal Telecommunications Act regarding provision of personal wireless services to the area capable of being served by the Planned Wireless Communications Services District and minimizing the number of wireless communications facilities in the Town. The Planned Wireless Communications Services District has been created specifically to protect the general public from hazards, minimize visual impacts, protect the scenic, historic, natural and human-made resources of the Town and protect property values.

§198-1551. Location

- 1551.1 The Planned Wireless Communications Services District shall be located on land on Reeves Hill, so-called, as shown on Plate 34 of the Atlas of the Town of Wayland, Massachusetts, 1996, numbered as Parcels 34-026,34-027, and 34-026A, and as shown on the plan entitled “Town of Wayland Planned Wireless Communications Services Zoning Overlay District,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated August 11, 2005, a copy of which is on file in the office of the Town Clerk.
- 1551.2 The Planned Wireless Communications Services District shall be construed as an overlay district with regard to said locations. In the Planned Wireless Communications Services District, all requirements of the underlying zoning district shall apply to uses other than a wireless communications facility or facilities; and the use and design restrictions of the Planned Wireless Communications Services District shall specifically apply to all wireless communications facilities.

§198-1552 Use Restrictions

- 1552.1 One wireless communications monopole may be constructed, operated, maintained and used by up to four wireless carriers in the Planned Wireless Communications Services District as of right, upon the issuance of a building permit therefor, provided that the proposed facility complies with the requirements of the State Building Code, 780 CMR, as applicable, plans entitled “Reeves Hill Wireless Communications Facility” prepared by Town Surveyor, dated August 11, 2005, on file with the Wayland Town Clerk, and with the Design Restrictions set forth below. A wireless communications facility conforming to the requirements of Article 15A may be constructed, operated, maintained and used in the Planned Wireless Communications Services District without the need for a special permit pursuant to section 198-203 and without the need for site plan approval under Article 6 of this Zoning Bylaw.

§198-1553 Design Restrictions

- 1553.1 A wireless communications facility in the Planned Wireless Communications Services District shall conform to the design restrictions set forth in this section.
- 1553.2 A free-standing wireless communications facility in the Planned Wireless

Communications Services District shall be designed as a monopole tower with internally or closely (“flush”) mounted antenna panels (with appropriate allowance for antenna tilting to meet coverage objectives consistent with minimizing adverse visual impact of the antennas) except as provided in section 1557.1 regarding equipment of the Town.

- 1553.3 Except as provided in sections 198-1557 and 198-1558 of Article 15A, the maximum height of the monopole shall be 180 feet above ground level at the base of the monopole.
- 1553.4 A wireless communications monopole in the Planned Wireless Communications Services District shall be designed to conform to all applicable state structural and engineering codes, including, but not limited to the State Building Code, 780 CMR.
- 1553.5 A wireless communications monopole in the Planned Wireless Communications Services District shall be subject to the Conditions set forth in Attachment 1, the provisions of which are incorporated by reference herein.

§198-1554 Contents of Application

- 1554.1 The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall contain all of the information ordinarily required for a building permit for a communications tower or other unmanned structure, as applicable, provided however that the plans submitted with the application for a building permit (“Plans”) shall be in lieu of an approved site plan for the proposed facility.
- 1554.2 Construction drawings for the proposed facility shall be consistent with the Plans identified in section 198-1554.1, and shall be stamped by a Massachusetts registered professional engineer.
- 1554.3 The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall be made by or on behalf of: (i) an FCC licensed wireless communications carrier; or (ii) by a tower building company or other person or entity having a binding lease or other agreement with at least one FCC-licensed wireless communications carrier to locate on the tower at the time it is constructed.
- 1554.4 The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall include a copy of the publicly available manufacturer’s specification sheets for (i) the antennas, cables, and other equipment to be internally or flush mounted on the tower, and (ii) each equipment cabinet or equipment shelter proposed to be used for ground equipment within the fenced equipment compound at the base of the tower.

§198-1555 Liability Insurance; Removal and Removal Bond

- 1555.1 The tower owner and each of its tenants will carry during the term of their use the following insurance: (i) “All Risk” property insurance for its property’s replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of \$5,000,000 combined single limit for bodily injury or death/property damage arising out of any one occurrence, naming the Town of Wayland as an additional insured if permitted by the insurer; and (iii) Workers’ Compensation Insurance as required by law. Annual proof of the insurance must be filed with the Town Clerk.
- 1555.2 Except as provided in section 198-1557.3, within six (6) months of the termination of use of the tower, the tower owner and its tenants will remove all of their respective above-ground improvements and the tower owner will restore the site to its condition at the commencement of the tower use, reasonable wear and tear and loss by casualty or other causes beyond its control excepted. The tower owner and its tenants will be responsible for reasonably replacing trees, shrubs and other vegetation at the site, but will not be required to remove from the site any below

ground foundations or underground utilities.

- 1555.3 To ensure removal of the tower after termination of use of the tower, the tower owner must obtain a performance bond or other form of financial security, in an amount consistent with a removal cost estimate stamped by a Massachusetts registered professional engineer and deposit it with the Town, to be used for removal and site-restoration costs in the event that the tower owner fails to comply. The tower owner also agrees to allow the Town and its agents and employees the right to enter the property for the purpose of removing the monopole in the event that it is not removed after such cessation of use.

§198-1556 Applicable Provisions

- 1556.1 Section 198-1510 (Exemptions) shall also apply to this Article 15A.

§198-1557 Town-Owned Emergency Equipment

- 1557.1 The owner of any free-standing wireless communications monopole in the Planned Wireless Communications Services District shall permit the Town of Wayland, without charge, to mount antennas and equipment for the Wayland police department, fire department or other Town emergency services on and next to the tower; provided that (i) said Town antennas and equipment shall not interfere with pre-existing wireless communications services on the monopole, and (ii) the Town shall pay any costs associated with the installation of the Town's antennas and equipment.
- 1557.2 Town antennas mounted on the monopole may extend up to twenty feet above the top of the permitted height of the monopole and need not be closely-mounted to the monopole.
- 1557.3 In the event of termination, for a continuous period of six (6) months or more, of the use of the tower by all users except for the Town of Wayland, the tower owner may in lieu of removal of the tower convey the tower free of charge to the Town of Wayland, subject to the acceptance of the tower by the Town. In the event that the Town accepts the tower under this provision, the bond referred to in section 1555.3 shall thereupon be returned to the tower owner.

§198-1558 Modification of Permitted Facilities

- 1558.1 Any equipment permitted for a wireless communications facility in the Planned Wireless Communications Services District may be replaced with equal or similar brands or models and may be upgraded to newer or technically superior brands or models so long as there is no change in the monopole design or increase in signal strength, and if a building permit is required, upon the issuance of a building permit. Upon request of the Building Commissioner, made not more frequently than once per year, each carrier shall provide updated specifications as to its equipment on the monopole in the Planned Wireless Communications Services District.
- 1558.2 A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall consist of (i) a change in number of buildings or equipment cabinets located on the site compared to that shown on the Plans identified in section 198-1554.1, (ii) an increase in the height of the monopole compared to that shown on the Plans identified in section 198-1554.1, or (iii) an addition to the externally-visible equipment including the number of antennas on the monopole compared to that shown on the Plans identified in section 198-1554.1. Notwithstanding the provision of (i) and (iii) above, any subsequent change that only adds co-locators' antennas, buildings, or equipment cabinets for up to a maximum of four wireless carriers shall not constitute a "Major Modification" and shall not require Site Plan Approval under Article 6 of this Zoning Bylaw, whether or not the change was shown on the Plans identified in section 198-1554.1.

1558.3 A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall require Site Plan Approval from the Planning Board under Article 6 of the Zoning Bylaw and a building permit from the Building Commissioner.

D. Inserting in section 198-701.1.2 the words "or Article 15A" after "Article 15" so that the section as amended reads as follows:

701.1.2 The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other necessary features usually carried above roofs, nor to towers or spires of churches and other buildings, if such features are in no way used for living purposes; provided, however, that no wireless communications facility shall be erected except in compliance with Article 15 or Article 15A

ATTACHMENT 1

Conditions for A Wireless Communications Facility in the Planned Wireless Communications Services District under Zoning Bylaw Section 198-1553.5

DEFINITIONS

For the purposes of the conditions below, the following definitions apply:

ZBA: the Wayland Zoning Board of Appeals

Building Commissioner: the Building Commissioner of Town of Wayland (or his designated agent)

Town: the Town of Wayland

FAA: the Federal Aviation Administration (or its successor agency)

FCC: the Federal Communications Commission (or its successor agency)

DPH: the Massachusetts Department of Public Health (or its successor agency),

Applicants, Tower Owner, Tenants: the applicants for a building permit, the tower owner and the tower's tenants, respectively

The Zoning Board of Appeals sets the following conditions for the wireless communication facility at 0 and 139 Old Connecticut Path ("Reeves Hill"), Wayland, MA:

PERMITS AND STANDARDS

- A. **Other permits:** Except to the extent superseded by or inconsistent with the Judgment in the matter *AT&T Wireless Services of Massachusetts v. Town of Wayland, et al.*, United States District Court for the District of Massachusetts, Civil Action Docket No. 04-11807MLW (the "TCA Case"), the Applicants must obtain and comply with all other required municipal, state, and federal permits from regulatory authorities having jurisdiction in this matter.
- B. **Structural integrity:** The 180-foot monopole tower must meet the Massachusetts Building Code provisions for seismic loadings and structural protection from wind and ice and shall be designed to support a height at least 20' above tower height.
- C. **Radiofrequency emissions:** The tenants' use of the monopole tower must be fully compliant with federal requirements on radio frequency emissions and the provisions of the Wayland Zoning Bylaw, §198-1503.2.16, to the extent lawful, reasonable and applicable and not inconsistent with regulations adopted by the FCC.
- D. **Monitoring standards:** Monitoring, testing, and inspection must be in accordance with the regulations of the FCC and, to the extent lawful, reasonable and applicable, DPH.
- E. **ANSI standards:** The monopole tower and its transmission must comply in all respects with the current standards of the American National Standards Institute (ANSI) and the National Council for Radiation Protection (NCRP), whichever are stricter, if and to the extent adopted by the FCC.

- F. **Construction traffic control:** Prior to the issuance of a building permit and the start of construction, the Applicants must meet with representatives from the Building Department, the Police Department, the Highway Department, the Conservation Commission, and any other relevant Town officials to discuss staging areas, traffic issues, and other construction-related matters. The Applicants must bear the cost of any reasonable and necessary temporary traffic controls associated with the construction.
- G. **Construction inspections:** An independent, Massachusetts-registered professional engineer who is not affiliated with any of the Applicants, at the Applicants' reasonable expense, must review all the construction documents, review and approve all quality-control procedures, and inspect the site at appropriate intervals. The reviews and inspection results must be included in a certified report, submitted to the Building Commissioner, attesting that the construction of the facility complies with the Judgment in the TCA Case and other applicable building and safety codes.
- H. **Construction:** All materials shall be assembled and constructed on the site by contractors licensed by the Commonwealth of Massachusetts, with insurance and bonding mutually acceptable to the Applicants and the Wayland Building Commissioner.
- I. **Maintenance:** The monopole tower and associated equipment mounted on the tower at the site shall be subject to periodic inspection and maintenance, to ensure their structural and mechanical integrity, and to avoid structural, mechanical and other failures. This periodic inspection and maintenance must occur at least every year. The Tower Owner must submit a report to the Building Commissioner indicating, among other details, the date of the inspection, the personnel performing the inspection, and the results. If any changes or repairs to the tower are performed as a result of the maintenance inspection, the Tower Owner should file a supplemental report after the repairs. Each report is due within 7 business days of the inspection or repair. In the event the Tower Owner fails to conduct a required inspection or to submit a required report, the Town shall notify the Tower Owner and all FCC-licensed carriers collocating on the tower of this alleged omission; and the Tower Owner or any carrier collocating on the tower shall have 45 days to conduct the required inspection and submit the required report before the Town may commence any enforcement action with respect thereto. [See also Condition 22, below.]
- J. **Removal:** Within six (6) months of the termination of the use of the tower, the Tower Owner and its Tenants will remove all of their respective above-ground improvements and the Tower Owner will, to the extent reasonable, restore the site to its condition at the commencement of the tower construction, reasonable wear and tear and loss by casualty or other causes beyond its control excepted. Notwithstanding the foregoing, the Tower Owner and its Tenants will not be required to remove from the site any foundations which are fully buried or underground utilities, but shall remove any such materials which reach or protrude above the surface. [See also Condition 20, below.]

VISUAL IMPACT

- K. **Screening vegetation:** To mitigate against visual impacts on the neighborhood, the Tower Owner must, during construction, not permit any contractor to place or stockpile construction materials on the root zones of the existing vegetation and mature trees or to disturb the root zones of the mature trees (the "root zone" being an area around the base of the tree equal to the width of the canopy). The Tower Owner must replace any mature tree on the site that dies within 4 years of the construction unless the death was from natural causes or caused by activity other than that of the Tower Owner or its Tenants. The replacement vegetation must be a fast-growing species at least 15 feet high when planted.
- L. **Fencing and landscaping:** The fencing surrounding the installation and accessory equipment, which will serve to control access to the facilities and the monopole tower, must be an 8-foot high locked black or green chain link fence topped by three strands of barbed wire. The fence must be kept in good repair, at the Tower Owner's expense, and screened to the east (except for an access gate) by evergreen vegetation (at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting to effectively screen the tower base and accessory facilities), which vegetation must be also maintained and replaced if it dies.
- M. **Lighting and Noise:** No pennant lighting can be placed to shine on or otherwise illuminate the monopole, unless required by the FAA. Lighting on the monopole shall be limited to that needed for

emergencies or as required by the FAA. Any lighting placed at the base to facilitate inspection and maintenance must be turned off when the inspection/maintenance personnel are not present. No flag shall be flown or displayed on the monopole. Noise generation shall be in accordance with the provisions of the Wayland Zoning Bylaw, §198-1503.2.16 to the extent reasonable, applicable and lawful.

- N. **Concealment:** All equipment must be concealed behind the fencing. All antennas must be flush (closely) mounted to the outside of the monopole tower, with appropriate allowance for antenna tilting, to meet coverage objectives consistent with minimizing adverse visual impact of the antennas. The monopole tower must be constructed to ensure that no portion of the structure falls off in high winds or ice storms. The monopole tower must have a galvanized finish in a color as determined by the ZBA within 30 days of the execution of the Agreement for Judgment.
- O. **Collocators:** The Tower Owner must agree to provide access for FCC-licensed collocators, including space on the monopole tower and room at the base, within the chain link fencing, for related ground equipment. The facilities of Cingular Wireless and three additional FCC-licensed collocators within the tower and within the fence are hereby approved. All additional collocators must file a separate application with the ZBA.
- P. **Signage:** The only signs allowed at the facility are no-trespassing/private property warning signs affixed to the fence and a required sign indicating whom to contact in the event of an emergency and the telephone number for that contact. As long as the monopole tower remains in use, this contact information must be kept current.

INDEMNITIES AND PROTECTIONS

- Q. **Indemnification:** The Tower Owner shall indemnify the Town for any damage to the Town's water supply tanks or other structures and equipment in the vicinity of the facility caused by its facility.
- R. **Corrosion protection:** The Tower Owner must supply proof that the manufacturer of the tower has added corrosion protection for the monopole and the base of the tower. All hardware must be galvanized, to prevent rust.
- S. **Liability insurance:** The Tower Owner, each of its Tenants and all applicants will carry from the date of commencement of construction through the later of, the date of removal of the tower or termination of tower use, the following insurance, at a minimum: (i) "All Risk" property insurance for the replacement of all property on the site at replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of \$5,000,000 combined single limit for bodily injury or death/property damage arising out of anyone occurrence, naming the Town as an additional insured, if permitted by the insurer; and (iii) Workers' Compensation Insurance as required by law. All insurance carriers shall be licensed in Massachusetts. Annual proof of such insurance must be filed with the Town Clerk.
- T. **Removal bond:** Removal must be conducted in accordance with Condition 10 hereof. To ensure this, the Tower Owner must obtain a performance bond or other form of financial security, in an amount consistent with a removal cost estimate stamped by a Massachusetts registered professional engineer and deposit it with the Town, to be used for removal and site restoration costs in the event that the Tower Owner fails to comply. The Tower Owner also agrees to allow the Town and its agents and employees the right to enter the property for the purpose of removing the monopole in the event that it is not removed after such cessation of use, and Applicants warrant that the lease with the property owner will, for the duration of the lease, confirm this right to enter.
- U. **Change in owner or lessee:** If the monopole tower as a whole, or any of its components, is sold, assigned, licensed or leased to an entity other than applicant Eastern Towers or Horizon Towers, the new owner or lessee must notify the ZBA in writing, within seven business days of the sale or transfer, with its name, address, telephone, and other contact information. [See also Condition 16, above.] The new owner or lessee shall be subject to all of the provisions of this permit.
- V. **Right to Cure:** In the event the Applicants or the Tower Owner or any Tenant fails to perform any condition required of it hereunder within forty-five (45) days after receipt of written notice from the Town specifying the failure, then the Town may commence an enforcement action with respect thereto; provided, however, that no such failure will be deemed to exist if the Applicants, Tower Owner or any Tenant, as applicable, has commenced to cure such violation within such period and provided that such efforts are

prosecuted to completion with reasonable diligence. Delay in curing a violation will be excused if due to causes beyond the reasonable control of the Applicants, Tower Owner or any Tenant. In the event that a failure presents an imminent threat to the public health or safety, the Town may commence enforcement action within a shorter time period as may be warranted by the circumstances.

MOTION:

Michael Tichnor moved and was duly seconded that the Town amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws of the Town as printed on Pages 3 through 11 of the Warrant for this Special Town Meeting, except that (1): the reference in Section 198-1553.3 to Section 198-1558 as printed on Page 4 shall be stricken so that Section 198-1553.3 provides: "Except as provided in section 198-1557 of Article 15A, the maximum height of the monopole shall be 180 feet above ground level at the base of the monopole."; and (2) the reference to Section 198-1503.2.16 in the last sentence of Paragraph M as printed on Page 10 shall be replaced with Section 198-1503.2.17 so that the last sentence of said Paragraph M provides that: "Noise generation shall be in accordance with the provisions of the Wayland Zoning Bylaw, 198-1503.2.17 to the extent reasonable, applicable and lawful."; the blank space at the end of Paragraph N of Attachment 1 as printed on Page 10 shall be replaced with "a color selected by the ZBA" so that the last sentence of said Paragraph N provides that: "The monopole tower must have a galvanized finish and its color shall be selected by the ZBA"

VOTED: STANDING COUNTED VOTE:
 IN FAVOR: 924
 OPPOSED: 433 MOTION CARRIED BY MORE THAN 2/3 MAJORITY

POINT OF ORDER:

George Harris and seven (7) voters questioned the vote.

VOTED: STANDING COUNTED VOTE:
 IN FAVOR: 947
 OPPOSED: 407 MOTION CARRIED BY MORE THAN 2/3 MAJORITY

<p>ARTICLE 3: AUTHORIZE THE TRANSFER AND LEASE OF A PORTION OF REEVES HILL PROPERTY AND THE CONVEYANCE OF UTILITY EASEMENTS FOR WIRELESS COMMUNICATION PURPOSES</p>

Proposed by: Board of Selectmen

To determine whether the Town will vote:

- A. to instruct the Board of Water Commissioners, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of all or any portion of the parcels of land and the structures thereon on and off Old Connecticut Path (East) shown as Parcels 26, 26A and 27 on Assessors Map 34 (the "Property") to the Board of Selectmen for the purpose of (i) leasing, as lessor, all or any portion of said land and structures to a company or companies which provide wireless communications services; and (ii) conveying a non-exclusive easement or easements for access, egress, and electric and telephone utilities on, in, over and under the Property to a company or companies which provide wireless communications services or public utilities relating thereto;
- B. to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to lease, as lessor, a portion of the Property to a company or companies which provide wireless communications services; and
- C. to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey a non-exclusive easement or easements for access, egress, and electric and telephone utilities on, in, over and under the Property to a company or companies which provide wireless communications services for the purpose of locating,

relocating, erecting, constructing, reconstructing, installing, operating, maintaining, patrolling, inspecting, repairing, replacing, altering, extending and/or removing one or more overhead and/or underground telecommunications cables and lines for communication and/or electricity and any necessary transformers, manholes, hand holds, equipment, poles, wires, anchors, guys, braces, conduits, appurtenances and attachments incidental thereto to serve the needs of the Town and its present and future lessees on said land, upon terms and conditions as the Board of Selectmen deems appropriate.

MOTION:

Michael Tichnor moved and was duly seconded that the Town instruct the Board of Water Commissioners and authorize the Board of Selectmen, respectively, to take the actions as printed under Article 3 on Pages 11 and 12 of the Warrant for this Special Town Meeting.

MOTION TO TERMINATE DEBATE:

Benjamin Downs moved and was duly seconded to move the question.

VOTED ON MOTION TO TERMINATE DEBATE:

MOTION CARRIED BY MORE THAN 2/3 MAJORITY

<u>VOTED:</u>	COUNT BY MODERATOR:	IN FAVOR:	947	
		OPPOSED:	470	MOTION CARRIED

**ARTICLE 4: ADDING MIXED USE OVERLAY DISTRICT TO THE TOWN'S
ZONING BY-LAWS**

Proposed by: Planning Board

To determine whether the town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws of the Town, by:

1.) adding thereto the following new article:

Article 23**MIXED-USE OVERLAY DISTRICT**

- §198-2301. Purpose
- §198-2302. Definitions
- §198-2303. Overlay District
- §198-2304. Approvals Process
- §198-2305. Special Permit Decision
- §198-2306. Special Permit Conditions
- §198-2307. Time Limit
- §198-2308. Dimensional Requirements
- §198-2309. Performance Standards
- §198-2310. Peer Review
- §198-2311. Rules and Regulations
- §198-2312. Relation to Other Requirements
- §198-2313. Inapplicability of Certain Other Regulations.

§198-2301. Purpose.

2301.1. The purposes of the Mixed-Use Overlay District (hereinafter referred to as the "MUOD") include but are not limited to:

- 2301.1.1. promoting a range and balance of land uses;

2301.1.2. facilitating integrated physical design and encouraging interaction among activities;

2301.1.3. establishing controls which will facilitate development while protecting the public interest by limiting the aggregate amount of development;

2301.1.4. permitting flexible development on individual lots;

2301.1.5. promoting site features and layouts conducive to walking and bicycling; and

2301.1.6. promoting a pedestrian-friendly living and working environment.

§198-2302. Definitions.

2302.1. The following definitions shall apply in the MUOD.

Concept Plan: A required submittal for a Mixed-Use Project Master Special Permit which provides a preliminary site plan for the Mixed-Use Project describing the proposed character, uses, site layout and public amenities incorporated therein. The requirements for the submittal of a Concept Plan are set forth in Section 198-2304.2. below.

Gross Floor Area: As defined in Section 198-104.

Master Special Permit Plan: A required submittal for a Mixed-Use Project which, as described in the Planning Board's rules and regulations, defines, in detail, the site, the site plan, the proposed uses, site improvements, traffic impacts and their mitigation, environmental impacts and their mitigation, future division of the property, and other information required for the public and boards of the Town of Wayland. Compliance with the Master Special Permit Plan, as approved by the Planning Board, shall be a condition of any development of a Mixed-Use Project.

Phase I Site Plan: A required submittal for a Mixed-Use Project, as set forth in Section 2304.4.3. below.

Phase II Site Plan: A required submittal for a Mixed-Use Project, as set forth in Section 2304.4.4. below.

Mixed-Use Project ("Mixed-Use Project"): A combination of retail, office, municipal, service establishments and residential uses, as may be approved by the Planning Board by the issuance of a Mixed-Use Project-Master Special Permit, as defined below.

Mixed-Use Project-Master Special Permit ("Mixed-Use Project-MSP"): The initial Special Permit that an applicant must obtain as a precondition to obtaining any Site Plan approvals as provided for in Section §198-2304 herein.

§198-2303. Overlay District.

2303.1 The MUOD is an overlay district superimposed on all underlying zoning districts. All uses permitted by right or by Special Permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to the further provisions of this Article 23. Where the MUOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MUOD shall control. The Planning Board shall be the Special Permit Granting Authority ("SPGA") for every Mixed-Use Project-MSP and any other Special Permit required in the MUOD. The Planning Board shall also serve as the Special Permit Granting Authority for Special Permits required under any other applicable overlay districts. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable in the MUOD, except as set forth herein.

§198-2304. Approvals Process.

2304.1. Overview.

2304.1.1. Prior to applying for a building permit for a Mixed-Use Project, the applicant must submit to the Planning Board, and the Planning Board must approve, the following, in sequence:

2304.1.1.1. A Concept Plan;

2304.1.1.2. A Master Special Permit application;

2304.1.1.3. A Phase I Site Plan application.

2304.1.2. The Planning Board will promulgate and adopt rules and regulations governing applications in the MUOD. Such rules and regulations shall take effect upon their filing with the Town Clerk, and applications must be submitted on a form provided by the Planning Board and must be in accordance with those rules and regulations, as they may be amended from time to time.

2304.1.3. After approval of the Phase I Site Plan, no structure previously approved by a Phase I Site Plan may be re-used or changed structurally, and no exterior features may be changed, unless the applicant submits, and the Planning Board approves, a Phase II Site Plan application.

2304.2. Concept Plan.

2304.2.1. Prior to the application for approval of any Mixed-Use Project, a Concept Plan shall be filed with the Planning Board for review. The purpose of the Concept Plan is to generally define the proposed character, uses, site layout and public amenities of a proposed Mixed-Use Project and to enable the Planning Board to determine whether the Concept Plan is in compliance with the provisions of this MUOD. The submission at a minimum shall include:

2304.2.1.1. A preliminary site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the location and footprint(s) of all proposed buildings, general site grading with finish floor elevations, parking, landscaping, roads, walkways and access ways, open space, and wetlands;

2304.2.1.2. A preliminary utilities plan showing the proposed location and types of water, including hydrants, wastewater and general location and type of stormwater facilities;

2304.2.1.3. A preliminary lighting plan including a photometric plan and general information regarding light poles, bases and fixtures;

2304.2.1.4. A preliminary signage plan for the MUOD;

2304.2.1.5. A preliminary subdivision plan(s), if applicable; and

2304.2.1.6. Proposed buildings as to location, use classification, general architectural design and size.

2304.2.2. The Planning Board shall solicit public comment on the Concept Plan. Thereafter, the Planning Board shall determine that (i) the Concept Plan has been approved; or (ii) the Concept Plan has been approved subject to modifications suggested by the Board or agreed upon by the Applicant; or (iii) the Concept Plan has been disapproved. The Planning Board shall advise the Applicant of the Planning Board's determination within ninety (90) days following submittal of the Concept Plan, unless such time period is extended by written agreement of the Planning Board and the Applicant. If the Board disapproves the submitted Concept Plan, such notice shall provide the reasons for the Planning Board's determination. The determination of the Planning Board on the submitted Concept Plan shall be advisory in nature and shall be without binding effect on either the Planning Board or the Applicant.

2304.3. Mixed-Use Project Master Special Permit.

2304.3.1. Every Mixed-Use Project within the MUOD must obtain a Mixed-Use Project-MSP issued by the Special Permit Granting Authority. The purpose of the Mixed-Use Project-MSP is to specify the design, architectural character, site and traffic improvements, mitigation, specific location and uses for buildings and public amenities of a proposed Mixed-Use Project.

2304.3.2. No Mixed-Use Project-MSP shall be granted unless the Mixed-Use Project is in compliance with the performance standards set forth in Section 198-2309 below.

2304.3.3. A Mixed Use Project-MSP shall govern all future development in a particular Mixed-Use Project. All construction and associated improvements must be in compliance with the Mixed-Use Project-MSP.

2304.3.4. Other Boards.

2304.3.4.1. The applicant must supply the Planning Board with sufficient copies of the application for a Mixed-Use Project-MSP, along with all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials, such as the Conservation Commission, Fire Chief, Police Chief, Board of Health, Building Commissioner, Board of Road Commissioners, Water Commissioners, Wastewater Management District Commission, Finance Committee, Park and Recreation Commission, Board of Selectmen, and others as designated in the Rules and Regulations, for their review and comment.

2304.3.5. Modification.

2304.3.5.1. Any proposed structure or improvement to the site must be in compliance with the Mixed-Use Project-MSP. Anyone seeking to construct any structure or make any site improvement or change to a different use in the future must apply to the Planning Board for modification of the approved Mixed-Use Project-MSP. Such modification must meet all the performance standards then in effect.

2304.4. Special Permit and Site Plan Review within the MUOD.

2304.4.1. Within a Mixed-Use Project, the uses available are set forth in Table A "Mixed-Use Overlay District Table of Uses Available In Mixed Use Project Following Approval of Mixed-Use Project-MSP." The Table sets forth uses allowed either: (i) as allowed subject to issuance of a Mixed-Use Project-MSP; or (ii) allowed subject to issuance of a Mixed-Use Project-MSP and by a separate Special Permit. All other uses within the MUOD are prohibited, except for all uses permitted by right or by Special Permit in the pertinent underlying zoning district. In the Mixed-Use Project-MSP, the Planning Board may coordinate application for Site Plan Review and individual Special Permits to ensure an orderly development process.

2304.4.2. Special Permits

2304.4.2.1. Uses set forth in Table A as allowed subject to issuance of a Mixed-Use Project-MSP and by a separate Special Permit shall be allowed only upon the grant of a separate Special Permit, in addition to the Mixed-Use Project-MSP. Such use Special Permit must be obtained prior to either Phase I Site Plan approval or Phase II Site Plan approval, and may be applied for in conjunction with either a Phase I or Phase II Site Plan Review.

2304.4.2.2. Any Special Permits required under Table A or Table B may be incorporated into the Mixed-Use Project-MSP and may be obtained during the Mixed-Use Project-MSP approval process or in a subsequent application seeking such a modification of the Mixed-Use Project-MSP.

2304.4.3. Phase I Site Plan Review.

2304.4.3.1. The purpose of a Phase I Site Plan Review shall be to ensure that any proposed building or site improvement is in compliance with the Mixed-Use Project-MSP and the uses approved therein. Prior to the

issuance of a building permit for the construction of a building which will contain a use listed as allowed in Table A, the Planning Board shall conduct a Phase I Site Plan Review. A Phase I Site Plan Review at a minimum shall include the following components:

- 2304.4.3.1.1. Building design and elevations;
- 2304.4.3.1.2. Signs;
- 2304.4.3.1.3. Landscaping;
- 2304.4.3.1.4. Lighting;
- 2304.4.3.1.5. Parking; and
- 2304.4.3.1.6. Compliance with the Mixed-Use Project-MSP.

2304.4.3.2. The Board shall review the application to determine whether the proposed building(s) and associated improvements are consistent with the Performance Standards set forth in Section 198-2309 below and the specific conditions of the Mixed-Use Project-MSP. The Planning Board shall hold its first hearing only after receipt of a complete application. A written decision shall be rendered by the Planning Board, and filed with the Town Clerk, within sixty (60) calendar days after the first hearing, unless such time period is extended in writing by agreement of the Planning Board and the Applicant. Any appeal from a decision of the Planning Board relative to a Phase I Site Plan in conjunction with a Special Permit shall be made to a court of competent jurisdiction in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

2304.4.4. Phase II Site Plan Review.

2304.4.4.1. Phase II Site Plan Review shall apply to the following: (a) reuse of any structure to allow for a different use allowed in Table A; (b) any change in exterior features and site improvements such as signage, facades, landscaping, lighting, parking made in accordance with a Phase I Site Plan Approval; and (c) consistency with the performance standards set forth in Section 198-2309 herein. The purpose of Phase II Site Plan Review shall be to ensure that such changes are consistent with the Mixed-Use Project-MSP and the Phase I Site Plan Approval.

2304.4.4.2. The Board shall review the application to determine whether the proposed changes are consistent with the Performance Standards set forth in Section 198-2309 and the specific conditions of the Mixed-Use Project-MSP. The Planning Board shall hold its first hearing only after receipt of a complete application. A written decision shall be rendered by Planning Board, and filed with the Town Clerk within sixty (60) calendar days after the first hearing, unless such time period is extended in writing by agreement of the Planning Board and the Applicant. Any appeal from of a decision of the Planning Board relative to a Phase II Site Plan in conjunction with a Special Permit shall be made to a court of competent jurisdiction in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

§198-2305. Special Permit Decision.

2305.1. Any Special Permit shall be subject to the criteria set forth in Section 198-203 and the performance standards set forth in Section 198-2309 herein.

2305.2. When the application is for a Mixed-Use Project-MSP, the Planning Board shall consider the following criteria, in addition to the criteria set forth in Section 198-203:

- 2305.2.1. Whether the Mixed-Use Project complies with the use regulations, dimensional requirements, and performance standards set forth herein;

2305.2.2. Whether the Mixed-Use Project is substantially in conformance with the Concept Plan approved by the Planning Board; and

2305.2.3. Special Permits shall be granted in the MUOD by the Planning Board only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

2305.3. Where the application is for a Special Permit for building height in excess of 35 feet, in addition to the criteria set forth in Section 198-203, in order to grant a Special Permit the Planning Board must find that such additional height will facilitate architectural variety, visual interest, building scale in relation to other buildings, and will not allow a building which is out of character with the neighborhood.

2305.4. Where the application for a Special Permit is for a specific use, as provided in Table A, the additional criteria set forth in Section 198-203 shall apply.

§198-2306. Special Permit Conditions.

2306.1. Where the Planning Board grants any Special Permit, the Board may impose additional reasonable conditions, safeguards and limitations on time and use, including, but not limited to, the following:

2306.1.1. A phasing schedule for construction of each component part of the project which ensures integration of residential, nonresidential, and municipal uses;

2306.1.2. A demolition and construction schedule, including a construction traffic management plan;

2306.1.3. Hours of operation, delivery times, and lighting schedule;

2306.1.4. Recording of approved Special Permits and Site Plans in the Middlesex South Registry of Deeds and, if registered land, in the Land Court, prior to the issuance of any building permits;

2306.1.5. All development shall be in compliance with plans approved in the Mixed-Use Project-MSP and with all applicable federal, state, and local laws, rules, regulations and by-laws;

2306.1.6. If circumstances so warrant, with respect to a Mixed-Use Project-MSP, to require continued monitoring of off-site impacts to traffic and the environment in appropriate locations with regard to the locus of the MUOD development; and

2306.1.7. The Planning Board, or its designated representative, shall have the right to make inspections during the construction process.

§198-2307. Time Limit.

2307.1. Until such time as a Master Special Permit is issued for a Mixed-Use Project, and the appeal period following the Planning Board's decision relative thereto has expired, the provisions of the underlying zoning shall solely govern the use and development of the property comprising the MUOD. At the time of the issuance of the first certificate of use and occupancy for a building within the MUOD, the underlying zoning, as established in Section 198-301, shall no longer be applicable in the MUOD. If no such Master Special Permit is issued, however, within 5 years after the effective date of this Article, the provisions of this MUOD shall expire, and, in such event, the underlying zoning in effect on the date of adoption of this Article, and any amendments thereto, shall govern the use of the property shown on the zoning map of the MUOD.

§198-2308. Dimensional Requirements.

2308.1. The dimensional requirements set forth in Table B "Mixed-Use Overlay District Table of Dimensional

Requirements” apply to all Mixed-Use Projects and, to the extent Table B conflicts with the dimensions listed in the Table of Dimensional Requirements for the underlying zoning, Table B shall prevail. The following criteria apply to Table B:

2308.1.1. Minimum Total Area. All land within the MUOD must be located entirely within the Town of Wayland.

2308.1.2. Maximum Building Height. Height shall be as defined in Section 198-701.1.2, as amended from time to time, except that penthouses shall refer only to mechanical penthouses and that none of the items referred to in that section are used for occupancy purposes. Height shall be measured in accordance with the provisions of Section 198-104.2.

§198-2309. Performance Standards.

2309.1. The development of a Mixed-Use Project in the MUOD shall comply with the following performance standards in lieu of those set forth elsewhere in the Town’s Zoning Bylaw:

2309.2. Aggregate Limits.

2309.2.1. These regulations are intended to promote a range and balance of land uses; to facilitate integrated physical design; and to encourage construction within a Mixed-Use Project of integrated mixed uses.

2309.2.1.1. The total amount of development within the MUOD, exclusive of any uses related to a wastewater treatment facility, shall be limited to 450,000 square feet of Gross Floor Area, of which 40,000 square feet of Gross Floor Area shall be dedicated to municipal uses.

2309.2.1.2. The non-residential component of any Mixed-Use Project shall be limited to 200,000 square feet of Gross Floor Area. Not more than 95% of such Gross Floor Area shall be dedicated to retail uses. Not more than 10% of such Gross Floor Area shall be dedicated to office uses.

2309.2.1.3. The residential component of any Mixed-Use Project shall be limited to 210,000 square feet of Gross Floor Area. There shall be no more than 120 dwelling units, and there shall be no more than 240 bedrooms. At least 70% of all dwelling units within any Mixed-Use Project shall be two-bedroom units. No unit shall have more than three bedrooms.

2309.3. Landscaping.

2309.3.1. These standards are intended to promote the establishment, protection and enhancement of the natural landscape; to ensure the appropriate use of plant material in new construction; to preserve natural tree cover; and to promote inclusion of new tree planting in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase ground water discharge, create shade, and reduce solar overheating.

2309.3.2. The Applicant shall prepare a landscaping plan showing that the Mixed-Use Project will meet these standards and the standards set forth in Section 198-606.

2309.4. Massing.

2309.4.1. These standards are intended to promote design of buildings in a traditional New England style and to create a Mixed-Use Project with an authentic, regional character to its buildings.

2309.4.1.1. Any buildings proposed for a Mixed-Use Project shall provide visual relief, generally every thirty (30) feet, along the façade of each building.

2309.4.1.2. Building design throughout a Mixed-Use Project shall include designs which promote visual

relief by including varying roof lines and roof heights.

2309.4.1.3. Buildings throughout a Mixed-Use Project shall include a mix of tenants and a mix of buildings containing multiple tenants.

2309.5. Screening and Buffer Requirements.

2309.5.1. These standards are intended to promote creation of visual barriers between features of the Mixed-Use Project from public streets and abutting properties. Such features shall include dumpsters or trash handling areas, mechanical equipment at ground level or rooftop, service entrances or utility facilities for building operation, loading docks or spaces, above-ground backflow preventors, and other components of the Mixed-Use Project as may be determined by the Planning Board.

2309.6. Signs.

2309.6.1. These standards are intended to promote signage which is in keeping with a New England town center and which is integrated into the overall architectural design of the Mixed-Use Project.

2309.6.2. The Applicant shall prepare sign criteria indicating aggregate signage, maximum sign area, and proposed lighting, demonstrating that signs in the Mixed-Use Project will meet or exceed the standards of Section 198-606 and the Rules of Regulation of the Planning Board governing the MUOD.

2309.7. Stormwater Management.

2309.7.1. These standards are intended to promote an improved stormwater management system and compliance with all applicable federal, state and local laws, rules, regulations and by-laws.

2309.7.2. The stormwater management system serving the Mixed-Use Project shall comply with the Stormwater Management Policy of the Commonwealth's Department of Environmental Protection (DEP), and any successor agency.

2309.8. Roadways.

2309.8.1. These standards are designed: to promote adequate access for emergency vehicles and normal traffic expected in the Mixed-Use Project; to provide for safe pedestrian access; and to maintain pedestrian flow between the residential portion and nonresidential portion of the MUOD.

2309.8.2. The roadway(s) serving the Mixed-Use Project shall comply with the functional requirements of the Planning Board's Rules and Regulations governing the subdivision of land.

2309.9. Parking and Loading Standards.

2309.9.1. These standards are intended: to provide adequate parking for the Mixed-Use Project; to allow for shared parking as appropriate; to create parking fields separated by landscaped areas; to design off-street parking areas to minimize curb cuts within the Mixed-Use Project; and to create safe and comfortable passage ways for pedestrians.

2309.9.1.1. A Mixed-Use Project shall provide multiple small parking areas of fifty (50) or fewer spaces.

2309.9.1.2. Any larger parking areas shall be separated by buildings and/or landscape features.

2309.9.1.3. Small parking areas shall be designed to include sidewalks at the perimeter to promote safe pedestrian passage; larger areas may incorporate pedestrian corridors delineated by paving

materials, plantings and/or bollards.

2309.9.1.4. The provisions of Sections 198-506 and 198-507 shall not apply to the Mixed-Use Project except that all off-street parking shall be subject to the provisions of Sections 198-506.6 and 198-506.7 and all off-street loading facilities shall be subject to the provisions of 198-507.

2309.9.2. An application for a Mixed-Use Project-MSP shall include a parking plan setting forth the number of parking spaces and loading areas, the location and design of same, including landscaping and lighting. The application shall also include a parking and loading study which supports such parking and loading plan. Such study shall be prepared by a qualified traffic engineer who is licensed by the Commonwealth of Massachusetts as either a Professional Traffic or Transportation Engineer or a Professional Civil Engineer with certification by the Transportation Professional Certification Board as a Professional Traffic Operations Engineer, as may be more fully described in the Planning Board's Rules and Regulations for the MUOD.

2309.10. Lighting.

2309.10.1. These standards are intended: to promote a lighting design within a Mixed-Use Project to ensure public safety and welfare, and to protect the night sky from unnecessary ambient light. Any lighting plan submitted for a Mixed-Use Project, at a minimum, shall include the following:

2309.10.1.1. All lighting installations shall be designed to achieve no greater than the minimal luminance levels for the activity as recommended by the Illuminating Society of North America (IESNA);

2309.10.1.2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on lighting fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property; and

2309.10.1.3. Security lighting shall be shielded and directed at a downward angle.

2309.10.2. The Applicant shall prepare a lighting study showing that the Mixed-Use Project will meet these standards and the standards set forth in Section 198-606.

2309.11. Open Space.

2309.11.1. These standards are intended to promote and ensure public common space within the MUOD. Any application for a Mixed-Use Project-MSP shall include provision for at least two (2) acres of contiguous upland open space to serve as a public commons and additional suitable open space throughout the Mixed-Use Project to serve public purposes; provided, however, the Planning Board may approve a smaller open space area where such open space promotes the purposes set forth in this Section 2309.11.1. The Applicant shall prepare an open space plan indicating the bounds of such open space, and a plan for the ownership, operation and maintenance of the open space.

2309.12. Aquifer Protection.

2309.12.1. Any application for a Mixed-Use Project MSP shall be in compliance with Article 16; provided, however, that for the purposes of Section 198-302.2 and 198-1604.2, no land within the MUOD shall be construed to be a "residential lot."

2309.13. Affordable Units.

2309.13.1. In lieu of Article 22, the following standards shall apply in the MUOD. At least 25% of the dwelling units shall be Affordable Units. The term "Affordable Unit" shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of area median family income, and

priced to conform with the standards of the Massachusetts Department of Housing and Community Development (DHCD) for rental or ownership units set forth in 760 CMR 45.03(4), in order that such Affordable Units shall be included in the DHCD Subsidized Housing Inventory. Affordable Units shall be subject to the following conditions:

2309.13.1.1. The Affordable Unit shall be affordable in perpetuity. A Deed Rider or other suitable restriction shall assure this condition. The Deed Rider shall be structured to survive any and all foreclosures.

2309.13.1.2. Where the Affordable Units are proposed for sale, the continuing enforcement of the Deed Rider through subsequent resales shall be the subject of a Monitoring Agreement and in accordance with Sections 198- 22.7.3 and 198-22.7.6 of Article 22 of the Town's Zoning Bylaw.

2309.13.1.3. The Deed Rider and the Monitoring Agreement shall be drafted in compliance with 760 CMR 45.00 (Local Initiative Program) and guidelines promulgated thereunder. The Deed Rider and the Monitoring Agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel prior to the issuance of a certificate of occupancy for any dwelling unit.

2309.13.1.4. The Affordable Unit shall conform to the standards of the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Subsidized Housing Inventory.

2309.13.1.5. A right of first refusal in accordance with Article 22 of this Zoning bylaw shall be granted to the Town or its designee for a period not less than 120 days after notice thereof.

2309.13.1.6. The Affordable Units shall satisfy the design and construction standards of the Local Initiative Program, 760 CMR 45.00, with regard to distinguishability from market rate units. It is the intent of this Section that the Affordable Units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory as Local Initiative Program units.

2309.13.1.7. The Affordable Units shall be constructed, and occupancy permits issued at the rate of one (1) Affordable Unit for every three market rate units.

2309.13.1.8. In computing the number of required Affordable Units, any fraction of a unit shall be rounded up, and the result shall be the number of Affordable Units to be built within the MUOD and not off site.

2309.14. Efficiency of Design.

2309.14.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques.

§198-2310. Peer Review. The Planning Board, at the expense of the Applicant and pursuant to M.G.L. Chapter 44, Section 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, architects, wetlands scientists, lighting technicians, and attorneys, to review all Concept Plans, Special Permit applications and Site Plan Review applications.

§198-2311. Rules and Regulations. The Planning Board shall adopt rules and regulations for the implementation of this Section.

§198-2312. Relation to Other Requirements. The submittals and Special Permits of this section shall be in addition to any other requirements of the Subdivision Control Law that may apply.

§198-2313. Inapplicability of Certain Other Regulations. Where this Article specifies some standard or makes some other requirement contrary to a requirement set forth elsewhere in this Zoning Bylaw, the provisions of this Article, as may be amended from time to time, shall govern.

2.) inserting the following table immediately after the Table of Permitted Uses:

TABLE A
MIXED USE OVERLAY DISTRICT
TABLE OF USES AVAILABLE IN MIXED USE PROJECT
FOLLOWING APPROVAL OF MIXED-USE PROJECT-MSP

KEY

Y = Allowed subject to issuance of a Mixed-Use Project-Master Special Permit

SP = Allowed subject to issuance of a Mixed-Use Project -MSP and by a separate Special Permit

N = Prohibited

PRINCIPAL USE	
RESIDENTIAL USES	
Multifamily dwelling (3 or more dwelling units)	Y
Dwelling unit above Office, Retail, or Service	SP
Single or two-family dwelling	N
Any multifamily dwelling containing more than 20 dwelling units	SP
OFFICE USES	
Professional offices such as accountants, attorneys, engineers, architects; medical and dental offices and licensed physical and mental health professionals	Y
Offices of sales agents; agents and representatives of manufacturing, distributing, insurance and wholesale companies without storing of goods for sale	Y
Administrative, general, executive and similar office space	Y
Diagnostic medical laboratories appurtenant to offices of physicians and dentists	SP
Residential sales or rental office	Y
Bank or financial institutions without drive-up window	Y
Bank or financial institutions with drive-up window	SP
Any use set forth above in a building with more than 20,000 gross square feet	SP
EXEMPT OR INSTITUTIONAL USES	
Religious use exempt per G.L. c. 40A, s. 3	Y
Educational use exempt per G.L. c. 40A, s. 3	Y
Child care facility exempt per G.L. c. 40A, s. 3	Y
Child care facility exempt per G.L. c. 40A, s. 3 with more than 2,500 gross square feet of Gross Floor Area	SP
Municipal uses	Y
Post office	Y
Community Center and Public Recreation Space	SP
RETAIL USES	
Retail sales not otherwise set forth, in a building less than or equal to 10,000 square feet of Gross Floor Area	Y
Retail sales not otherwise set forth, in a building with more 10,000 but less than 20,000 square feet of Gross Floor Area	SP
Retail sales not otherwise set forth, in a building with more 20,000 but less than 30,000 square feet of gross floor area	SP
Retail sales not otherwise set forth, in a building with more than 30,000 square feet of Gross Floor Area but less than 53,000 square feet of Gross Floor Area	N
Retail sales in a building with more than 30,000 square feet of Gross Floor Area	N
Retail sales conducted with a applicable license outside a building	Y
Retail sales or rental of motor vehicles, trailers or motorized marine equipment	N

Food store, not to exceed 53,000 square feet of Gross Floor Area -- maximum one	SP
Shop of artist or craftsperson	Y
SERVICE ESTABLISHMENTS	
General service establishments, including appliance repair, radio or TV repair	Y
Personal service establishments, including barber, hairdresser, photography studio, decorator, stationer, dressmaking, tailor, shoe repair	Y
Dry cleaning or laundry establishment	SP
Dry cleaning or laundry pick-up station	Y
Travel agency or travel service	Y
Printers and similar shops or trades	SP
Any use set forth above in a building with more than 10,000 square feet of Gross Floor Area	SP
PLACE OF ASSEMBLY	
Outdoor commercial recreation other than campgrounds	SP
Theaters and cinemas	SP
Indoor commercial recreation, including tennis club, health or fitness club, day spa	Y
Any use set forth above in a building with more than 20,000 square feet of Gross Floor Area	SP
RESTAURANTS	
Restaurant and/or bakery, with no outside seating and no drive-up window	Y
Restaurant and/or bakery, with outside seating and no drive-up window	SP
Restaurant, fast-food	N
Any use set forth above in a building with more than 10,000 square feet of Gross Floor Area	SP
ALL OTHER USES	N
ACCESSORY USES	
Outdoor storage of products for sale	N
Cafeteria, lunch or soda counter, ice cream establishment or food service	SP
Uses and structures customarily incidental to principal use	Y
Outdoor display of goods for sale at retail establishment	Y
Child care facility (not to exceed 2,500 gross square feet)	Y
Bank automated teller machine	Y
Management or maintenance office (not to exceed 2,500 gross square feet)	Y
Parking structure	SP
Drive up windows	N
Photo processing if self contained process – separate store or within drug store	Y
Garage space – above or below ground	SP

(To be inserted after Table of Dimensional Uses)

TABLE B
TABLE OF DIMENSIONAL REQUIREMENTS IN THE
MIXED-USE OVERLAY DISTRICT

REQUIREMENT	
Minimum Land Area for Placement into MUOD	50 contiguous acres
Minimum Lot Area for Building or Structure	none
Minimum Lot Frontage	none
Minimum setback from edge of curb, unless otherwise authorized by Special Permit.	15 feet
Minimum setback from MUOD perimeter boundary, unless otherwise authorized by Special Permit	50 feet
Maximum Building Coverage of Lot	100%
Maximum Building Height for Residential and Municipal Uses See Section 198-2305.3 for Special Permit criteria.	35 feet as of right; up to 45 feet by Special Permit
Maximum Building Height for Nonresidential Uses See Section 198-2305.3 for Special Permit criteria.	35 feet as of right; up to 45 feet by Special Permit

3.) Inserting under section 198-302.1.8 thereof a new section 198-302.1.10:

302.1.10. A Mixed Use Overlay District that includes the land as shown on Plate 23 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 23-052, 23-052B, 23-052C, and 23-052F, and as shown on the plan entitled "Town of Wayland Mixed Use Overlay District," Survey Department, 41 Cochituate Road, Wayland, MA. 01778, dated September 6, 2005, a copy of which is on file in the office of the Town Clerk.

4.) Adding said Mixed Use Overlay District to the Zoning Map referenced in Article 3 thereof. (See Map at Appendix C)

MOTION:

William Whitney moved and was duly seconded that the Town amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaws of the Town as printed on Pages 12 through 26 of the Warrant of this Special Town Meeting.

PROCEDURAL MOTION:

Joyce Lauer moved and was duly seconded that the time of adjournment for the meeting be extended until all articles in the Warrant have been disposed of.

VOTED: **MOTION CARRIED**

MOTION TO TERMINATE DEBATE:

Jill Ellison moved and was duly seconded to move the question.

VOTED ON MOTION TO TERMINATE DEBATE:

MOTION CARRIED BY MORE THAN 2/3 MAJORITY

STANDING COUNTED VOTE:

IN FAVOR: 745
 OPPOSED: 619 MOTION NOT CARRIED

ARTICLE 5: DEFICIENCY FUNDS REQUEST FOR SENIOR AND HANDICAPPED VAN

Proposed by: Council on Aging

Cost: \$15,006

To determine whether the Town will vote to appropriate a sum of money, up to \$18,000, to be expended by the Council on Aging, to maintain transportation services committed to senior residents of the Town, residents with disabilities, and residents transitioning to work; and to insure the Town's compliance with conditions imposed by the Commonwealth when the Town received a 15-person van through a grant from the Commonwealth; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

MOTION:

Kristin Kiesel moved and was duly seconded that the Town appropriate \$15,006.00 to be expended by the Council on Aging to maintain transportation services committed to senior residents of the Town, residents with disabilities and residents transitioning to work; and to insure the Town's compliance with conditions imposed by the Commonwealth when the Town received a 15-person van through a grant from the Commonwealth; and said appropriation shall be provided by transferring \$15,006 from the General Fund – Unreserved Fund Balance.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 6: WASTEWATER USER FEES
--

Proposed by: Wastewater Management District Commission

To determine whether the Town will vote to authorize the Wayland Wastewater Management District Commission to petition the General Court of the Commonwealth of Massachusetts to revise Chapter 461 of the Acts of 1996 to permit the Wayland Wastewater Management District Commission the option of charging user fees based on user sewer capacity or charging user fees based on user water usage by adding at the end of the first paragraph of Section 7(a) of Chapter 461, The Commission is authorized to charge fees, rates, rents, assessments, delinquency charges, and other charges based on user sewer capacity or on water usage at the discretion of the Commission (underlining denotes added text)

MOTION:

Lana Carlsson Irwin moved and was duly seconded that the Town authorize the Wayland Wastewater Management District Commission to petition the General Court of the Commonwealth of Massachusetts to revise Chapter 461 of the Acts of 1996 to permit the Wayland Wastewater Management District Commission the option of charging user fees based on user sewer capacity or charging user fees based on user water usage by adding at the end of the first paragraph of Section 7(a) of said Chapter 461 a sentence which provides that: "The Commission is authorized to charge fees, rates, rents, assessments, delinquency charges, and other charges based on user sewer capacity or on water usage at the discretion of the Commission."

VOTED: MOTION CARRIED

ARTICLE 7: ACQUIRE LAND OF GILBERTS ON BRACKETT ROAD AND NOB HILL ROAD

Proposed by: Conservation Commission

Cost: Unknown

To determine whether the Town will vote to:

1. Authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for conservation purposes, to be placed in the care and custody of the

Conservation Commission, the fee or any lesser interest in all or part of the parcels of land located on Brackett Road and Nob Hill Road, Wayland Massachusetts, containing, in the aggregate, 5.34 acres, more or less, shown as Parcels B, C, and G (Parcels E and F) on a plan entitled "Plan of Land in Wayland, Massachusetts", dated September 19, 2000, prepared by Sullivan, Connors & Associates, and recorded with the Middlesex South Registry of Deeds as Plan No. 1214 of 2001, a copy of which plan is on file in the Office of the Town Clerk;

2. appropriate a sum of money to compensate the owner and/or acquire said parcels of land; and
3. provide for said appropriation by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise.

MOTION:

Megan Lucier moved and was duly seconded that the Town:

- (1) Authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for conservation purposes, to be placed in the care and custody of the Conservation Commission, the fee or any lesser interest in all or part of the parcels of land located on Brackett Road and Nob Hill Road, Wayland Massachusetts, containing, in the aggregate, 5.34 acres, more or less, shown as Parcels B, C, and G (Parcels E and F) on a plan entitled "Plan of Land in Wayland, Massachusetts", dated September 19, 2000, prepared by Sullivan, Connors & Associates, and recorded with the Middlesex South Registry of Deeds as Plan No. 1214 of 2001, a copy of which plan is on file in the Office of the Town Clerk;
- (2) appropriate \$100,000.00 to compensate the owners and/or acquire said parcels of land and/or interest therein; and
- (3) provide for said appropriation by transferring \$100,000.00 from the Community Preservation Fund, provided that any such funds so transferred which are not expended for the aforesaid purposes by November 1, 2006, shall be returned to the Community Preservation Fund.

VOTED: UNANIMOUSLY IN FAVOR

The Moderator thanked and recognized the town meeting house crew, sound crew, custodial staff and WAYCAM.

The Meeting adjourned at 11:24 P.M. sine die.

Attendance: 1656

**TOWN OF WAYLAND
ANNUAL TOWN MEETING 2006**

DATE:

Thursday, April 27, 2006
Monday, May 1, 2006

ARTICLES DISPOSED OF:

1 - 17
18 - 27

RETURN OF SERVICE

MIDDLESEX, s.s.

APRIL 11, 2006

I, William E. Pickett, Jr., duly qualified Constable of the Town of Wayland, do hereby affirm and certify that I have posted the specimen of the Official Ballot for the Annual Town Election to be held on Tuesday, April 25, 2006, together with the Warrant for the Annual Town Meeting to be held on Thursday, April 27, 2006 and the Special

Town Meeting to be held on Wednesday, May 3, 2006, by my posting copies thereof at the Wayland Town Building, Cochituate Post Office, Wayland Library and the Happy Hollow School, by posting seven (7) days at least before the date appointed for the posting of the Warrant for the Annual Town Election and the Annual Town Meeting and fourteen (14) days at least before the date appointed for the posting of the Warrant for the Special Town Meeting. Posting was done April 11, 2006.

VOTES ENACTED:

THURSDAY, APRIL 27, 2006 AT THE WAYLAND HIGH SCHOOL FIELD HOUSE

C. PETER R. GOSSELS, MODERATOR:

Pursuant to the Warrant dated April 10, 2006 signed by Michael L. Tichnor, Douglas J. Leard, William D. Whitney, Joseph F. Nolan, and Alan J. Reiss, Selectmen, served and return of service given by William E. Pickett, Jr., Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Town Meeting met this day at Wayland High School Field House; and at 7:30 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR EXTENSIVE SERVICE TO THE TOWN

Proposed by: Board of Selectmen

To determine whether the Town will vote to recognize certain citizens and employees for their extensive service to the Town of Wayland.

MOTION NO. 1:

Michael Tichnor moved and was duly seconded that the Town recognize and observe a moment of silence in remembrance of the following citizens who served the Town and have passed away since the last Annual Town Meeting:

John C. Bryant	July 19, 2005
Public Ceremonies Committee	1956
Trustee of the Allen Fund	1960-until time of death
Planning Board	1964-1965
Historic District Commission	1974-1994
Historical Commission	1979-1981
Park & Recreation Commission	1979-1990
McManus Park Committee	1983-1987
Agent, Board of Health	1988-until time of death
 Kenneth Moon	 March 16, 2006
Conservation Commission	1982-1996
Bay Circuit Green Belt Committee	1985-1986
Dam Liaison Representative	1986-1987
Growth Policy Committee	1995-2001
Housing Task Force	1991-1994
 Milton Bailey	 March 20, 2006
Personnel Board	1989-1995
 Arthur N. King	 April 4, 2006
Park & Recreation Commissioner	1993-2003

Allen J. Kaplan
Cultural Council

April 25, 2006
2001-2005

Moderator declared that the motion passed unanimously by observing a moment of silence.

MOTION NO. 2:

Michael Tichnor moved and was duly seconded that the Town recognize the following employees who have retired this year or are planning to retire before the next Annual Town Meeting:

- ❖ Robert Hilliard 25 ½ years
Finance Director/Town Accountant
- ❖ Daniel Sauro 34 ½ years
Police Sergeant
- ❖ Robert Newton 33 ½ years
Firefighter
- ❖ Francis Burke 31 years
Firefighter/Fire Prevention Inspector

Moderator declared that the motion passed unanimously following a round of applause in recognition.

MOTION NO. 3:

Michael Tichnor moved and was duly seconded that the Town recognize the following citizen for his extensive service to the Town:

John B. (Jack) Wilson
Board of Library Trustees 1984-2006

Moderator declared that the motion passed unanimously following a round of applause in recognition.

MOTION NO. 4:

John Dyer moved and was duly seconded that the Town allow the Public Ceremonies Committee to recognize the Wayland Beautification Committee as the recipient of the 2006 award for outstanding contribution to the community.

Moderator declared that the motion passed unanimously following a round of applause in recognition.

ARTICLE 2: HEAR REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

MOTION:

Michael Tichnor moved and was duly seconded that the Town vote to accept the 2005 Wayland Annual Report, and those reports included in Appendices B and I of the 2006 Annual Town Meeting Warrant, and that the Town hear and accept the report of the following committee:

- ❖ High School Building Committee

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 3: CHOOSE TOWN OFFICERS

Proposed by: Board of Selectmen

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot.

MOTION:

Michael Tichnor moved and was duly seconded that the following persons be nominated for the following offices:

As Fence Viewers:

The Selectmen

As Field Drivers:

The Constables

As Measurers of Wood and Bark:

Paul Doerr

Lewis S. Russell Jr.

Harry F. Sweitzer

As Surveyors of Lumber:

Marcia P. Crowley

Jean B. Pratt

Harry F. Sweitzer

and that there being no further nominations, the Town Clerk be instructed to cast one ballot for the same.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 4: CURRENT YEAR TRANSFERS

Proposed by: Finance Committee

Estimated Cost: \$396,000

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

CURRENT YEAR TRANSFERS FY 2006

	PURPOSE	AMOUNT
1	SNOW REMOVAL	\$ 200,000
2	SNOW REMOVAL - FUEL	30,000
3	SNOW REMOVAL - LABOR OVERTIME	75,000
4	INSURANCE GENERAL	41,000
5	MEDICARE	25,000
6	TOWN COUNSEL	25,000

TOTAL CURRENT YEAR TRANSFERS	\$ 396,000
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FUNDING SOURCES:

UNRESERVED FUND BALANCE	\$ 396,000
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MOTION:

Christopher Riley moved and was duly seconded that the following sums be appropriated to be expended by the following boards and committees in Fiscal Year 2006 for the following purposes:

<u>PURPOSE</u>	<u>AMOUNT</u>	<u>BOARD OR COMMITTEE</u>
SNOW REMOVAL	\$ 200,000	ROAD COMMISSIONERS
SNOW REMOVAL - FUEL	30,000	ROAD COMMISSIONERS
SNOW REMOVAL - LABOR OVERTIME	75,000	ROAD COMMISSIONERS
INSURANCE GENERAL	41,000	SELECTMEN
MEDICARE	25,000	SELECTMEN
TOWN COUNSEL	75,000	SELECTMEN

and that said appropriations be provided by transferring \$446,000 from the General Fund – Unreserved Fund Balance.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 5: FY2007 OMNIBUS BUDGET
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Proposed by: Finance Committee

To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes, and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

MOTION UNDER ARTICLE 5:

For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 5 at the Annual Town Meeting, as follows:

“That the Town Administrator be charged with responsibility for (1) the operation, maintenance, and administration of the Wayland Town Building, the Public Safety Building, and the Cochrane Town Building, their equipment, and their grounds, as well as (2) the supervision, except for matters relating to policy, of all employees in those buildings, other than elected officials, non-salaried appointed officials, and employees of the School Department;”

“That the Director of Youth and Adolescent Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Adolescent Services and Staff at the Annual Town Meeting. The Director of Youth and Adolescent Services and Staff will receive administrative support from the School Department;”

“That property tax abatements granted to eligible senior citizens under Section 80 and 81 of Chapter 127 of the Acts of 1999 be funded by transfer from the overlay account;”

“That use of a revolving fund be authorized for Fiscal Year 2007 pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Park and Recreation Commission for recreation programs and activities, to be funded by user fees collected; and that the amount to be expended not to exceed the sum of \$ 740,000;” and

“That the Town continue for Fiscal Year 2007 the revolving fund established by vote of the 1994 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws for use by the Council on Aging for education, cultural and entertainment programs and purposes, to be funded by receipts from said programs; and that the amount to be expended not exceed the sum of \$50,000.”

MOTION NO. 1:

Christopher Riley moved and was duly seconded that the report of the Finance Committee respecting the Fiscal Year 2007 Budget be accepted; and that each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2007 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$50,803,581.00 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, \$49,491,405.00 shall be raised by taxation, \$250,000.00 shall be provided by transfer from Ambulance Receipts, \$610,000.00 shall be provided by transfer from the sale of Town-owned Land Account for payment of debt, \$10,000.00, shall be provided by transfer from the Conservation Receipt Account, \$1,176.00 shall be provided by transfer from Premium on Bonds Account and \$441,000.00 shall be transferred from the General Fund - Unreserved Fund Balance; and for what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under this motion as printed in the Warrant on Page 23.

FISCAL YEAR 2007 BUDGET		EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
SELECTMEN				
	PURCHASE OF SERVICES	\$34,367	\$20,000	\$20,000
	SUPPLIES	\$6,569	\$13,844	\$13,844
1	TOTAL EXPENSES	\$40,936	\$33,844	\$33,844
	TOTAL SELECTMEN	\$40,936	\$33,844	\$33,844
TOWN OFFICE				
	SALARIES	\$252,638	\$284,192	\$303,900
2	TOTAL PERSONNEL SERVICES	\$252,638	\$284,192	\$303,900
	PURCHASE OF SERVICES	\$10,449	\$12,000	\$16,000
	SUPPLIES	\$55,600	\$56,600	\$57,800
3	TOTAL EXPENSES	\$66,049	\$68,600	\$73,800
	TOTAL TOWN OFFICE	\$318,687	\$352,792	\$377,700
PERSONNEL BOARD				
	SALARIES	\$4,020	\$6,750	\$6,750
4	TOTAL PERSONNEL SERVICES	\$4,020	\$6,750	\$6,750
	PURCHASE OF SERVICES	\$9,620	\$10,000	\$8,660
5	TOTAL EXPENSES	\$9,620	\$10,000	\$8,660
	TOTAL PERSONNEL BOARD	\$13,640	\$16,750	\$15,410
FINANCE COMMITTEE				
	PURCHASE OF SERVICES	\$160	\$0	\$0
6	TOTAL EXPENSES	\$160	\$0	\$0

TOTAL FINANCE COMMITTEE		\$160	\$0	\$0
FINANCE				
	SALARIES	\$236,788	\$205,474	\$224,715
7	TOTAL PERSONNEL SERVICES	\$236,788	\$205,474	\$224,715
	PURCHASE OF SERVICES	\$24,500	\$29,003	\$29,003
	SUPPLIES	\$5,000	\$5,000	\$5,000
	TOTAL EXPENSES	\$29,500	\$34,003	\$34,003
TOTAL FINANCE		\$266,288	\$239,477	\$258,718
ASSESSOR				
	SALARIES	\$148,874	\$141,732	\$159,598
9	TOTAL PERSONNEL SERVICES	\$148,874	\$141,732	\$159,598
	PURCHASE OF SERVICES	\$44,955	\$79,400	\$82,275
	SUPPLIES	\$2,466	\$7,239	\$4,164
10	TOTAL EXPENSES	\$47,421	\$86,639	\$86,439
TOTAL ASSESSOR		\$196,295	\$228,371	\$246,037
TREASURER				
	SALARIES	\$170,887	\$175,896	\$196,520
11	TOTAL PERSONNEL SERVICES	\$170,887	\$175,896	\$196,520
	PURCHASE OF SERVICES	\$22,676	\$42,598	\$36,598
	SUPPLIES	\$1,742	\$1,703	\$1,703
12	TOTAL EXPENSES	\$24,418	\$44,301	\$38,301
TOTAL TREASURER		\$195,305	\$220,197	\$234,821
TOWN COUNSEL				
	PURCHASE OF SERVICES	\$369,320	\$143,600	\$143,600
	SUPPLIES	\$2,438	\$2,100	\$2,100
13	TOTAL EXPENSES	\$371,758	\$145,700	\$145,700
TOTAL TOWN COUNSEL		\$371,758	\$145,700	\$145,700
INFORMATION TECHNOLOGY				
	SALARIES	\$67,505	\$66,775	\$72,962
14	TOTAL PERSONNEL SERVICES	\$67,505	\$66,775	\$72,962
	PURCHASE OF SERVICES	\$48,237	\$70,495	\$105,495
	SUPPLIES	\$27,075	\$32,500	\$32,500
15	TOTAL EXPENSES	\$75,312	\$102,995	\$137,995
TOTAL INFORMATION TECHNOLOGY		\$142,817	\$169,770	\$210,957
TOWN CLERK				
	SALARIES	\$103,588	\$104,110	\$112,957
16	TOTAL PERSONNEL SERVICES	\$103,588	\$104,110	\$112,957

	PURCHASE OF SERVICES	\$9,093	\$8,100	\$8,100
17	TOTAL EXPENSES	\$9,093	\$8,100	\$8,100
	TOTAL TOWN CLERK	\$112,681	\$112,210	\$121,057
ELECTIONS				
	SALARIES	\$8,916	\$6,936	\$13,644
	TOTAL PERSONNEL SERVICES	\$8,916	\$6,936	\$13,644
	PURCHASE OF SERVICES	\$1,375	\$1,375	\$1,375
	SUPPLIES	\$14,477	\$1,545	\$12,500
	TOTAL EXPENSES	\$15,852	\$2,920	\$13,875
18	TOTAL ELECTIONS	\$24,768	\$9,856	\$27,519
REGISTRAR				
	SALARIES	\$675	\$675	\$275
19	TOTAL PERSONNEL SERVICES	\$675	\$675	\$275
	PURCHASE OF SERVICES	\$3,327	\$3,650	\$3,650
20	TOTAL EXPENSES	\$3,327	\$3,650	\$3,650
	TOTAL REGISTRAR	\$4,002	\$4,325	\$3,925
CONSERVATION				
	SALARIES	\$105,435	\$104,208	\$104,001
21	TOTAL PERSONNEL SERVICES	\$105,435	\$104,208	\$104,001
	PURCHASE OF SERVICES	\$4,942	\$10,500	\$10,500
	SUPPLIES	\$8,495	\$9,600	\$4,600
22	TOTAL EXPENSES	\$13,437	\$20,100	\$15,100
	TOTAL CONSERVATION	\$118,872	\$124,308	\$119,101
PLANNING				
	SALARIES	\$88,179	\$88,564	\$100,000
23	TOTAL PERSONNEL SERVICES	\$88,179	\$88,564	\$100,000
	PURCHASE OF SERVICES	\$2,057	\$4,250	\$4,000
	SUPPLIES	\$2,183	\$2,000	\$2,000
24	TOTAL EXPENSES	\$4,240	\$6,250	\$6,000
	TOTAL PLANNING	\$92,419	\$94,814	\$106,000
SURVEYOR				
	SALARIES	\$123,180	\$128,033	\$132,053
25	TOTAL PERSONNEL SERVICES	\$123,180	\$128,033	\$132,053
	PURCHASE OF SERVICES	\$10,119	\$10,450	\$10,450
	SUPPLIES	\$4,775	\$5,000	\$5,000
26	TOTAL EXPENSES	\$14,894	\$15,450	\$15,450

	TOTAL SURVEYOR	\$138,074	\$143,483	\$147,503
TOWN BUILDING				
	SALARIES	\$86,586	\$90,258	\$107,470
27	TOTAL PERSONNEL SERVICES	\$86,586	\$90,258	\$107,470
	PURCHASE OF SERVICES	\$21,000	\$24,650	\$24,650
	UTILITIES	\$191,903	\$186,481	\$236,000
	SUPPLIES	\$5,800	\$10,000	\$10,000
28	TOTAL EXPENSES	\$218,703	\$221,131	\$270,650
	TOTAL TOWN BUILDING	\$305,289	\$311,389	\$378,120
HISTORICAL COMMISSION				
	PURCHASE OF SERVICES	\$600	\$200	\$200
29	TOTAL EXPENSES	\$600	\$200	\$200
	TOTAL HISTORICAL COMMISSION	\$600	\$200	\$200
SURFACE WATER QUALITY COMMISSION				
	PURCHASE OF SERVICES	\$4,889	\$4,900	\$4,900
30	TOTAL EXPENSES	\$4,889	\$4,900	\$4,900
	TOTAL SURFACE WATER QUALITY COMM	\$4,889	\$4,900	\$4,900
HISTORIC DISTRICT COMMISSION				
	PURCHASE OF SERVICES	\$115	\$275	\$275
31	TOTAL EXPENSES	\$115	\$275	\$275
	TOTAL HISTORIC DISTRICT COMMISSION	\$115	\$275	\$275
PUBLIC CEREMONIES				
	PURCHASE OF SERVICES	\$609	\$2,500	\$2,500
32	TOTAL EXPENSES	\$609	\$2,500	\$2,500
	TOTAL PUBLIC CEREMONIES	\$609	\$2,500	\$2,500
POLICE				
	SALARIES	\$1,758,392	\$1,788,296	\$1,940,555
1	TOTAL PERSONNEL SERVICES	\$1,758,392	\$1,788,296	\$1,940,555
	PURCHASE OF SERVICES	\$67,800	\$74,392	\$109,272
	SUPPLIES	\$173,454	\$164,453	\$161,960
2	TOTAL EXPENSES	\$241,254	\$238,845	\$271,232
	TOTAL POLICE	\$1,999,646	\$2,027,141	\$2,211,787
JOINT COMMUNICATIONS				
	SALARIES	\$360,840	\$357,889	\$425,293
3	TOTAL PERSONNEL SERVICES	\$360,840	\$357,889	\$425,293
	PURCHASE OF SERVICES	\$39,381	\$54,603	\$37,145

	UTILITIES	\$128,000	\$108,000	\$126,400
	SUPPLIES	\$20,311	\$20,311	\$9,800
4	TOTAL EXPENSES	\$187,692	\$182,914	\$173,345
	TOTAL JOINT COMMUNICATIONS	\$548,532	\$540,803	\$598,638
EMERGENCY MANAGEMENT				
	PURCHASE OF SERVICES	\$13,000	\$13,000	\$14,800
	SUPPLIES	\$10,000	\$10,000	\$10,000
5	TOTAL EXPENSES	\$23,000	\$23,000	\$24,800
	TOTAL EMERGENCY MANAGEMENT	\$23,000	\$23,000	\$24,800
DOG OFFICER				
	PURCHASE OF SERVICES	\$18,422	\$18,482	\$18,915
	SUPPLIES	\$1,095	\$3,000	\$3,000
6	TOTAL EXPENSES	\$19,517	\$21,482	\$21,915
	TOTAL DOG OFFICER	\$19,517	\$21,482	\$21,915
FIRE				
	SALARIES	\$1,641,056	\$1,649,862	\$1,797,775
7	TOTAL PERSONNEL SERVICES	\$1,641,056	\$1,649,862	\$1,797,775
	PURCHASE OF SERVICES	\$25,522	\$28,700	\$28,700
	SUPPLIES	\$81,415	\$79,500	\$80,500
8	TOTAL EXPENSES	\$106,937	\$108,200	\$109,200
	TOTAL FIRE	\$1,747,993	\$1,758,062	\$1,906,975
COCHITUATE BUILDING-STATION 2				
	PURCHASE OF SERVICES	\$6,950	\$9,000	\$9,000
	UTILITIES	\$11,204	\$6,000	\$13,000
	SUPPLIES	\$1,960	\$2,000	\$2,000
9	TOTAL EXPENSES	\$20,114	\$17,000	\$24,000
	TOTAL COCHITUATE BLDG-STATION 2	\$20,114	\$17,000	\$24,000
BUILDING & ZONING				
	SALARIES	\$254,006	\$243,290	\$269,943
10	TOTAL PERSONNEL SERVICES	\$254,006	\$243,290	\$269,943
	PURCHASE OF SERVICES	\$9,075	\$10,800	\$10,800
	SUPPLIES	\$7,154	\$7,550	\$7,550
11	TOTAL EXPENSES	\$16,229	\$18,350	\$18,350
	TOTAL BUILDING & ZONING	\$270,235	\$261,640	\$288,293
TOTAL PUBLIC SAFETY		\$4,629,037	\$4,649,128	\$5,076,408
1	SCHOOLS	\$26,110,633	\$27,379,743	\$28,407,893

1	REGIONAL VOCATIONAL SCHOOL	\$133,588	\$186,000	\$166,896
HIGHWAY				
	SALARIES	\$874,935	\$716,069	\$735,543
1	TOTAL PERSONNEL SERVICES	\$874,935	\$716,069	\$735,543
	PURCHASE OF SERVICES	\$481,004	\$307,454	\$307,454
	UTILITIES	\$44,420	\$42,500	\$51,000
	SUPPLIES	\$76,871	\$69,000	\$76,000
2	TOTAL EXPENSES	\$602,295	\$418,954	\$434,454
	TOTAL HIGHWAY	\$1,477,230	\$1,135,023	\$1,169,997
SNOW REMOVAL				
	SALARIES	\$0	\$0	\$28,000
3	TOTAL PERSONNEL SERVICES	\$0	\$0	\$28,000
	PURCHASE OF SERVICES	\$451,883	\$58,000	\$120,000
	SUPPLIES	\$0	\$0	\$38,000
4	TOTAL EXPENSES	\$451,883	\$58,000	\$158,000
	TOTAL SNOW REMOVAL	\$451,883	\$58,000	\$186,000
	TOTAL HIGHWAY	\$1,929,113	\$1,193,023	\$1,355,997
BOARD OF HEALTH -LANDFILL				
	SALARIES	\$207,045	\$208,703	\$221,291
1	TOTAL PERSONNEL SERVICES	\$207,045	\$208,703	\$221,291
	PURCHASE OF SERVICES	\$210,712	\$174,673	\$174,752
	UTILITIES	\$15,248	\$16,800	\$21,840
	SUPPLIES	\$47,049	\$73,420	\$77,320
2	TOTAL EXPENSES	\$273,009	\$264,893	\$273,912
	TOTAL BOH-LANDFILL	\$480,054	\$473,596	\$495,203
BOARD OF HEALTH				
	SALARIES	\$387,610	\$396,150	\$447,040
1	TOTAL PERSONNEL SERVICES	\$387,610	\$396,150	\$447,040
	PURCHASE OF SERVICES	\$154,227	\$151,449	\$152,574
	SUPPLIES	\$10,516	\$16,900	\$13,250
2	TOTAL EXPENSES	\$164,743	\$168,349	\$165,824
	TOTAL BOARD OF HEALTH	\$552,353	\$564,499	\$612,864
YOUTH SERVICES				
	SALARIES	\$134,107	\$134,907	\$145,264
1	TOTAL PERSONNEL SERVICES	\$134,107	\$134,907	\$145,264

	PURCHASE OF SERVICES	\$4,036	\$3,750	\$3,750
	SUPPLIES	\$692	\$980	\$1,020
2	TOTAL EXPENSES	\$4,728	\$4,730	\$4,770
	TOTAL YOUTH SERVICES	\$138,835	\$139,637	\$150,034
VETERANS SERVICES				
	SALARIES	\$3,833	\$3,868	\$4,003
1	TOTAL PERSONNEL SERVICES	\$3,833	\$3,868	\$4,003
	SUPPLIES	\$149	\$3,825	\$3,825
2	TOTAL EXPENSES	\$149	\$3,825	\$3,825
	TOTAL VETERANS SERVICES	\$3,982	\$7,693	\$7,828
COUNCIL ON AGING				
	SALARIES	\$108,077	\$116,190	\$121,543
1	TOTAL PERSONNEL SERVICES	\$108,077	\$116,190	\$121,543
	PURCHASE OF SERVICES	\$79,295	\$71,751	\$82,500
	SUPPLIES	\$3,394	\$6,000	\$4,300
2	TOTAL EXPENSES	\$82,689	\$77,751	\$86,800
	TOTAL COUNCIL ON AGING	\$190,766	\$193,941	\$208,343
LIBRARY				
	SALARIES	\$625,206	\$637,350	\$690,895
1	TOTAL PERSONNEL SERVICES	\$625,206	\$637,350	\$690,895
	PURCHASE OF SERVICES	\$45,362	\$47,500	\$47,500
	UTILITIES	\$28,364	\$27,000	\$42,000
	SUPPLIES	\$141,181	\$144,100	\$162,300
2	TOTAL EXPENSES	\$214,907	\$218,600	\$251,800
	TOTAL LIBRARY	\$840,113	\$855,950	\$942,695
PARK & RECREATION				
	SALARIES	\$504,492	\$428,590	\$489,262
1	TOTAL PERSONNEL SERVICES	\$504,492	\$428,590	\$489,262
	PURCHASE OF SERVICES	\$85,936	\$72,547	\$73,817
	UTILITIES	\$5,833	\$5,783	\$6,200
	SUPPLIES	\$51,345	\$49,762	\$50,727
2	TOTAL EXPENSES	\$143,114	\$128,092	\$130,744
	TOTAL PARK & RECREATION	\$647,606	\$556,682	\$620,006
3	FEE SUPPORTED PROGRAMS	\$578,667	\$550,000	\$0
POOL				
	SALARIES	\$165,011	\$135,000	\$21,700
4	TOTAL PERSONNEL SERVICES	\$165,011	\$135,000	\$21,700

	PURCHASE OF SERVICES	\$52,713	\$46,000	\$10,500
	UTILITIES	\$56,128	\$55,000	\$57,500
	SUPPLIES	\$7,139	\$9,000	\$31,010
5	TOTAL EXPENSES	\$115,980	\$110,000	\$99,010
	TOTAL POOL	\$280,991	\$245,000	\$120,710
	TOTAL PARK & RECREATION	\$1,507,264	\$1,351,682	\$740,716
DEBT AND INTEREST				
	DEBT SERVICE	\$3,752,423	\$3,665,900	\$3,668,313
1	TOTAL EXPENSES	\$3,752,423	\$3,665,900	\$3,668,313
	TOTAL DEBT AND INTEREST	\$3,752,423	\$3,665,900	\$3,668,313
UNCLASSIFIED				
	INSURANCE GENERAL	\$373,412	\$361,200	\$475,000
	INSURANCE 32B	\$3,804,929	\$4,400,000	\$5,055,000
	MEDICARE	\$350,000	\$375,000	\$450,000
	UNEMPLOYMENT	\$62,753	\$55,000	\$65,000
	NON CONTRIBUTORY RETIREMENT	\$11,824	\$12,000	\$12,000
	PENSION DISABILITY	\$10,000	\$10,000	\$10,000
	RESERVE FOR SAL SETTLEMENT	\$0	\$505,000	\$60,000
	OCCUPATIONAL HEALTH NURSE	\$7,299	\$7,500	\$2,000
	EMPLOYEE ASSISTANCE PROGRAM	\$4,800	\$4,800	\$5,000
	TOWN MEETING	\$35,149	\$16,000	\$17,000
	STREET LIGHTING	\$109,722	\$113,000	\$130,000
	RESERVE FUND	\$0	\$201,000	\$201,000
1	TOTAL UNCLASSIFIED	\$4,769,888	\$6,060,500	\$6,482,000
	GRAND TOTAL BUDGET	\$47,386,253	\$48,936,453	\$50,749,477

AMENDMENT NO. 1 TO MOTION NO.1:

Mary Ellen Castagno moved and was duly seconded that the Town reduce the total budget of the Minuteman Regional Vocational School from \$221,000 to \$166,896.

VOTED ON AMENDMENT NO. 1: UNANIMOUSLY IN FAVOR**MOTION NO. 1 AS AMENDED:**

Christopher Riley moved and was duly seconded that the report of the Finance Committee respecting the Fiscal Year 2007 Budget be accepted; and that each and every numbered item set forth in the Finance Committee's Budget for Fiscal Year 2007 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$50,749,477.00 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, \$49,437,301.00 shall be raised by taxation, \$250,000.00 shall be provided by transfer from Ambulance Receipts, \$610,000.00 shall be provided by transfer from the sale of Town-owned Land Account for payment of debt, \$10,000.00, shall be provided by transfer from the Conservation Receipt Account, \$1,176.00 shall be provided by transfer from Premium on Bonds Account and \$441,000.00 shall be transferred from the General Fund - Unreserved Fund Balance; and for what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under this motion as printed in the Warrant on Page 23.

VOTED ON MOTION NO. 1 AS AMENDED: UNANIMOUSLY IN FAVOR**MOTION NO. 2:**

Christopher Riley moved and was duly seconded that the following amounts be appropriated for equipment and vehicle acquisitions and projects for the following departments, each of which shall be a separate appropriation:

<u>Capital Budget</u>		Recommended
<u>Selectmen</u>		
1	Town Building Repairs E	\$240,000 Borrow
<u>Information Technology</u>		
2	Equipment	20,000 Borrow
<u>Town Clerk-Elections</u>		
3	Equipment	30,000 Borrow
<u>Fire Department</u>		
4	Equipment E	\$350,000 Borrow
<u>Highway</u>		
5	Dump Truck	\$125,000 Borrow
<u>Board of Health-Landfill</u>		
6	2 Open Top Containers	\$15,000 Borrow
7	Paving & Sealing	\$30,000 Borrow
<u>Library</u>		
8	Roof/Building Repairs E	\$375,000 Borrow
<u>Park & Recreation</u>		
9	Backhoe Loader	\$90,000 Borrow
10	Leaf Collection System	\$30,000 Borrow
<u>School Department</u>		
11	Technology	\$150,000 Borrow
12	Happy Hollow Repairs E	\$700,000 Borrow
13	Misc Building Repairs	\$100,000 Borrow
14	Equipment	\$40,000 Borrow
GRAND TOTAL		\$2,295,000

E = PROPOSED DEBT EXEMPT ITEMS

and, to meet these appropriations, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,295,000.00 pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7.

VOTED ON MOTION NO. 2: UNANIMOUSLY IN FAVOR

ARTICLE 6: WATER DEPARTMENT MAINTENANCE BUDGET

Proposed by: Board of Water Commissioners

Estimated Cost: \$1,857,782

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Water Commissioners for the operation and expenses of the Water Department; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth or Federal Government, by borrowing or otherwise.

WATER DEPARTMENT BUDGET FY 2007

	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
Operating Budget:			
Salaries	\$598,050	\$644,213	\$697,682
Total Personnel Services	\$598,050	\$644,213	\$697,682
Purchase of Services	\$213,500	\$257,000	\$331,000
Utilities	\$151,300	\$179,400	\$192,000
Supplies	\$199,900	\$272,000	\$274,600
Debt Service	\$401,983	\$520,851	\$362,500
Total Expenses	\$966,683	\$1,229,251	\$1,160,100
Total Water Department	\$1,564,733	\$1,873,464	\$1,857,782
CAPITAL REQUEST			
VEHICLE		BORROW	\$35,000
BALDWIN TREATMENT PLANT CONSTRUCTION		BORROW	\$7,500,000

MOTION:

Joel Goodmonson moved and was duly seconded that the Town appropriate the sum of \$1,857,782 to be expended by the Board of Water Commissioners for the operation and expenses of the Water Department during Fiscal Year 2007 for the following purposes:

<u>Operating Budget:</u>	
Salaries	\$697,682
Total Personnel Services	\$697,682
Purchase of Services	\$331,000
Utilities	\$192,000
Supplies and Materials	\$274,600
Debt Service	\$362,500
Total Expenses	\$1,160,100
Total Water Operating Budget	\$1,857,782

Capital:

Vehicle	\$35,000
Baldwin Treatment Plant Construction	\$7,500,000;

and that said appropriation for the operation and expenses of the Water Department be provided by the use of \$1,457,782. from Water Revenues and \$400,000. from Water Surplus; and to meet said appropriation for the Water Department Capital Budget, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$7,535,000. pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8.

VOTED:

1ST VOICE VOTE: SCATTERING OF NOES

2ND VOICE VOTE: SCATTERING OF NOES

STANDING COUNT BY MODERATOR:

IN FAVOR: 914

OPPOSED: 4 MOTION CARRIED BY MORE THAN REQUIRED 2/3 MAJORITY

ARTICLE 7: WAYLAND/SUDBURY SEPTAGE TREATMENT FACILITY BUDGET

Proposed by: Septage Committee

Estimated Cost: \$813,038

To determine whether the Town will vote to appropriate a sum of money to be expended by the Septage Committee for the operation and capital improvement of the Wayland/Sudbury septage treatment facility; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

	EXPENDED FY2005	APPROVED FY2006	RECOMMENDED FY2007
OPERATING BUDGET			
SALARIES	\$177,576	\$131,034	\$229,494
TOTAL PERSONNEL SERVICES	\$177,576	\$131,034	\$229,494
PURCHASE OF SERVICES	\$304,435	\$461,172	\$380,544
UTILITIES	\$44,000	\$45,000	\$68,000
SUPPLIES	\$23,321	-	\$81,000
CAPITAL/REPAIRS			\$35,000
DEBT SERVICE	\$65,340	\$65,340	\$19,000
TOTAL EXPENSES	\$437,096	\$571,512	\$583,544
TOTAL SEPTAGE DEPARTMENT	\$614,672	\$702,546	\$813,038
CAPITAL - PLANT UPGRADE - NITROGEN		BORROW	\$200,000

MOTION:

Blair Davies moved and was duly seconded that the Town appropriate the sum of \$813,038. to be expended by the Septage Committee for the operation of the Wayland/Sudbury Septage Treatment Facility during Fiscal Year 2007 for the following purposes:

Operating Budget:

Salaries	\$229,494
Total Personnel Services	\$229,494

Purchase of Services	\$380,544
Utilities	\$68,000
Supplies	\$81,000
Capital/Repairs	\$35,000
Debt Service	\$19,000
Total Expenses	\$583,544

Total Septage Facility Operating Budget \$813,038

Capital:
Plant Upgrade - Nitrogen \$200,000;

and that said appropriation for the Septage Facility Operating Budget be provided by the use of \$694,038. from Septage Revenues and by transferring \$119,000. from Septage Retained Earnings and to meet said appropriation for the Water Department Capital Budget, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$200,000.00 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 8: WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET
--

Proposed by: Wastewater Management District Commission

Estimated Cost: \$202,989

To determine whether the Town will vote to appropriate a sum of money to be expended by the Wastewater Management District Commission for the annual operating expenses of the Wayland Wastewater Management District; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds appropriated for another purpose, by borrowing or otherwise.

WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET FY 2007

	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
Purchase of Services	\$120,947	\$135,000	\$145,139
Capital	5,274	15,000	26,750
Debt Service	28,641	31,091	31,100
Total Expenses	\$154,862	\$181,091	\$202,989
Anticipated Revenue	\$216,410	\$149,591	\$168,784
Retained Earnings		31,500	34,205
Actual Revenue	\$198,741	\$181,091	\$202,989

MOTION:

Lana Carlsson-Irwin moved and was duly seconded that the Town appropriate the sum of \$202,989. to be expended by the Wastewater Management District Commission for its annual operating expenses during Fiscal Year 2007 for the following purposes:

Operating Budget	\$ 171,889.
Purchase of Services	145,139.
Capital	26,750.
Debt Service	31,100.
Total Expenses	<u>\$ 202,989.;</u>

and that said appropriation be provided by the use of \$168,784. from Wastewater Management Revenues and \$34,205. from Wastewater Retained Earnings.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 9: COMPENSATION FOR ELECTED OFFICIAL
--

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2006, which salary and compensation is printed below.

SALARY SCHEDULE ELECTED TOWN OFFICIAL

	<u>FY 2006</u>	<u>FY 2007</u>
Town Clerk	\$65,117	\$67,396

ERRATUM: The correct FY2006 salary should be \$65,117 and not \$64,148 as stated in the Warrant.

MOTION:

Douglas Leard moved and was duly seconded that the Town fix the salary and compensation of the elected Town Clerk at \$67,396.00 effective July 1, 2006.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 10: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen

Estimated Cost: Unknown

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.

MOTION:

William Whitney moved and was duly seconded that the Town vote to pass over this Article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 11: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Proposed by: Board of Selectmen and Board of Assessors

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2007.

MOTION:

Joseph Nolan moved and was duly seconded that the Town accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2007.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 12: SELL OR TRADE VEHICLES AND EQUIPMENT
--

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the following surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

<u>Department</u>	<u>Vehicle/Equipment</u>	<u>Year</u>
Highway	Two (2) International S2500 Permanent Mount Sanders	1988

MOTION:

Joseph Nolan moved and was duly second that the Town Authorize the Board of Selectmen to sell or otherwise dispose of the following surplus vehicle and equipment in connection with the purpose of new vehicles and/or equipment:

<u>Department</u>	<u>Vehicle/Equipment</u>	<u>Year</u>
Highway	Two (2) International S2500 Permanent Mount Sanders	1988
Park & Recreation	Toro 58D Gangmower	1997
Park & Recreation	Chevrolet Kodiak Dumptruck with Leaf Vacuum	1990
Park & Recreation	John Deere 310D Loader Backhoe	1993
Park & Recreation	Ford F250 Pickup Truck	1995

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 13: ACCEPT GIFTS OF LAND
--

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

MOTION:

Alan Reiss moved and was duly seconded that the Town vote to pass over this article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 14: RESCIND AUTHORIZED BUT UNISSUED DEBT
--

Proposed by: Board of Selectmen

To determine whether the Town will vote to rescind the \$2,296,600 remaining from the borrowing authorized at the town meetings listed below:

Item Description	Warrant Article #	Town Meeting Year	Amount Authorized
Land Acquisition	30	Annual Town Meeting 1973	\$84,600.00
Land Acquisition	14	Special Town Meeting 1989	\$350,000.00

Landfill	21	Annual Town Meeting 1996	\$175,000.00
Resident Environmental Project	39	Special Town Meeting 1996	\$50,000.00
Raytheon Land	37	Annual Town Meeting 2000	\$1,325,000.00
Land Acquisition	25	Annual Town Meeting 2000	\$50,000.00
Town Center	37	Annual Town Meeting 2001	\$235,000.00

MOTION:

William Whitney moved and was duly seconded that the Town rescind the \$2,269,000 of unissued debt remaining from the borrowings authorized at the town meetings as listed in the Warrant.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 15: AUTHORIZE TREASURER TO BORROW

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow monies from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2006, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4 and Chapter 849 of the Acts of 1969, both as amended, and to issue a note or notes therefor, payable within one year, and to renew any note or notes that may be given for a period of less than one year in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17, as amended.

MOTION:

Michael Tichnor moved and was duly seconded that the Town authorize the Treasurer, with the approval of the Board of Selectmen, to borrow monies from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2006, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and Chapter 849 of the Acts of 1969, both as amended, and to issue a note or notes therefor, payable within one year, and to renew any note or notes that may be given for a period of less than one year in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17, as amended.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 16: PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN

Proposed by: Personnel Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL, and the Personnel Wage and Salary Classification Plan (Appendix C) previously adopted by the Town by making the following additions, deletions modifications thereto, any by establishing effective dates for such amendments.

MOTION:

Maryanne Peabody moved and was duly seconded that the Town amend the Code of the Town of Wayland, Chapter 43, PERSONNEL, the Personnel Wage and Salary Classification Plan previously adopted by the Town, by establishing the non-union wage and salary rates as set forth in Appendix C to the Warrant for the 2006 Annual Town Meeting, effective of July 1, 2006, except for the non-union wage and salary rates for which an effective date of May 1, 2006 is set forth in said Appendix C.

ERRATUM: Page 113 of the Warrant, remove the classification chart for the group SEIU and insert the new chart:

C-12 – Senior Clerk	C-15 – Finance Assistant, Accounting
C-13 – Principal Clerk	C-15 – Finance Assistant, Benefits
C-14 – Department Assistant	C-15 – Finance Assistant, Payroll
C-15 – Town Clerk, Assistant	CD – JCC Dispatcher
C-15 – Finance Assistant, Treasurer/Collector	

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 17: ACCEPT LAW RE: TRANSFER OF RETIREES TO MEDICARE EXTENSION PLAN

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 18.

MOTION:

Michael Tichnor moved and was duly seconded that the Town accept the provisions of Massachusetts General Laws Chapter 32B, Section 18.

VOTED: MOTION CARRIED

The Meeting adjourned at 10:38 P.M. until Monday, May 1, 2006 at 7:30 P.M.

Attendance: 1385

**VOTES ENACTED:
MONDAY, MAY 1, 2006 AT THE WAYLAND HIGH SCHOOL FIELD HOUSE**

C. PETER R. GOSSELS, MODERATOR:

Pursuant to the Warrant dated April 10, 2006 signed by Michael L. Tichnor, Douglas J. Leard, William D. Whitney, Joseph F. Nolan, and Alan J. Reiss, Selectmen, served and return of service given by William E. Pickett, Jr., Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Town Meeting met this day at Wayland High School Field House; and at 7:30 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

ARTICLE 18: WAYLAND HIGH SCHOOL BUILDING REPAIRS

Proposed by: School Committee

Estimated Cost: \$50,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the School Committee for repairs and improvements to Wayland High School to address findings of the New England Association of Schools and Colleges relative to the physical conditions of the Wayland High School; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise.

MOTION:

Barbara Fletcher moved and was duly seconded that the Town appropriate \$50,000 to be expended by the School Committee for repairs and improvements to Wayland High School to address findings of the New England Association of Schools and Colleges relative to the physical conditions of the Wayland High School; and, to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$50,000.00 pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 19: EXCHANGE OF A PORTION OF THE FORMER NIKE SITE HOUSING LAND FOR A PORTION OF THE FORMER NIKE SITE PASSIVE AND ACTIVE RECREATION LAND

Proposed by: Board of Selectmen, Nike Site Reuse Advisory Committee, Wayland Housing Authority, Wayland Housing Partnership, Park & Recreation Commission, and Conservation Commission

To determine whether the Town will vote to:

- (a) instruct the Board of Selectmen, with the approval of Town Council as to form, to transfer the care, custody, management and control of the area of land containing .73 of an acre, more or less, shown as Parcel D on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectmen, Former Nike Site, Oxbow Road", prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated January 3, 2006, (the "Exchange Plan"), a copy of which is on file in the office of the Town Clerk, from the Board of Selectmen to the Park and Recreation Commission, for park and recreation purposes, in exchange for the transfer from the Park and Recreation Commission of the care, custody, management and control of a substantially equal area of land shown as Parcel B on the Exchange Plan;
- (b) instruct the Park and Recreation Commission, with the approval of Town Council as to form, to transfer the care, custody, management and control of the area of land containing .73 of an acre, more or less, shown as Parcel B on the Exchange Plan to the Board of Selectmen for municipal purposes including, and limited to, housing, conservation, park, passive and active recreation, and any combination of such purposes in exchange for the transfer from the Board of Selectmen of the care, custody, management and control of a substantially equal area of land shown as Parcel D on the Exchange Plan; and
- (c) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to authorize the change in use of Parcel B as shown on the Exchange Plan from public park land to uses for other municipal purposes, including, and limited to, housing, conservation, passive and active recreation, and any combination of such purposes.

MOTION:

Douglas Leard moved and was duly seconded that the Town:

- (a) instruct the Board of Selectmen, with the approval of Town Council as to form, to transfer the care, custody, management and control of the area of land containing .73 of an acre, more or less, shown as Parcel D on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectmen, Former Nike Site, Oxbow Road", prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated January 3, 2006, (the "Exchange Plan"), a copy of which is on file in the office of the Town Clerk, from the Board of Selectmen to the Park and Recreation Commission, for park and recreation purposes, in exchange for the transfer from the Park and Recreation Commission of the care, custody, management and control of a substantially equal area of land shown as Parcel B on the Exchange Plan;
- (b) instruct the Park and Recreation Commission, with the approval of Town Council as to form, to transfer the care, custody, management and control of the area of land containing .73 of an acre, more or less, shown as Parcel B on the Exchange Plan to the Board of Selectmen for municipal purposes including, and limited to, housing, conservation, park, passive and active recreation, and any combination of such purposes in exchange for the transfer from the Board of Selectmen of the care, custody, management and control of a substantially equal area of land shown as Parcel D on the Exchange Plan; and
- (c) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to authorize the change in use of Parcel B as shown on the Exchange Plan from public park land to uses for other municipal purposes, including, and limited to, housing, conservation, passive and active recreation, and any combination of such purposes.

AMENDMENT:

William Murphy moved and was duly seconded that the motion be amended by deleting from page 47, paragraph (a) line #7 the following words: "Park and Recreation Commission, for park and recreation purposes" and substituting the following replacement words: "Conservation Commission, as a deeded conservation restriction, for conservation and passive recreation purposes."

VOTED ON AMENDMENT: MOTION NOT CARRIED

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 20: TRANSFER CARE AND CUSTODY OF THE 50' BUFFER STRIP, NIKE SITE, OXBOW ROAD
--

Proposed by: Conservation Commission

To determine whether the Town will vote to instruct the Board of Selectmen and/or the Park and Recreation Commission, as the case may be, with approval of Town Counsel as to form, to transfer the care, custody, management, and control of the area of land shown as "50' WIDE CONSERVATION BUFFER" shown on a plan entitled "Plan of Land in Wayland, Massachusetts Prepared For The Wayland Board of Selectmen Former Nike Site, Oxbow Road", prepared by: the Town Surveyor's office and dated January 3, 2006, a copy of which plan is on file in the Office of the Town Clerk, from the Board of Selectmen and/or the Park and Recreation Commission, as the case may be, to the Conservation Commission for conservation and passive recreation purposes and/or the Parks and Recreation Commission for park and passive recreation purposes.

MOTION:

Meghan Lucier moved and was duly seconded that the Town vote to instruct the Board of Selectmen and/or the Park and Recreation Commission, as the case may be, with approval of Town Counsel as to form, to transfer the care, custody, management, and control of the area of land shown as "50' WIDE CONSERVATION BUFFER" shown on a plan entitled "Plan of and in Wayland, Massachusetts Prepared For The Wayland Board of Selectmen Former Nike Site, Oxbow Road", prepared by: the Town Surveyor's office and dated January 3, 2006, a copy of which plan is on file in the Office of the Town Clerk, from the Board of Selectmen and/or the Park and Recreation Commission, as the case may be, to the Conservation Commission for conservation and passive recreation purposes and/or the Parks and Recreation Commission for park and passive recreation purposes.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 21: AMENDMENT OF ARTICLE 22, INCLUSION OF AFFORDABLE HOUSING
--

Proposed by: Planning Board

To determine whether the Town will vote to amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland by replacing the period "." after the numbers "22" and replacing it with a zero "0" in all places where said period so appears in Article 22 of said Chapter 198.

MOTION:

Lawrence Stabile moved and was duly seconded that the Town amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by replacing the period "." after the numbers "22" and replacing it with a zero "0" in all places where said period so appears in Article 22 of said Chapter 198.

PLANNING BOARD REPORT

The Planning Board held its public hearing as required by law on February 21, 2006.

The purpose of the proposed article is to bring the enumeration of Article 22 into conformance with the rest of the zoning bylaw. The article changes the “.” which follows the numbers “22” into a “0” for all instances through the bylaw. The article is administrative in nature.

No other comments were received at the public hearing. The Planning Board unanimously recommends passage of the article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 22: RENUMERATION OF ARTICLE 15A, PLANNED WIRELESS COMMUNICATIONS SERVICES DISTRICT

Proposed by: Planning Board

To determine whether the town will vote to amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by making the following deletions (indicated in ~~striketrough lettering~~) and insertions (indicated in underlined lettering) in Article 15A thereof:

ARTICLE 15A

Planned Wireless Communications Services District

§198-1550.	Purpose
§198-1551.	Location
§198-1552.	Use Restrictions
§198-1553.	Design Restrictions
§198-1554.	Contents of Application
§198-1555.	Liability Insurance; Removal and Removal Bond
§198-1556.	Applicable Provisions
§198-1557.	Town-Owned Emergency Equipment
§198-1558.	Modification of Permitted Facilities
§198-1559.	<u>Conditions for Wireless Communications Facility in the Planned Wireless Communications Services District under Zoning Bylaw Section 196-1553.5.</u>

§198-1550. Purpose

- 1550.1. For the purposes of this Article 15A, “wireless communications facility” shall have the same meaning as in section 198-104.2, and “wireless communications services” shall have the same meaning as in section 198-1501.1. The purpose of this Article is to establish a district on or near the top of a geographically prominent hill in the Town, which has long been the subject of study and planning for wireless use in the Town, and in which wireless communications services may be provided while preserving and protecting the public health, safety and general welfare, while fulfilling the purposes of the Federal Telecommunications Act regarding provision of personal wireless services to the area capable of being served by the Planned Wireless Communications Services District and minimizing the number of wireless communications facilities in the Town. The Planned Wireless Communications Services District has been created specifically to protect the general public from hazards, minimize visual impacts, protect the scenic, historic, natural and human-made resources of the Town and protect property values.

§198-1551. Location

- 1551.1. The Planned Wireless Communications Services District shall be located on land on Reeves Hill, so-called, as shown on Plate 34 of the Atlas of the Town of Wayland, Massachusetts, 1996, numbered as Parcels 34-026, 34-027, and 34-026A, and as shown on the plan entitled “Town of Wayland Planned Wireless Communications Services Zoning Overlay District,” prepared by the

Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated August 11, 2005, a copy of which is on file in the office of the Town Clerk.

- 1551.2. The Planned Wireless Communications Services District shall be construed as an overlay district with regard to said locations. In the Planned Wireless Communications Services District, all requirements of the underlying zoning district shall apply to uses other than a wireless communications facility or facilities; and the use and design restrictions of the Planned Wireless Communications Services District shall specifically apply to all wireless communications facilities.

§198-1552. Use Restrictions

- 1552.1. One wireless communications monopole may be constructed, operated, maintained and used by up to four wireless carriers in the Planned Wireless Communications Services District as of right, upon the issuance of a building permit therefor, provided that the proposed facility complies with the requirements of the State Building Code, 780 CMR, as applicable, plan entitled "Town of Wayland Planned Wireless Communications Services Zoning Overlay District," prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated August 11, 2005, a copy of which is on file in the office of the Town Clerk, and with the Design Restrictions set forth below. A wireless communications facility conforming to the requirements of Article 15A may be constructed, operated, maintained and used in the Planned Wireless Communications Services District without the need for a special permit pursuant to section 198-203 and without the need for site plan approval under Article 6 of this Zoning Bylaw.

§198-1553. Design Restrictions

- 1553.1. A wireless communications facility in the Planned Wireless Communications Services District shall conform to the design restrictions set forth in this section.
- 1553.2. A free-standing wireless communications facility in the Planned Wireless Communications Services District shall be designed as a monopole tower with internally or closely ("flush") mounted antenna panels (with appropriate allowance for antenna tilting to meet coverage objectives consistent with minimizing adverse visual impact of the antennas) except as provided in section 1557.1 regarding equipment of the Town.
- 1553.3. Except as provided in section 198-1557 of Article 15A, the maximum height of the monopole shall be 180 feet above ground level at the base of the monopole.
- 1553.4. A wireless communications monopole in the Planned Wireless Communications Services District shall be designed to conform to all applicable state structural and engineering codes, including, but not limited to the State Building Code, 780 CMR.
- 1553.5. A wireless communications monopole in the Planned Wireless Communications Services District shall be subject to the Conditions set forth in §198-1559, below, Attachment 1, the provisions of which are incorporated by reference herein.

§198-1554. Contents of Application

- 1554.1. The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall contain all of the information ordinarily required for a building permit for a communications tower or other unmanned structure, as applicable, provided however that the plans submitted with the application for a building permit ("Plans") shall be in lieu of an approved site plan for the proposed facility.
- 1554.2. Construction drawings for the proposed facility shall be consistent with the Plans identified in

section 198-1554.1, and shall be stamped by a Massachusetts registered professional engineer.

- 1554.3. The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall be made by or on behalf of: (i) an FCC licensed wireless communications carrier; or (ii) by a tower building company or other person or entity having a binding lease or other agreement with at least one FCC-licensed wireless communications carrier to locate on the tower at the time it is constructed.
- 1554.4. The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall include a copy of the publicly available manufacturer's specification sheets for (i) the antennas, cables, and other equipment to be internally or flush mounted on the tower, and (ii) each equipment cabinet or equipment shelter proposed to be used for ground equipment within the fenced equipment compound at the base of the tower.

§198-1555. Liability Insurance; Removal and Removal Bond

- 1555.1. The tower owner and each of its tenants will carry during the term of their use the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of \$5,000,000 combined single limit or bodily injury or death/property damage arising out of any one occurrence, naming the Town of Wayland as an additional insured if permitted by the insurer; and (iii) Workers' Compensation insurance as required by law. Annual proof of the insurance must be filed with the Town Clerk.
- 1555.2. Except as provided in section 198-1557.3, within six (6) months of the termination of use of the tower, the tower owner and its tenants will remove all of their respective above-ground improvements and the tower owner will restore the site to its condition at the commencement of the tower use, reasonable wear and tear and loss by casualty or other causes beyond its control excepted. The tower owner and its tenants will be responsible for reasonably replacing trees, shrubs and other vegetation at the site, but will not be required to remove from the site any below ground foundations or underground utilities.
- 1555.3. To ensure removal of the tower after termination of use of the tower, the tower owner must obtain a performance bond or other form of financial security, in an amount consistent with a removal cost estimate stamped by a Massachusetts registered professional engineer and deposit it with the Town, to be used for removal and site-restoration costs in the event that the tower owner fails to comply. The tower owner also agrees to allow the Town and its agents and employees the right to enter the property for the purpose of removing the monopole in the event that it is not removed after such cessation of use.

§198-1556. Applicable Provisions

- 1556.1. Section 198-1510 (Exemptions) shall also apply to this Article 15A.

§198-1557. Town-Owned Emergency Equipment

- 1557.1. The owner of any free-standing wireless communications monopole in the Planned Wireless Communications Services District shall permit the Town of Wayland to mount antennas and equipment for the Wayland police department, fire department or other Town emergency services on and next to the tower; provided that (i) said Town antennas and equipment shall not interfere with pre-existing wireless communications services on the monopole, and (ii) the Town shall pay any costs associated with the installation of the Town's antennas and equipment.
- 1557.2. Town antennas mounted on the monopole may extend up to twenty feet above the top of the permitted height of the monopole and need not be closely-mounted to the monopole.

- 1557.3. In the event of termination, for a continuous period of six (6) months or more, of the use of the tower by all users except for the Town of Wayland, the tower owner may in lieu of removal of the tower convey the tower free of charge to the Town of Wayland, subject to the acceptance of the tower by the Town. In the event that the Town accepts the tower under this provision, the bond referred to in section 1555.3 shall thereupon be returned to the tower owner.

§198-1558. Modification of Permitted Facilities

- 1558.1. Any equipment permitted for a wireless communications facility in the Planned Wireless Communications Services District may be replaced with equal or similar brands or models and may be upgraded to newer or technically superior brands or models so long as there is no change in the monopole design or increase in signal strength, and if a building permit is required, upon the issuance of a building permit. Upon request of the Building Commissioner, made not more frequently than once per year, each carrier shall provide updated specifications as to its equipment on the monopole in the Planned Wireless Communications Services District.
- 1558.2. A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall consist of (i) a change in number of buildings or equipment cabinets located on the site compared to that shown on the Plans identified in section 198-1554.1, (ii) an increase in the height of the monopole compared to that shown on the Plans identified in section 198-1554.1, or (iii) an addition to the externally-visible equipment including the number of antennas on the monopole compared to that shown on the Plans identified in section 198-1554.1. Notwithstanding the provision of (i) and (iii) above, any subsequent change that only adds co-locators' antennas, buildings, or equipment cabinets for up to a maximum of four wireless carriers shall not constitute a "Major Modification" and shall not require Site Plan Approval under Article 6 of this Zoning Bylaw, whether or not the change was shown on the Plans identified in section 198-1554.1.
- 1558.3. A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall require Site Plan Approval from the Planning Board under Article 6 of the Zoning Bylaw and a building permit from the Building Commissioner.

ATTACHMENT 1

§198-1559. Conditions for A Wireless Communications Facility in the Planned Wireless Communications Services District ~~under Zoning Bylaw Section 198-1553.5.~~

- 1559.1. ~~Definitions. DEFINITIONS~~ For the purposes of the conditions below, the following definitions apply:

ZBA: the Wayland Zoning Board of Appeals

Building Commissioner: the Building Commissioner of Town of Wayland (or his designated agent)

Town: the Town of Wayland

FAA: the Federal Aviation Administration (or its successor agency)

FCC: the Federal Communications Commission (or its successor agency)

DPH: the Massachusetts Department of Public Health (or its successor agency),

Applicants, Tower Owner, Tenants: the applicants for a building permit,, the tower owner and the

tower's tenants, respectively

1559.2. Permits and standards. **PERMITS AND STANDARDS**

1559.2.1. ~~A~~– Other permits: Except to the extent superseded by or inconsistent with the Judgment in the matter *AT&T Wireless Services of Massachusetts v. Town of Wayland, et al.*, United States District Court for the District of Massachusetts, Civil Action Docket No. 04-11807MLW (the “TCA Case”), the Applicants must obtain and comply with all other required municipal, state, and federal permits from regulatory authorities having jurisdiction in this matter.

1559.2.2. ~~B~~–Structural integrity: The 180-foot monopole tower must meet the Massachusetts Building Code provisions for seismic loadings and structural protection from wind and ice and shall be designed to support a height at least 20’ above tower height.

1559.2.3. ~~C~~–Radiofrequency emissions: The tenants’ use of the monopole tower must be fully compliant with federal requirements on radio frequency emissions and the provisions of the Wayland Zoning Bylaw, §198-1503.2.16, to the extent lawful, reasonable and applicable and not inconsistent with regulations adopted by the FCC.

1559.2.4. ~~D~~–Monitoring standards: Monitoring, testing, and inspection must be in accordance with the regulations of the FCC and, to the extent lawful, reasonable and applicable, DPH.

1559.2.5. ~~E~~–ANSI standards: The monopole tower and its transmission must comply in all respects with the current standards of the American National Standards Institute (ANSI) and the National Council for Radiation Protection (NCRP), whichever are stricter, if and to the extent adopted by the FCC.

1559.2.6. ~~F~~–Construction traffic control: Prior to the issuance of a building permit and the start of construction, the Applicants must meet with representatives from the Building Department, the Police Department, the Highway Department, the Conservation Commission, and any other relevant Town officials to discuss staging areas, traffic issues, and other construction-related matters. The Applicants must bear the cost of any reasonable and necessary temporary traffic controls associated with the construction.

1559.2.7. ~~G~~–Construction inspections: An independent, Massachusetts-registered professional engineer who is not affiliated with any of the Applicants, at the Applicants’ reasonable expense, must review all the construction documents, review and approve all quality-control procedures, and inspect the site at appropriate intervals. The reviews and inspection results must be included in a certified report, submitted to the Building Commissioner, attesting that the construction of the facility complies with the Judgment in the TCA Case and other applicable building and safety codes.

1559.2.8. ~~H~~–Construction: All materials shall be assembled and constructed on the site by contractors licensed by the Commonwealth of Massachusetts, with insurance and bonding mutually acceptable to the Applicants and the Wayland Building Commissioner.

1559.2.9. ~~I~~–Maintenance: The monopole tower and associated equipment mounted on the tower at the site shall be subject to periodic inspection and maintenance, to ensure their structural and mechanical integrity, and to avoid structural, mechanical and other failures. This periodic inspection and maintenance must occur at least every year. The Tower Owner must submit a report to the Building Commissioner indicating, among other details, the date of the inspection, the personnel performing the inspection, and the results. If any changes or repairs to the tower are performed as a result of the maintenance inspection, the Tower Owner should file a supplemental report after the repairs. Each report is due within 7 business days of the inspection or repair. In the event the Tower Owner fails to conduct a required inspection or to submit a required report, the Town shall

notify the Tower Owner and all FCC-licensed carriers collocating on the tower of this alleged omission; and the Tower Owner or any carrier collocating on the tower shall have 45 days to conduct the required inspection and submit the required report before the Town may commence any enforcement action with respect thereto. [See also Section 1559.4.6, Condition V, below.]

1559.2.10. J-Removal: Within six (6) months of the termination of the use of the tower, the Tower Owner and its Tenants will remove all of their respective above-ground improvements and the Tower Owner will, to the extent reasonable, restore the site to its condition at the commencement of the tower construction, reasonable wear and tear and loss by casualty or other causes beyond its control excepted. Notwithstanding the foregoing, the Tower Owner and its Tenants will not be required to remove from the site any foundations which are fully buried or underground utilities, but shall remove any such materials which reach or protrude above the surface. [See also Section 1559.4.4, Condition T, below.]

1559.3. Visual Impact ~~VISUAL IMPACT~~

1559.3.1. K-Screening vegetation: To mitigate against visual impacts on the neighborhood, the Tower Owner must, during construction, not permit any contractor to place or stockpile construction materials on the root zones of the existing vegetation and mature trees or to disturb the root zones of the mature trees (the "root zone" being an area around the base of the tree equal to the width of the canopy). The Tower Owner must replace any mature tree on the site that dies within 4 years of the construction unless the death was from natural causes or caused by activity other than that of the Tower Owner or its Tenants. The replacement vegetation must be a fast-growing species at least 15 feet high when planted.

1559.3.2. L-Fencing and landscaping: The fencing surrounding the installation and accessory equipment, which will serve to control access to the facilities and the monopole tower, must be an 8-foot high locked black or green chain link fence topped by three strands of barbed wire. The fence must be kept in good repair, at the Tower Owner's expense, and screened to the east (except for an access gate) by evergreen vegetation (at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting to effectively screen the tower base and accessory facilities), which vegetation must be also maintained and replaced if it dies.

1559.3.3. M-Lighting and Noise: No permanent lighting can be placed to shine on or otherwise illuminate the monopole, unless required by the FAA. Lighting on the monopole shall be limited to that needed for emergencies or as required by the FAA. Any lighting placed at the base to facilitate inspection and maintenance must be turned off when the inspection/maintenance personnel are not present. No flag shall be flown or displayed on the monopole. Noise generation shall be in accordance with the provisions of the Wayland Zoning Bylaw, §198-1503.2.17 to the extent reasonable, applicable and lawful.

1559.3.4. N-Concealment: All equipment must be concealed behind the fencing. All antennas must be flush (closely) mounted to the outside of the monopole tower, with appropriate allowance for antenna tilting, to meet coverage objectives consistent with minimizing adverse visual impact of the antennas. The monopole tower must be constructed to ensure that no portion of the structure falls off in high winds or ice storms. The monopole tower must have a galvanized finish and its color shall be a color selected by the ZBA.

1559.3.5. O-Collocators: The Tower Owner must agree to provide access for FCC-licensed collocators, including space on the monopole tower and room at the base, within the chain link fencing, for related ground equipment. The facilities of Cingular Wireless and three additional FCC-licensed collocators within the tower and within the fence are hereby approved. All additional collocators must file a separate application with the ZBA.

1559.3.6. ~~P.~~ Signage: The only signs allowed at the facility are no-trespassing/private property warning signs affixed to the fence and a required sign indicating whom to contact in the event of an emergency and the telephone number for that contact. As long as the monopole tower remains in use, this contact information must be kept current.

1559.4. Indemnities and Protections **INDEMNITIES AND PROTECTIONS**

1559.4.1. ~~Q.~~ Indemnification: The Tower Owner shall indemnify the Town for any damage to the Town's water supply tanks or other structures and equipment in the vicinity of the facility caused by its facility.

1559.4.2. ~~R.~~ Corrosion protection: The Tower Owner must supply proof that the manufacturer of the tower has added corrosion protection for the monopole and the base of the tower. All hardware must be galvanized, to prevent rust.

1559.4.3. ~~S.~~ Liability insurance: The Tower Owner, each of its Tenants and all applicants will carry from the date of commencement of construction through the later of, the date of removal of the tower or termination of tower use, the following insurance, at a minimum: (i) "All Risk" property insurance for the replacement of all property on the site at replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of \$5,000,000 combined single limit for bodily injury or death/property damage arising out of anyone occurrence, naming the Town as an additional insured, if permitted by the insurer; and (iii) Workers' Compensation Insurance as required by law. All insurance carriers shall be licensed in Massachusetts. Annual proof of such insurance must be filed with the Town Clerk.

1559.4.4. ~~T.~~ Removal bond: Removal must be conducted in accordance with Section 1559.2.10. Condition J hereof. To ensure this, the Tower Owner must obtain a performance bond or other form of financial security, in an amount consistent with a removal cost estimate stamped by a Massachusetts registered professional engineer and deposit it with the Town, to be used for removal and site restoration costs in the event that the Tower Owner fails to comply. The Tower Owner also agrees to allow the Town and its agents and employees the right to enter the property for the purpose of removing the monopole in the event that it is not removed after such cessation of use, and Applicants warrant that the lease with the property owner will, for the duration of the lease, confirm this right to enter.

1559.4.5. ~~U.~~ Change in owner or lessee: If the monopole tower as a whole, or any of its components, is sold, assigned, licensed or leased to an entity other than the original Applicant, the new owner or lessee must notify the ZBA in writing, within seven business days of the sale or transfer, with its name, address, telephone, and other contact information. [See also Section 1559.3.6. Condition P, above.] The new owner or lessee shall be subject to all of the provisions of these conditions.

1559.4.6. ~~V.~~ Right to Cure: In the event the Applicants or the Tower Owner or any Tenant fails to perform any condition required of it hereunder within forty-five (45) days after receipt of written notice from the Town specifying the failure, then the Town may commence an enforcement action with respect thereto; provided, however, that no such failure will be deemed to exist if the Applicants, Tower Owner or any Tenant, as applicable, has commenced to cure such violation within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a violation will be excused if due to causes beyond the reasonable control of the Applicants, Tower Owner or any Tenant. In the event that a failure presents an imminent threat to the public health or safety, the Town may commence enforcement action within a shorter time period as may be warranted by the circumstances.

MOTION:

Lawrence Stabile moved and was duly seconded that the Town amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by making the deletions (indicated in ~~strike through lettering~~) and insertions (indicated in

underlined lettering) in Article 15A thereof as set forth in Pages 50 through 58 of the Warrant for the 2006 Annual Town Meeting.

PLANNING BOARD REPORT

The Planning Board held its public hearing as required by law on February 21, 2006.

The purpose of the proposed article is to bring the enumeration of Article 15A into conformance with the rest of the zoning bylaw. The article changes numbering scheme for the section entitled "Attachment 1" which was approved at the Fall 2005 Special Town Meeting.

No public comment was received at the hearing. The Planning Board voted unanimously to support the article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 23: AUTHORIZE LOCAL VOTING RIGHTS FOR PERMANENT RESIDENT ALIENS RESIDING IN WAYLAND
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Proposed by: Petitioner

To determine whether the Town will vote to instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Wayland, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, residents of the Town of Wayland who are aliens lawfully admitted for permanent residence in the United States and who meet all qualifications for registering to vote except U.S. citizenship, may, upon application, have their names entered on a register or qualified permanent resident alien voters and may thereafter vote in any election for local offices and local ballot questions.

Section 2. The Wayland Board of Selectmen is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.

MOTION:

Kimberly Reichelt moved and was duly seconded that the Town vote to instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act Authorizing Local Voting Rights for Permanent Resident Aliens Residing in Wayland, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, residents of the Town of Wayland who are aliens lawfully admitted for permanent residence in the United States and who meet all qualifications for registering to vote except U.S. citizenship, may, upon application, have their names entered on a register of qualified permanent resident alien voters and may thereafter vote in any election for local offices, local ballot questions, and at town meetings.

Section 2. The Wayland Board of Selectmen is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.

POINT OF ORDER:

Brian O'Herlihy asked the Moderator if adding the words "and at town meetings" was outside the scope of the Article. The Moderator ruled that it was within the scope of the Article.

Margery Cohen requested permission of the Meeting to allow a non-voter to speak. No objection was heard and Jacqueline MacCarthy spoke in favor of the motion.

VOTED: MOTION CARRIED

ARTICLE 24: AMEND CHAPTER 6 OF THE CODE OF THE TOWN OF WAYLAND

Proposed by: Petitioner

To determine whether the Town will vote to amend Chapter 6 of the Code of the Town of Wayland by adding thereto the following new sections:

1. "Every open meeting of every governmental body in the Town of Wayland shall provide for a public comment period, during which persons in attendance may speak on any matter. The governmental body may restrict the amount of time individual speakers may consume." and
2. "A printed agenda for every open meeting of every governmental body in the Town of Wayland shall be made available to each person in attendance."

MOTION:

George Harris moved and was duly seconded that the Town amend Chapter 6 of the Code of the Town of Wayland by adding thereto the following new sections:

1. "Every open meeting of every governmental body in the Town of Wayland shall provide for a public comment period, during which persons in attendance may speak on any matter. The governmental body may restrict the amount of time individual speakers may consume;" and
2. "A printed agenda for every open meeting of every governmental body in the Town of Wayland shall be available for persons in attendance."

VOTED: 1ST VOICE VOTE: UNDECIDED
2ND VOICE VOTE: UNDECIDED
STANDING COUNT BY MODERATOR: MOTION NOT CARRIED

ARTICLE 25: AMEND SECTION 53-1 OF THE CODE OF THE TOWN OF WAYLAND

Proposed by: Petitioner

To determine whether the Town will vote to amend § 53-1 of the Code of the Town of Wayland, by adding at its end the following two sentences:

"The Annual Town Report shall contain a report itemizing reserve fund transfers during the fiscal year by account name, omnibus budget line item, dollar amount, and date of transfer, and a total of all such transfers. The report of every governmental body shall contain the names of its members during the period reported."

MOTION:

George Harris moved and was duly seconded that the Town vote to pass over the Article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 26: FUNDING FOR WAYLAND BEAUTIFICATION

Proposed by: Petitioner

To determine whether the Town will vote to appropriate a sum of money (\$7,000.00) to be expended by Wayland Beautification for the care and maintenance of trees, planters, and gardens planted and being planted on Town

owned properties; and to determine whether such appropriation shall be provided by taxation, by transferring from unappropriated funds, by transfer of funds already appropriated for other purposes, by borrowing, or otherwise.

MOTION:

Werner Gossels moved and was duly seconded that the Town vote to pass over the Article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 27: FUND IMPROVEMENTS FOR WAYLAND PROPERTY AND SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Wayland Community Preservation Committee

Estimated Cost: \$278,750

To determine whether the Town will vote to:

1. appropriate \$1,750 to create an experimental, drought tolerant, community garden at the Wayland Landfill, subject to approval of Town authorities for the use of the location;
2. appropriate \$7,000 to create a community garden at the triangular section of land located at the intersection of Route 30 and East Plain Street, subject to approval of Town authorities for the use of the location;
3. determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise; and
4. set aside for later spending \$90,000.00 on open space, but not including land for recreational use, \$90,000 for historic resources, and \$90,000.00 for community housing, pursuant to Massachusetts General Laws Chapter 44B, Section 6.

MOTION:

Michael Patterson moved and was duly seconded that the Town:

1. appropriate \$1,750 to create an experimental, drought tolerant, community garden at the Wayland Landfill, subject to approval of Town authorities for the use of the location;
2. appropriate \$7,000 to create a community garden at the triangular section of land located at the intersection of Route 30 and East Plain Street, subject to approval of Town authorities for the use of the location;
3. determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise; and
4. set aside for later spending \$90,000.00 on open space, but not including land for recreational use, \$90,000.00 for historic resources, and \$90,000.00 for community housing, pursuant to Massachusetts General Laws Chapter 44B, Section 6.

VOTED: UNANIMOUSLY IN FAVOR

The Moderator recognized the sound crew and WAYCAM volunteers:

Sound Crew

Albie Cincotti
Jeff Wadsworth
Kevin Racine
Colin Meiselman

TV Production

Jim Mullane, Studio Manager
Tom Turner, Director
Richard Turner, Camera Man

MOTION TO ADJOURN

Steve Allen moved, was duly seconded, and it was unanimously voted to adjourn the Meeting, sine die, at 9:26 P.M.

Attendance: 349

**TOWN OF WAYLAND
SPECIAL TOWN MEETING**

MAY 3, 2006

DATE:

Wednesday, May 3, 2006

ARTICLES DISPOSED OF:

1 - 11

RETURN OF SERVICE

MIDDLESEX, s.s.

APRIL 11, 2006

I, William E. Pickett, Jr., duly qualified Constable of the Town of Wayland, do hereby affirm and certify that I have posted the specimen of the Official Ballot for the Annual Town Election to be held on Tuesday, April 25, 2006, together with the Warrant for the Annual Town Meeting to be held on Thursday, April 27, 2006 and the Special Town Meeting to be held on Wednesday, May 3, 2006, by my posting copies thereof at the Wayland Town Building, Cochituate Post Office, Wayland Library and the Happy Hollow School, by posting seven (7) days at least before the date appointed for the posting of the Warrant for the Annual Town Election and the Annual Town Meeting and fourteen (14) days at least before the date appointed for the posting of the Warrant for the Special Town Meeting. Posting was done April 11, 2006.

VOTES ENACTED:

**WEDNESDAY, MAY 3, 2006 AT THE WAYLAND HIGH SCHOOL FIELD HOUSE,
AND THE WAYLAND HIGH SCHOOL LITTLE THEATRE**

C. PETER R. GOSSELS, MODERATOR:

JUDITH F. CURRIER, ASSISTANT MODERATOR:

Pursuant to the Warrant dated April 10, 2006 signed by Michael L. Tichnor, Alan J. Reiss, Douglas J. Leard, William D. Whitney, and Joseph F. Nolan, Selectmen, served and return of service given by William E. Pickett, Jr., Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Special Town Meeting met this day at Wayland High School Field House and at the Wayland High School Little Theatre; and at 7:37 P.M. Moderator Gossels called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

ARTICLE 1: RESOLUTION ENDORSING THE WORK OF THE WAYLAND HURRICANE RELIEF STEERING COMMITTEE

Proposed by: Board of Selectmen

To determine whether the Town will vote to formally endorse the work of the Wayland Hurricane Relief Steering Committee in its efforts to assist the city of Waveland, Mississippi, and direct the Wayland Hurricane Relief Steering Committee to discharge its responsibilities in a way that continues the public/private partnership aimed at providing short and long-term support to the residents of Waveland, Mississippi who sustained major losses due to Hurricane Katrina, including developing personal relationships, assisting in the rebuilding effort, continuing fund-raising efforts, and leveraging the many skills and resources that Wayland residents can offer.

MOTION:

Michael Tichnor moved and was duly seconded that the Town formally endorse the work of the Wayland Hurricane Relief Steering Committee in its efforts to assist the city of Waveland, Mississippi, and direct the Wayland

Hurricane Relief Steering Committee to discharge its responsibilities in a way that continues the public/private partnership aimed at providing short and long-term support to the residents of Waveland, Mississippi who sustained major losses due to Hurricane Katrina, including developing personal relationships, assisting in the rebuilding effort, continuing fund-raising efforts, and leveraging the many skills and resources that Wayland residents can offer.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 7: DECREASE INTEREST RATE ON DEFERRED PROPERTY TAX PAYMENTS FOR QUALIFYING SENIOR CITIZENS
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Proposed by: Board of Selectmen

To determine whether the Town will vote pursuant to Chapter 136 of the Acts of 2005 to decrease from eight percent per annum to 3.5 percent per annum the interest rate payable on property tax payments which have been deferred for qualifying senior citizens pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause Forty-First A, effective July 1, 2006.

MOTION:

William Whitney moved and was duly seconded that the Town vote pursuant to Chapter 136 of the Acts of 2005 to decrease from eight percent per annum to 3.5 percent per annum the interest rate payable on property tax payments which have been deferred for qualifying senior citizens pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause Forty-First A, effective July 1, 2006.

VOTED: MOTION CARRIED

ARTICLE 8: AMEND BY-LAW RE: RECONSIDERATION OF ARTICLES BY TOWN MEETINGS
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Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its General By-Laws relative to reconsideration of articles by town meetings, Article II, Chapter 36, Section 36-10 of the Code of the Town of Wayland, by:

[Key to changes: underlining denotes additions; ~~strikethrough~~ denotes deletions]

If an article of the warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time, if the person offering the motion discloses significant new information to the town meeting concerning said article, which had not been disclosed or made available to the meeting when the motion under that article was debated; provided however, that debate and action on said motion shall be deferred until all other articles shall have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

MOTION:

Alan Reiss moved and was duly seconded that the Town amend its General By-Laws relative to reconsideration of articles by town meetings, Article II, Chapter 36, Section 36-10 of the Code of the Town of Wayland, by making the additions thereto indicated in underling and the deletion therefrom indicated in strikethrough as printed on Page 86 of the Warrant for the May 3, 2006 Special Town Meeting.

VOTED: MOTION CARRIED

**ARTICLE 2: ADD MIXED-USE OVERLAY DISTRICT TO THE TOWN'S ZONING
BYLAW**

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by:

1.) Adding thereto the following new article:

**Article 23
MIXED-USE OVERLAY DISTRICT**

- §198-2301. Purposes
- §198-2302. Definitions
- §198-2303. Overlay District
- §198-2304. Approvals Process
- §198-2305. Special Permit Decision
- §198-2306. Special Permit Conditions
- §198-2307. Time Limit
- §198-2308. Dimensional Requirements and Aggregate Limits
- §198-2309. Performance Standards
- §198-2310. Peer Review
- §198-2311. Rules and Regulations
- §198-2312. Relation to Other Requirements
- §198-2313. Inapplicability of Certain Other Regulations

§198-2301. Purposes.

2301.1. The purposes of the Mixed-Use Overlay District include but are not limited to:

- 2301.1.1. promoting a range and balance of land uses;
- 2301.1.2. facilitating integrated physical design and encouraging interaction among activities;
- 2301.1.3. establishing controls which will facilitate development while protecting the public interest by limiting the aggregate amount of development;
- 2301.1.4. permitting flexible development on individual lots;
- 2301.1.5. promoting site features and layouts conducive to walking and bicycling;
- 2301.1.6. promoting a pedestrian-friendly living and working environment.

§198-2302. Definitions.

2302.1. The following definitions apply, in addition to those in Section 198-104, in the Mixed-Use Overlay District.

Concept Plan: A required submittal for a Mixed-Use Project Master Special Permit, which provides a preliminary site plan for the Mixed-Use Project, describing the proposed character, uses, site layout, and public amenities incorporated therein. The requirements for the submittal of a Concept Plan are set forth in Section 198-2304.2.

Gross Floor Area: As defined in Section 198-104.

Master Special Permit Plan: A required submittal for a Mixed-Use Project which, as described in the Planning Board's rules and regulations for the MUOD, defines in detail the site, the site plan, the proposed uses, site improvements, traffic impacts and their mitigation, environmental impacts and their mitigation, future division of the property, and other information required for the public and boards of the Town of Wayland. Compliance with the Master Special Permit Plan, as approved by the Planning Board, shall be a condition of any development of a Mixed-Use Project.

Mixed-Use Project: A combination of retail, office, municipal, service establishments, and residential uses, as may be approved by the Planning Board for the Mixed-Use Overlay District by the issuance of a Mixed-Use Project Master Special Permit, defined below.

Mixed-Use Project Master Special Permit (“MUP Master Special Permit”): The initial special permit that an applicant must obtain before obtaining any site plan approvals, as provided for in Section 198-2304.

MUOD: The Mixed-Use Overlay District (“MUOD”) comprising the land as shown on Plate 23 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 23-052, 23-052B, 23-052C, and 23-052F, and as shown on the plan entitled “Town of Wayland Mixed-Use Overlay District,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated September 6, 2005, a copy of which is on file in the office of the Town Clerk.

§198-2303. Overlay District.

2303.1 The MUOD is an overlay district superimposed on all underlying zoning districts. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to the further provisions of this Article 23. Where the MUOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MUOD shall control. The Planning Board shall be the special permit granting authority (“SPGA”) for every MUP Master Special Permit and any other special permit required in the MUOD. The Planning Board shall also serve as the SPGA for special permits required under any other applicable overlay districts. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable in the MUOD, except as set forth herein.

§198-2304. Approvals Process.

2304.1. Overview.

2304.1.1. Prior to applying for a building permit for a Mixed-Use Project, the applicant submits the following to the Planning Board, in sequence:

2304.1.1.1. A Concept Plan;

2304.1.1.2. A Master Special Permit application;

2304.1.1.3. A Phase I Site Plan Review application.

2304.1.2. After approval of the Phase I Site Plan, changes of use and of exterior features that were previously approved by a Phase I Site Plan and that require Phase II Site Plan review under Section 198-2304.4.4 may not be made unless the applicant submits, and the Planning Board approves, a Phase II Site Plan Review application.

2304.1.3. Where special permits other than the MUP Master Special Permit are sought under this Article 23, such special permits may be applied for concurrently with, or at any time after, the application for the MUP Master Special Permit. Any pending special permit application shall be considered concurrently with the Master Special Permit application, the Phase I Site Plan Review application, or the Phase II Site Plan Review application, rather than sequentially, where doing so would promote efficiency and timeliness.

2304.1.4. All proceedings of the Planning Board under this Article 23 shall proceed reasonably expeditiously under the circumstances and in light of the Planning Board’s responsibilities under this Article 23, and the Planning Board and the applicant should avoid unnecessary delay.

2304.2. Concept Plan.

2304.2.1. With or prior to the application for the MUP Master Special Permit, the applicant must file a Concept Plan with the Planning Board for review. The Concept Plan shall generally define the proposed character, uses, site layout, and public amenities of the proposed Mixed-Use Project. The Planning Board shall determine whether the Concept Plan substantially conforms with the provisions of this Article 23. The submission shall, at a minimum, include:

2304.2.1.1. A preliminary site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the approximate location and anticipated size of footprint(s) of all proposed buildings, general site grading with finish floor elevations, parking, landscaping, roads, walkways and access ways, open space, and wetlands.

2304.2.1.2. A preliminary utilities plan showing the location of hydrants and wastewater facilities; the location and type of stormwater facilities; and the sources of water to be used on the site.

2304.2.1.3. A preliminary lighting plan including a photometric plan and general information regarding light poles, bases and fixtures.

2304.2.1.4. A preliminary signage plan for the Mixed-Use Project.

2304.2.1.5. A preliminary subdivision plan(s), if applicable.

2304.2.1.6. A plan showing proposed buildings as to approximate location, proposed categories of uses, general architectural design, and anticipated size.

2304.2.2. The Planning Board shall solicit public comment on the Concept Plan. Thereafter, the Planning Board shall determine that (i) the Concept Plan is in substantial conformity with the provisions of this Article 23; or (ii) it would be in substantial conformity if it includes modifications suggested by the Planning Board or agreed upon by the applicant; or (iii) it is not in substantial conformity. If the Concept Plan is submitted prior to an application for an MUP Master Special Permit, the Planning Board shall advise the applicant of the Planning Board's determination within 90 days following submittal of the Concept Plan, unless such time period is extended by written agreement of the Planning Board and the applicant. If the Board determines the submitted Concept Plan is not in substantial conformity with the provisions of this Article 23, it shall provide the reasons for its determination. The determination of the Planning Board on the submitted Concept Plan shall be advisory in nature and shall be without binding effect on either the Planning Board or the applicant.

2304.3. MUP Master Special Permit.

2304.3.1. Every Mixed-Use Project within the MUOD must obtain a MUP Master Special Permit issued by the Planning Board. The MUP Master Special Permit (a) specifies the Mixed-Use Project's design, architectural character, public amenities, site improvements, traffic improvements, mitigation, specific location of buildings, and categories of uses for buildings; and (b) defines categories of interchangeable uses, for establishments in Size Category B in the Section 198-2308.3.1 establishment size chart, that will not require Phase II Site Plan Review under Section 198-2304.4.5.

2304.3.2. The application for a MUP Master Special Permit shall include, at a minimum, the following submittals:

2304.3.2.1. A Master Special Permit Plan, containing a site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the location, size of footprint(s) of all buildings; site grading with finish floor elevations; parking; landscaping; roads, walkways and access ways; open space and wetlands.

2304.3.2.2. A utilities plan showing the location of hydrants and wastewater facilities; the location and type

of stormwater facilities; and the sources of water to be used on the site.

2304.3.2.3. A lighting plan including a photometric plan and information regarding light poles, bases and fixtures.

2304.3.2.4. A signage plan for the Mixed-Use Project, which plan must include existing and proposed signage throughout the MUOD.

2304.3.2.5. A subdivision plan(s), if applicable.

2304.3.2.6. A plan showing the location, elevations with heights, proposed categories of uses, general architectural design, and sizes of all buildings and structures.

2304.3.2.7. Reference to any separate special permit(s) being requested in conjunction with the MUP Master Special Permit.

2304.3.3. No MUP Master Special Permit shall be granted unless the Mixed-Use Project is in compliance with the performance standards set forth in Section 198-2309.

2304.3.4. The MUP Master Special Permit shall govern (a) all future development in a particular Mixed-Use Project; and (b) the uses of all streets within the Mixed-Use Project and all streets that provide access between the Mixed-Use Project and any public way. All construction and associated improvements must be in compliance with the MUP Master Special Permit.

2304.3.5. The applicant must supply the Planning Board with sufficient copies of the application for a MUP Master Special Permit, along with all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials, such as the Conservation Commission, Fire Chief, Police Chief, Board of Health, Building Commissioner, Board of Road Commissioners, Water Commissioners, Wastewater Management District Commission, Finance Committee, Park and Recreation Commission, Board of Selectmen, and others as designated in the Planning Board's rules and regulations for the MUOD, for their review and comment.

2304.3.6. Following issuance of the MUP Master Special Permit, any application for revisions or amendments to the MUP Master Special Permit shall be submitted in writing to the Planning Board, which shall determine and notify the applicant in writing whether such revisions or amendments are minor or major.

2304.3.6.1. If the Planning Board does not notify the applicant in writing within 30 days after such submittal that such revisions or amendments are minor, the revisions or amendments shall be deemed major. In the event that such revisions or amendments are deemed to be major by such failure of timely notification, the Planning Board may, at any time thereafter, determine and notify the applicant in writing that such revisions or amendments are minor in accordance with the provisions of this Section 198-2304.3.6.

2304.3.6.2. Revisions or amendments proposing only changes that (i) do not significantly affect major exterior elements; (ii) do not significantly impact the public interest, as determined by the Planning Board in writing; and (iii) are consistent with the purposes of this Zoning Bylaw, shall be considered minor.

2304.3.6.3. Revisions or amendments to the MUP Master Special Permit may be made by the Planning Board in accordance with the same procedures as are applicable hereunder to the initial approval of the MUP Master Special Permit, except that the submittal materials, together with an explanatory statement, shall be limited to those affected by the proposed revisions or amendments; and in the case of revisions or amendments that are minor, a public hearing in accordance with the provisions of M.G.L. Chapter 40A need not be held, and the final decision deadline shall be 45 days from the date of the complete application submittal.

2304.3.6.4. Where special permits issued under this Article 23 allow modifications to project elements from those previously approved in the MUP Master Special Permit, such special permits shall constitute revisions or amendments of the MUP Master Special Permit to the extent of such allowed modified project elements, without the need for a separate application and approval of such modifications as revisions or amendments to the MUP Master Special Permit.

2304.3.6.5. Unless the applicant agrees otherwise, no existing condition of any MUP Master Special Permit or other special permit or approval shall be modified, nor may any new condition be imposed, except with respect to or arising from the subject matter of the modification requested by the applicant.

2304.4. Uses; Special Permits; Phase I and Phase II Site Plan Review within the MUOD.

2304.4.1. Within a Mixed-Use Project, the uses available are set forth in Table A “Mixed-Use Overlay District Table of Uses.” Table A lists the uses allowed either: (i) with a MUP Master Special Permit, which uses are designated “MSP” in Table A; or (ii) with a MUP Master Special Permit and a separate special permit, which uses are designated “SP” in Table A; or (iii) as of right, which uses are designated “A” in Table A. All other uses within the MUOD are prohibited. In the MUP Master Special Permit, the Planning Board may coordinate applications for Site Plan Review and individual special permits to ensure an orderly development process. Once a MUP Master Special Permit has been issued, all uses designated “MSP” in Table A shall be allowed, and all uses designated “SP” on Table A shall be allowed subject to issuance of the requisite special permit under Section 2304.4.2.1.

2304.4.2. Special Permits

2304.4.2.1. The prerequisite for a special permit for uses designated “SP” in Table A “Mixed-Use Overlay District Table of Uses” is a MUP Master Special Permit. Applications for the special use permit may be filed with the MUP Master Special Permit application or following the grant of the MUP Master Special Permit; and either separately or in conjunction with Phase I or Phase II Site Plan Reviews.

2304.4.2.2. Any special permits required under Table B “Table of Dimensional Requirements in the Mixed-Use Overlay District” may be incorporated into the MUP Master Special Permit and may be obtained during the MUP Master Special Permit approval process or in a subsequent application. These dimensional special permits may also be applied for in conjunction with Phase I or Phase II Site Plan Reviews.

2304.4.3. Changes Of Use In The Size Category A Establishment.

2304.4.3.1. Within the Section 198-2308.3.1 Size Category A establishment, any change of use after the MUP Master Special Permit is granted shall require a separate special permit under the following circumstances:

- (a) the change of use covers 10,000 square feet or more of Gross Floor Area; or
- (b) the change of use, when aggregated with all other changes made within the Category A establishment after the MUP Master Special Permit, totals 10,000 square feet or more of Gross Floor Area; except changes within the food store use or changes in uses accessory to a food store shall not be counted when computing the aggregate number.

2304.4.3.2. If a separate special permit is required for a change of use under this Section 2304.4.3 and such change of use also involves other changes requiring Phase II Site Plan Review under Section 198-2304.4.5, then the special permit and the Phase II Site Plan Review may be applied for and considered separately or in conjunction.

2304.4.4. Phase I Site Plan Review.

2304.4.4.1. The purpose of the Phase I Site Plan Review is to ensure that any proposed building or site improvement is in compliance with the MUP Master Special Permit. Prior to the issuance of a building permit for the construction of a building which will contain a use listed as allowed in Table A "Mixed-Use Overlay District Table of Uses," the Planning Board shall conduct a Phase I Site Plan Review. The Phase I Site Plan Review at a minimum shall include the following components: building design and elevations; signs; landscaping; lighting; parking; and compliance with the MUP Master Special Permit.

2304.4.4.2. The applicant shall submit an application and plans showing: building design and elevations; signs; landscaping; lighting; parking; compliance with the MUP Master Special Permit; and any other documents required by the MUP Master Special Permit and the Planning Board's rules and regulations for the MUOD. The Planning Board shall review the application and plans to determine whether the proposed building(s) and associated improvements are consistent with the performance standards set forth in Section 198-2309 and the specific conditions of the MUP Master Special Permit. The Planning Board shall hold its first hearing only after receipt of a complete application. The Planning Board shall render a written decision and file it with the Town Clerk within 60 calendar days after the first hearing, unless such time period is extended in writing by agreement of the Planning Board and the applicant. Any appeal from a decision of the Planning Board shall be made to a court of competent jurisdiction in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

2304.4.5. Phase II Site Plan Review.

2304.4.5.1. The purpose of a Phase II Site Plan Review is to review certain proposed changes after the MUP Master Special Permit has been granted and the Phase I Site Plan Review has been completed. Phase II Site Plan Review shall apply to the following:

- (a) changes of principal and accessory uses for Section 198-2308.3.1 Size Category B establishments, from one MSP-defined category of interchangeable uses to another MSP-defined category of interchangeable uses;
- (b) changes of principal use of any structure, from any use within specified Table A categories to a use in another such category in Table A; and
- (c) changes, as defined in the MUP Master Special Permit, of exterior features and site improvements such as signage, facades, landscaping, lighting, and parking.

For purposes of Section 2304.4.5.1(b), the specified Table A categories are Residential, Office, Institutional, Retail, Service Establishments, Place of Assembly, or Restaurants.

2304.4.5.2. Phase II Site Plan Review shall not apply to the following: (a) changes of principal or accessory use of such establishments within an MSP-defined category of interchangeable uses; and (b) changes in content of signage; replanting or other minor landscaping changes that do not result from a general redesign of landscaping for the Mixed-Use Project as a whole; restriping of parking areas; repair and maintenance; and such other items as the Planning Board determines do not require Phase II Site Plan Review, whether in its rules and regulations for the MUOD, on its own motion, or upon request.

2304.4.5.3. The applicant shall submit an application and plans showing proposed changes subject to Section 198-2304.4.5.1, and any other documents required by the MUP Master Special Permit and the Planning Board's rules and regulations for the MUOD. The Planning Board shall review the application to determine whether the proposed changes are consistent with the MUP Master Special Permit, the Phase I Site Plan Approval, and the performance standards set forth in Section 198-2309. The Planning Board shall hold its first hearing only after receipt of a complete application. The Planning Board shall render a written decision and file it with the Town Clerk within 60 calendar days after the first hearing, unless such time period is extended in writing by agreement of the Planning Board and the applicant. Any appeal from a

decision of the Planning Board shall be made to a court of competent jurisdiction in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

§198-2305. Special Permit Decision.

2305.1. Any special permit shall be subject to the requirements and conditions set forth in Section 198-203 and the performance standards set forth in Section 198-2309.

2305.2. When the application is for a MUP Master Special Permit, the Planning Board shall consider the following criteria, in addition to the requirements and conditions set forth in Section 198-203:

2305.2.1. The Mixed-Use Project must comply with the uses table, the dimensional requirements, and the Section 198-2309 performance standards. The Planning Board may not reduce the allowed Gross Floor Area, number of residential units, or bedroom counts below the limits permitted in Section 198-2308.2; impose more restrictive dimensional requirements than those set forth in Section 198-2308 and Table B; or disapprove project elements meeting performance standards under Section 198-2309.

2305.2.2. The MUP Master Special Permit shall be granted by the Planning Board only upon the Board's written determination that the adverse effects of the proposed Mixed-Use Project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site.

2305.3. Where the application is for a special permit for building height in excess of 35 feet, in addition to the criteria set forth in Sections 198-203 and 198-2305.2, in order to grant a special permit, the Planning Board must find that such additional height will facilitate architectural variety, visual interest, and building scale in relation to other buildings, and it shall not grant relief to allow a building that is out of character with the neighborhood. Any such special permit for increased height may not be granted if it would or could be used to increase habitable space or be otherwise used for occupancy purposes.

2305.4. Where the application for a special permit is for a specific allowable use designated "SP" in Table A "Mixed-Use Overlay District Table of Uses," the additional criteria set forth in Section 198-203 also shall apply.

§198-2306. Special Permit Conditions.

2306.1. In any special permit granted by the Planning Board, the Board may, pursuant to MGL Chapter 40A, Section 9, and Section 198-203 of the Zoning Bylaw, as amended from time to time, impose additional reasonable conditions, safeguards, and limitations on time and use, which conditions may include but are not limited to the following:

2306.1.1. A phasing schedule for construction of each component part of the project which ensures integration of residential, non-residential, and municipal uses.

2306.1.2. A demolition and construction schedule, including a construction traffic management plan.

2306.1.3. Hours of operation, delivery times, and lighting schedule.

2306.1.4. A requirement that special permits and site plans be recorded in the Middlesex South Registry of Deeds and, if registered land, in the Land Court, prior to the issuance of any building permits.

2306.1.5. Compliance with plans approved in the MUP Master Special Permit and with all applicable federal, state, and local laws, rules, regulations, and bylaws;

2306.1.6. If circumstances so warrant, a requirement to continue monitoring off-site impacts to traffic and the environment in appropriate locations with regard to the locus of the MUOD development; and

2306.1.7. The right of the Planning Board, or its designated representative, to make inspections during the

construction process.

2306.1.8. Restrictions on use of the streets within the Mixed-Use Project and all streets that allow access between the Mixed-Use Project and any public way.

§198-2307. Time Limit.

2307.1. Until such time as a Master Special Permit is issued for a Mixed-Use Project, and the appeal period following the Planning Board's decision has expired, the provisions of the underlying zoning shall solely govern the use and development of the property comprising the MUOD. At the time of the issuance of the first certificate of use and occupancy for a building constructed under the MUP Master Special Permit, the underlying zoning, as established in Section 198-301, shall no longer be applicable in the MUOD. If no MUP Master Special Permit is issued, however, within five years after the effective date of this Article, the provisions of this MUOD shall expire. In such event, the underlying zoning in effect on the date of adoption of this Article, and any amendments thereto, shall govern the use of the property shown on the zoning map of the MUOD.

§198-2308. Dimensional Requirements and Aggregate Limits.

2308.1. The dimensional requirements set forth in Table B "Mixed-Use Overlay District Table of Dimensional Requirements" apply to all Mixed-Use Projects and, to the extent Table B conflicts with the dimensions listed in the Table of Dimensional Requirements for the underlying zoning, Table B shall prevail. The following criteria apply to Table B:

2308.1.1. Minimum Total Area. All land within the MUOD must be located entirely within the Town of Wayland.

2308.1.2. Maximum Building Height. Height shall be as defined in Section 198-701.1.2, except that penthouses shall refer only to mechanical penthouses and that none of the items referred to in that section are used for occupancy purposes. Height shall be measured in accordance with the provisions of Section 198-104.2.

2308.1.3. Maximum Building Size. No building shall exceed 60,000 square feet of Gross Floor Area.

2308.1.4. Maximum Bulk for Freestanding Child-Care Facilities. No building used as a free-standing child-care facility shall have a building footprint exceeding 2,500 square feet.

2308.2. The total amount of development allowed under Article 23, exclusive of any uses related to a wastewater treatment facility, is limited to 372,500 square feet of Gross Floor Area, of which 40,000 square feet of Gross Floor Area can be used only for municipal uses.

2308.2.1. The non-residential component of any Mixed-Use Project, exclusive of municipal uses and any uses related to a wastewater treatment facility, shall be limited to 165,000 square feet of Gross Floor Area. Not more than 156,750 square feet of such Gross Floor Area shall be dedicated to retail uses. Not more than 10,000 square feet of such Gross Floor Area shall be dedicated to office uses.

2308.2.2. The residential component of any Mixed-Use Project shall be limited to 167,500 square feet of Gross Floor Area. There shall be no more than 100 dwelling units, and there shall be no more than 200 bedrooms. No more than 15 dwelling units within any Mixed-Use Project shall be three-bedroom units. No unit shall have more than three bedrooms.

2308.3. Aggregate limits on sizes and numbers of individual establishments.

2308.3.1. To ensure a mix of larger and smaller establishments devoted to retail, service, assembly or restaurant use, and without limiting the size or configuration of buildings, the size and number of individual establishments in the MUOD taken as a whole shall not exceed the following aggregate limits:

<i>Size Category</i>	<i>Maximum Gross Floor Area Allowed For Each Establishment</i>	<i>Minimum Number Required</i>	<i>Maximum Number Allowed</i>
A	More than 15,000 but not more than 45,000 sq.ft.	(none)	One
B	More than 10,000 but not more than 15,000 sq.ft.	(none)	Two
C	More than 7,000 but not more than 10,000 sq.ft.	(none)	Three (subject to Section 2308.3.2)
D	More than 5,000 but not more than 7,000 sq.ft.	(none)	Five (subject to Section 2308.3.2)
E	Not more than 5,000 sq.ft.	Seven	Unlimited

2308.3.2. In the Mixed-Use Project, any square footage not used in Size Category A can be allocated to one or more of Categories C, D, and E; any square footage not used in Size Category B can be allocated in one or more of Categories C, D, and E; any square footage not used in Size Category C can be allocated in one or more of Categories D and E; and any square footage not used in Size Category D can be allocated in Category E; all by increasing the maximum number of establishments allowed in a category into which unused square footage has been allocated.

§198-2309. Performance Standards.

2309.1. Landscaping.

2309.1.1. Landscaping within the MUOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant material; preserve natural tree cover; and promote inclusion of new tree planting in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase ground water discharge, create shade, and reduce solar overheating.

2309.1.2. The applicant shall prepare a landscaping plan showing that the Mixed-Use Project will meet these standards and the standards set forth in Section 198-606.

2309.2. Massing.

2309.2.1. Massing within the MUOD should promote buildings designed in a traditional New England style and create a Mixed-Use Project with an authentic, New England regional character to its buildings.

2309.2.1.1. Any buildings proposed for a Mixed-Use Project shall provide visual relief, generally every 30 feet, along the façade of each building.

2309.2.1.2. Building design throughout a Mixed-Use Project shall include designs which promote visual relief by including varying roof lines and roof heights.

2309.2.1.3. A Mixed-Use Project shall include residential buildings and buildings with multiple non-residential uses and a mix of buildings containing single or multiple establishments.

2309.3. Screening and Buffer Requirements.

2309.3.1. Screening and buffering should create visual barriers between features of the Mixed-Use Project from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or rooftop, service entrances and utility facilities for building operation,

loading docks and spaces, above-ground backflow preventers, and other components of the Mixed-Use Project as may be reasonably determined by the Planning Board to require screening and buffering.

2309.4. Signs.

2309.4.1. Signage must (a) be in keeping with a traditional New England town center; and (b) be integrated into the overall architectural design of the Mixed-Use Project.

2309.4.2. The following dimensional standards apply:

<i>Size Category (see Section 198-2308.3.1)</i>	<i>Area of Any Single Sign on a Primary Wall</i>	<i>Area of Any Single Sign on a Secondary Wall</i>
A	up to 120 sq.ft.	up to 60 sq.ft.
B	up to 60 sq.ft.	up to 40 sq.ft.
C, D, E	up to 40 sq.ft.	up to 25 sq.ft.

An establishment can have only one primary wall, to be designated in the signage plans referenced in Section 2309.4.6. All other designations will be made in the signage plans.

2309.4.3. For Size Category B, the allowed aggregate area of an establishment's main signs on the primary wall can be up to 90 sq.ft.

2309.4.4. For all Size Categories, the aggregate area of signage will be determined by special permit.

2309.4.5. Signs may be illuminated externally, but no sign can be illuminated internally.

2309.4.6. The applicant shall prepare signage plans indicating aggregate signage, maximum sign area, and proposed lighting, demonstrating that signs and proposed lighting will comply with Section 198-2309.4, Section 198-501 (except that the area and height limits specified in Section 198-501.1 shall not apply), and the Planning Board's rules and regulations for the MUOD.

2309.4.7. By special permit, the Planning Board may allow signage that varies from that which is permitted in Section 198-501.1 and Section 198-2309.4, including signage not on the same premises as the building, structure, or use to which the signage pertains (provided the signage is still within the MUOD).

2309.5. Stormwater Management.

2309.5.1. The stormwater management system within the MUOD should provide an adequate system for managing stormwater and should comply with all applicable federal, state and local laws, rules, regulations and bylaws, including the Stormwater Management Policy of the Massachusetts Department of Environmental Protection or any successor agency.

2309.6. Streets.

2309.6.1. Streets within the MUOD should provide for adequate access for emergency vehicles; accommodate the normal traffic expected in the Mixed-Use Project; provide for safe pedestrian access; and maintain pedestrian flow in, between, and throughout the residential and non-residential portions of the MUOD.

2309.6.2. The streets serving the Mixed-Use Project shall comply with the Planning Board's rules and regulations governing the subdivision of land, except to the extent waived by the Planning Board, and the Planning Board's rules and regulations for the MUOD.

2309.7. Parking and Loading Standards.

2309.7.1. The parking and loading design within the MUOD must provide adequate parking for the Mixed-Use

Project, including for any educational, religious, and municipal uses and for any child-care facilities; allow for shared parking as appropriate; create parking fields separated by landscaped areas; create off-street parking areas that minimize curb cuts within the Mixed-Use Project; and create safe and comfortable passageways for pedestrians.

2309.7.1.1. A Mixed-Use Project shall provide multiple small parking areas of 50 or fewer spaces.

2309.7.1.2. Any larger parking areas shall be separated, whether by buildings, landscape features, or both. At least 10% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands.

2309.7.1.3. Small parking areas shall be designed to include sidewalks at the perimeter to promote safe pedestrian passage; larger areas may incorporate pedestrian corridors delineated by paving materials, plantings and/or bollards.

2309.7.1.4. The provisions of Sections 198-506 and 198-507 of the Town's Zoning Bylaw shall not apply to the Mixed-Use Project, except that all off-street parking shall be subject to the provisions of Sections 198-506.6 and 506.7; and except that all off-street loading facilities shall be subject to the provisions of Section 198-507.

2309.7.1.5. For non-residential and non-municipal establishments, off-street parking space shall be provided at a minimum of five parking spaces per 1,000 square feet of Gross Floor Area.

2309.7.1.6. For residential uses, parking space shall be provided at a minimum of two parking spaces per dwelling unit.

2309.7.1.7. For any and all uses or structures not specifically provided for in the foregoing provisions, the parking design shall provide such parking spaces as the Planning Board shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

2309.7.2. An application for a MUP Master Special Permit must include a parking/loading plan setting forth the number, location, and design (including landscaping and lighting) of parking spaces and loading areas. The application must also include a parking-and-loading study that supports the design of the parking/loading plan. Such study must be prepared by a qualified traffic engineer who is licensed by the Commonwealth of Massachusetts as either a Professional Traffic or Transportation Engineer or a Professional Civil Engineer with certification by the Transportation Professional Certification Board as a Professional Traffic Operations Engineer, as may be more fully described in the Planning Board's rules and regulations for the MUOD. If such study demonstrates that the interaction of uses will allow for shared parking and thus for a reduction in the otherwise-required minimum number of parking spaces, the Planning Board may, in Phase I or Phase II Site Plan Review, approve such a reduction.

2309.8. Lighting.

2309.8.1. The lighting design within a Mixed-Use Project should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for a Mixed-Use Project shall, at a minimum, include the following:

2309.8.1.1. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

2309.8.1.2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on lighting

fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

2309.8.1.3. Security lighting shall be shielded and directed at a downward angle.

2309.8.2. The applicant must submit a lighting study showing that the Mixed-Use Project will meet these standards and the applicable standards set forth in Section 198-606.

2309.9. Open Space.

2309.9.1. The design of the Mixed-Use Project shall promote and ensure public common space within the MUOD. Any MUP Master Special Permit shall provide at least two acres of contiguous upland open space to serve as a public commons, and additional suitable open space throughout the Mixed-Use Project to serve public purposes; provided, however, the Planning Board may approve a smaller open space area where such open space promotes the purposes set forth in this standard. The applicant shall prepare an open space plan indicating the bounds of such open space, and a plan for the ownership, operation and maintenance of the open space.

2309.10. Aquifer Protection.

2309.10.1. The Mixed-Use Project must comply with Article 16 of the Town's Zoning Bylaw (the "Aquifer Protection District" bylaw); provided, however, that Section 198-1604.1 shall not apply and that for purposes of Section 198-302.2 and 198-1604.2, no land within the MUOD shall be construed to be a "residential lot."

2309.10.2. The Article 16 groundwater recharge requirements shall be inapplicable to the extent necessary (and only for the duration of time specified by the LSP) to comply with an activity-and-use limitation or other restriction imposed on the site by or under the supervision of the Licensed Site Professional of record ("LSP") acting pursuant to the provisions of MGL Chapter 21E or 310 CMR 40.000 *et seq.*, as evidenced by documentation from the LSP of record submitted to the Planning Board.

2309.10.3. The Article 16 groundwater recharge requirements shall be inapplicable to the extent inconsistent with (and only for the duration of time specified by the LSP) a response action taken or a response action to be undertaken pursuant to the provisions of MGL Chapter 21E or 310 CMR 40.000 *et seq.*, with respect to oil or hazardous materials on this site or affecting the site, as evidenced by documentation from the LSP of record submitted to the Planning Board.

2309.10.4. Notwithstanding any provision of Article 16 to the contrary, the impervious surface area of a Mixed-Use Project shall not exceed 65% of the upland area of the MUOD.

2309.11. Affordable Units.

2309.11.1. In lieu of Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the MUOD. At least 25% of the dwelling units shall be Affordable Units. The term "Affordable Unit" shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of area median family income, and priced to conform with the standards of the Massachusetts Department of Housing and Community Development ("DHCD") for rental or ownership units set forth in 760 CMR 45.03(4), as amended from time to time, in order that such Affordable Units shall be included in the DHCD Subsidized Housing Inventory. Affordable Units shall be subject to the following conditions:

2309.11.1.1. Each Affordable Unit shall be affordable in perpetuity. A Deed Rider or other suitable restriction shall assure this condition. The Deed Rider shall be structured to survive any and all foreclosures.

2309.11.1.2. When an Affordable Unit is proposed for sale, the continuing enforcement of the Deed Rider through subsequent resales shall be the subject of a Monitoring Agreement and in accordance with Sections 198-2207.3 and 198-2207.6 of Article 22 of the Town's Zoning Bylaw.

2309.11.1.3. The Deed Rider and the Monitoring Agreement shall be drafted in compliance with 760 CMR 45.00 (Local Initiative Program), as amended from time to time, and guidelines promulgated thereunder. The Deed Rider and the Monitoring Agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel prior to the issuance of the first certificate of occupancy for any dwelling unit in the MUOD.

2309.11.1.4. The Affordable Units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory.

2309.11.1.5. A right of first refusal in accordance with Section 198-2207.7 of the Town's Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after notice thereof.

2309.11.1.6. The Affordable Units must satisfy the design and construction standards of the Local Initiative Program, 760 CMR 45.00, as amended from time to time, with regard to indistinguishability from market-rate units. It is the intent of this Article 23 that the Affordable Units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory as Local Initiative Program units.

2309. 11.1.7. The Affordable Units must be constructed and occupancy permits obtained at the rate of one Affordable Unit for every three market-rate units.

2309. 11.1.8. In computing the number of required Affordable Units, any fraction of a unit shall be rounded up, and the result shall be the number of Affordable Units to be built within the MUOD and not off-site.

2309.12. Efficiency of Design.

2309.12.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy efficiency; to minimize exposure to and consumption of toxics and non-renewable resources; and to incorporate appropriate "green" design techniques.

2309.13. Utilities.

2309.13.1. To the extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.

§198-2310. Peer Review. The Planning Board, at the expense of the applicant and pursuant to M.G.L. Chapter 44, Section 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, architects, wetlands scientists, lighting technicians, and attorneys, to review all Concept Plans, special permit applications and Site Plan Review applications.

§198-2311. Rules and Regulations. The Planning Board shall adopt and may, from time to time, amend, reasonable rules and regulations for special permit applications and site plan reviews in the MUOD and for the implementation of this Article. Such rules and regulations shall take effect upon their filing with the Town Clerk. Applications must be submitted on a form provided by the Planning Board and must be in accordance with those rules and regulations in effect at the time of such application. If later amendments of the Planning Board's rules and regulations for the MUOD change any of the submittal requirements, the Planning Board can request additional submittals from the applicant to the extent that doing so is reasonable and appropriate.

§198-2312. Relation to Other Requirements. The submittals required by this Article shall be in addition to any submittals required by the Massachusetts Subdivision Control Law and the Planning Board's rules and regulations on subdivision control.

§198-2313. Inapplicability of Certain Other Regulations. Where this Article specifies some standard or makes some other requirement contrary to a requirement set forth elsewhere in the Town's Zoning Bylaw, the provisions of this Article, as may be amended from time to time, shall govern.

2.) Inserting the following table immediately after the Table of Permitted Uses By District:

**TABLE A
FOR ARTICLE 23
MIXED-USE OVERLAY DISTRICT
TABLE OF USES**

KEY

A = Allowed as of right

MSP = Allowed by Mixed-Use Project Master Special Permit

SP = Allowed by Mixed-Use Project Master Special Permit together with a separate special permit

N = Not allowed

PRINCIPAL USES	
RESIDENTIAL USES	
Multifamily or attached dwelling (containing 3 or more dwelling units)	MSP
Dwelling unit above Office, Retail, or Service uses	SP
Single or two-family dwelling	N
Any multifamily dwelling containing more than 20 dwelling units	SP
OFFICE USES	
Professional offices such as accountants, attorneys, engineers, architects; medical and dental offices; offices of licensed physical and mental health professionals	MSP
Offices of sales agents; agents and representatives of manufacturing, distributing, insurance, and wholesale companies without storing of goods for sale	MSP
Administrative, general, executive, and similar office space	MSP
Diagnostic medical laboratories appurtenant to offices of physicians and dentists	SP
Residential sales or rental office	MSP
Bank or financial institutions without drive-up window	MSP
Bank or financial institutions with drive-up window	SP
INSTITUTIONAL USES	
Municipal uses	A
Post Office	MSP
Community center and public recreation space	SP
Post Office use exceeding 15,000 square feet of Gross Floor Area	SP
RETAIL USES	
Retail sales	MSP
Retail sales conducted with an applicable license outside a building	MSP
Food store, not to exceed 45,000 square feet of Gross Floor Area -- maximum one	MSP
Shop of artist or craftsperson	MSP
Retail sales in a building with more than 60,000 square feet of Gross Floor Area	N
SERVICE ESTABLISHMENTS	
General service establishments, including appliance repair, radio or TV repair	MSP
Personal service establishments, including barber, hairdresser, photography studio, decorator,	MSP

stationer, dressmaking, tailor, shoe repair	
Dry cleaning or laundry establishment	SP
Dry cleaning or laundry pick-up station	MSP
Travel agency or travel service	MSP
Printers and similar shops or trades	SP
PLACE OF ASSEMBLY	
Outdoor commercial recreation other than campgrounds	SP
Theaters and cinemas	SP
Indoor commercial recreation, including tennis club, health or fitness club, day spa	MSP
RESTAURANTS	
Restaurant and/or bakery, with no outside seating and no drive-up window	MSP
Restaurant and/or bakery, with outside seating and no drive-up window	SP* (*special permit limited to the outside seating only)
Restaurant, fast-food	N
ALL OTHER USES	N
ACCESSORY USES	
Outdoor storage of products for sale	N
Cafeteria, lunch or soda counter, ice cream establishment, or food service in food store	MSP
Cafeteria, lunch or soda counter, ice cream establishment, or food service other than in food store	SP
Uses and structures customarily incidental to principal use	MSP
Outdoor display of goods for sale at retail establishment	MSP
Child care facility (not to exceed 2,500 gross square feet)	MSP
Bank automated teller machine	MSP
Management or maintenance office (not to exceed 2,500 gross square feet)	MSP
Parking structure with parking on multiple levels	SP
Photo processing if self-contained process	MSP
Garage space – above or below ground level	SP
Garage space – at ground level	MSP
Drive-up windows	N

(To be inserted after Table of Dimensional Uses)

**TABLE B FOR ARTICLE 23
TABLE OF DIMENSIONAL REQUIREMENTS IN THE
MIXED-USE OVERLAY DISTRICT**

REQUIREMENT	
Minimum land area for the MUOD	50 contiguous acres
Minimum lot area for building or structure	None
Minimum lot frontage	None
Minimum setback from edge of curb, unless otherwise authorized by special permit	15 feet
Minimum setback from MUOD perimeter boundary, unless otherwise authorized by special permit	50 feet
Maximum building coverage of lot	100%
Maximum building height	35 feet as of right; up to 45 feet by special permit (see Section 198-2305.3)

3.) Inserting under Section 198-302.1.8 thereof a new Section 198-302.1.10:

302.1.10. A Mixed-Use Overlay District that includes the land as shown on Plate 23 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 23-052, 23-052B, 23-052C, and 23-052F, and as shown on the plan entitled "Town of Wayland Mixed-Use Overlay District," Survey Department, 41 Cochituate Road, Wayland, MA, 01778, dated September 6, 2005, a copy of which is on file in the office of the Town Clerk.

4.) Adding said Mixed-Use Overlay District to the Zoning Map referenced in Article 3 thereof (See Map at Appendix G).

MOTION:

Lawrence Stabile moved and was duly seconded that the Town amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by making the additions and revisions thereto as printed on Page 66 through 83 of the Warrant for the May 3, 2006 Special Town Meeting except that on Page 69 of the Warrant delete the next to last paragraph "2304.3.4. The MUP Master Special Permit shall govern all future development in a particular Mixed-Use Project. All construction and associated improvements must be in compliance with the MUP Master Special Permit."

PLANNING BOARD REPORT ON ARTICLE 2 – Lynn Dunbrack

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, on March 16, 2006 and April 20, 2006, the Planning Board held Public Hearings on proposed amendments to the Town's zoning by-laws that would add a new Article 23 to Chapter 198 of the Code of the Town of Wayland. The proposed amendment would enable the construction of a mixed-use project combining retail, office, municipal and residential uses on a tract of land at least 50 contiguous acres in size, located wholly within the Town of Wayland.

The proposed amendment, referred to as the "Mixed-Use Overlay District", creates a framework for an overlay district that can be placed on top of existing zoning districts and can override the underlying zoning, insofar as it relates to "uses" which are permitted within the underlying zoning district. Zoning for Flood Plain and Aquifer Protection Districts remains in force.

A second and distinct part of the amendment is to overlay this new Mixed-Use District on a specific tract of land (*i.e.*, the former Raytheon property), a portion of which is located in a Limited Commercial District and the

remainder of which is located in a Single Residence (30,000 square feet) District. A map showing this land is attached to the proposed zoning by-law amendment.

Following is a synopsis of statements made by the public, key elements of the Mixed-Use Overlay District (“MUOD”) By-Law, comments, and the recommendation of the Planning Board.

Public Comments

The following is a brief summary of comments that were received from the public during public meetings, hearings, forums, and in written submissions.

- Supporters of the Zoning By-Law have noted -

A mixed-use development at this site is consistent with what the residents want for the future. Many residents would like to have an area like this to gather and shop and have expressed a strong desire for this form of development, especially as contrasted to a pure office use or 40B housing.

Wayland needs a larger commercial tax base. More than 95% of Wayland’s taxes are borne by its residents. Creating a larger commercial base would help offset the residential tax burden and might reduce the size of future overrides.

Potential for net positive revenue for Wayland. If prudently planned and developed, a project in the Mixed-Use Overlay District could result in positive net revenue to the Town.

Sets aside land for municipal use. Forty thousand (40,000) square feet of Gross Floor Area in each Mixed-Use Project must be dedicated to municipal uses.

Enables projects that combine residential, commercial and municipal uses on a single, contiguous 50+ acre tract of land. Under Wayland’s existing zoning regime, there is a separation of areas reserved for residential uses and those reserved for business uses. Adoption of the MUOD By-law would enable the development of a mixed-use project that could include residential uses with retail, service, restaurant, office, and municipal space.

25% of the housing would be affordable. A minimum of 25% of the dwelling units will be affordable, thus helping to grow the Town’s stock of affordable housing.

The developers are proposing to build a mixed-use project. Although there is no definitive development proposal before the Town, the current owners of the former Raytheon property on Boston Post Road have expressed a strong desire to re-develop the site consistent with the mixed-use concept.

A Mixed-Use Project will likely generate more tax revenue than the alternative 40B project. After the MUOD Bylaw failed at STM in November 2005, the developers presented a plan to build a 200-unit residential 40B project, with 50 of the units being offered as “affordable.” Residents expressed concern about the number of new children that would be added to the school district and that residential tax revenue would not offset these new students.

- Opponents of the Zoning By-Law have noted -

The lack of an actual development plan hindered the Town’s ability to accurately assess impacts (positive and negative) on the Town.

Increased local traffic, 7 days a week. Any fully built out Mixed-Use Project will add significantly to traffic on major routes leading to the project as well as on ancillary side roads through neighborhoods ill-equipped to handle any increased speed or volume. The volume of traffic in the Town will increase throughout the day and evening hours, 7 days a week. The MUOD Bylaw does not allow the Planning Board to downsize the project to mitigate traffic and other public safety concerns.

The performance standards allow mixed-use projects that are too big for Wayland. The 372,500 square foot maximum allowable sizes of the individual retail, service, restaurant, office, and residential uses are more in line with shopping malls with large national chains and apartment complexes and are too large to promote a quaint,

small-town feel. Stores this large are typically built near interstates, not 5 miles from a major highway. They will require significant store traffic to generate the sales volume required to sustain large sized stores.

The overall large size of the combined residential and commercial project will potentially strain Town services including public safety and wastewater treatment. The dense housing of 100 units, some of which will have 3 bedrooms, may place an additional burden on the school district, which is over its preferred 85% capacity limit. Although some of the units will be affordable, 100 units increase the burden of achieving Wayland's 10% affordable housing goal.

Key Elements of the MUOD By-Law

Purpose

- 1) Promote a range and balance of land uses;
- 2) Facilitate integrated physical design and encourage interaction among activities;
- 3) Establish controls which will facilitate development while protecting the public interest by limiting the aggregate amount of development;
- 4) Permit flexible development on individual lots;
- 5) Promote site features and layouts conducive to walking and bicycling; and
- 6) Promote a pedestrian-friendly living and working environment.

Multi-Level Review Process

Concept Plan: A preliminary site plan for the Mixed-Use Project describing the proposed character, uses, site layout, and public amenities incorporated therein. The Planning Board's review is advisory at this stage.

Master Special Permit ("MSP"): The MSP specifies the design, architectural character, site and traffic improvements, mitigation, location and use categories for buildings, and public amenities of a proposed Mixed-Use Project. The MSP sets the theme of the development and establishes the rules for its subsequent construction and any future changes.

Phase I Site Plan Review: A Phase I Site Plan Review ensures that any proposed building or site improvement is in compliance with the Mixed-Use Project-MSP. A Phase I Site Plan Review, at a minimum, shall include the following components: building design and elevations; signs; landscaping; lighting; parking; and compliance with the MSP.

Phase II Site Plan Review: Phase II Site Plan Review considers: (a) the reuse of any structure for a different use category, as long as Table A of the By-law allows such use; and (b) any change in exterior features and site improvements such as signage, facades, landscaping, lighting, parking, so as to ensure that any of those types of changes are consistent with the Mixed-Use Project-MSP, the Phase I Site Plan Approval, and the performance standards set forth in the By-law.

Additional Levels of Review and Approval – Additional Special Permits:

- **Use Special Permit:** Uses in Table A are allowed subject to issuance of the MSP; those are marked "MSP" in the table. Certain uses also must obtain an additional separate Special Permit; those are marked "SP" in the table.
- **Dimensional Special Permit:** A Special Permit is required in order to construct a building in excess of 35 feet in height and up to a maximum of 45 feet in height.
- **A Special Permit** is also required for a variation from the minimum setbacks from edge-of-curb and the MUOD perimeter boundary.

Comparison of Proposed MUOD By-Laws 2005 vs. 2006

	2005 MUOD Bylaw	2006 MUOD Bylaw
Overall Size of Project	450,000 sq. ft. Gross Floor Area ("GFA")	372,500 sq. ft. Gross Floor Area ("GFA")
<ul style="list-style-type: none"> ▪ Non-Residential 	<ul style="list-style-type: none"> ▪ 200,000 sq. ft. GFA ▪ Not more than 10% of such GFA shall be dedicated to office uses 	<ul style="list-style-type: none"> ▪ 165,000 sq. ft. GFA ▪ Office uses shall not be more than 10,000 sq. ft. GFA
<ul style="list-style-type: none"> ▪ Residential 	<ul style="list-style-type: none"> ▪ 210,000 sq. ft. GFA ▪ 120 units/240 bedrooms ▪ At least 70% (147 units) to be 2 bedroom units ▪ 25% of units to be Affordable 	<ul style="list-style-type: none"> ▪ 167,500 sq. ft. GFA ▪ 100 units/200 bedrooms ▪ Up to 15 units with 3 bedrooms ▪ 25% of units to be Affordable
<ul style="list-style-type: none"> ▪ Municipal 	40,000 sq. ft. GFA	40,000 sq. ft. GFA
<ul style="list-style-type: none"> ▪ Open space 	At least 2 acres	At least 2 acres
Aggregate Limits On Individual Establishments ("Stores")		
<ul style="list-style-type: none"> ▪ Food Store 	48,000 sq. ft. GFA	45,000 sq. ft. GFA
<ul style="list-style-type: none"> ▪ Large Stores 	Between 20,000 and 30,000 sq. ft. GFA	2 "stores" at between 10,000 and 15,000 sq. ft.
<ul style="list-style-type: none"> ▪ Medium Large Stores 	Between 10,000 and 20,000 sq. ft. GFA	3 "stores" at between 7,000 and 10,000 sq. ft.
<ul style="list-style-type: none"> ▪ Medium Stores 	Not more than 10,000 sq. ft. GFA	5 "stores" at between 5,000 and 7,000 sq. ft.
<ul style="list-style-type: none"> ▪ Small Stores 	Not more than 10,000 sq. ft. GFA	Unlimited "stores" at not more than 5,000 sq. ft.
Significant Performance Standards		
<ul style="list-style-type: none"> ▪ Massing 	Buildings shall provide visual relief, generally every thirty (30) feet along the façade; design to promote a traditional New England style, with visual relief, including varying roof lines and roof heights	Same
<ul style="list-style-type: none"> ▪ Stormwater 	A Mixed-Use Project must comply with the Stormwater Management Policy of the Commonwealth's Department of Environmental Protection (DEP) as well as other federal, state, and local laws, rules, regulations, and by-laws	Same
<ul style="list-style-type: none"> ▪ Aquifer Protection 	The impervious surface of a Mixed-Use Project may not exceed 65% of the upland area of the tract of land to be developed.	Same

<u>Comparison Continued</u>		
	2005 MUOD Bylaw	2006 MUOD Bylaw
Project Controls		
▪ Ability to Reduce Total Aggregate Size of Project to Mitigate for Traffic	Yes	No
▪ Level of Master Special Permitting (MSP) Control	<ul style="list-style-type: none"> ▪ Moderate Control ▪ Planning Board could exert control over the project in terms of overall size, size of building, and specific uses 	<ul style="list-style-type: none"> ▪ Limited Control ▪ Essentially the Mixed-Use Project is an as-of-right project. ▪ Once categories of interchangeable uses have been established, project can freely change uses within a category
▪ Ability to Control Access to Rt. 27 (Old Sudbury Rd.)	Yes – through MSP conditions	Yes – through MSP conditions

Traffic Impact Assessment

An April 19, 2006 Traffic Assessment performed by TEC, Inc. for the Planning Board looked at the differences in traffic generation and possible mitigation scenarios for several potential uses of the former Raytheon property. TEC's analysis focused on comparing three separate and distinct options for use of that property: 1) an assumed full re-occupation of the existing 410,000 square foot office building; 2) the April 2006 MUOD proposal; and 3) a possible 200-unit residential 40B project.

The table below presents a summary of the trip generation characteristics of various proposals for the site:

Trip Generation Comparison (Total Trips) – Former Raytheon Site

<u>Time Period</u>	410,000 sf Assumed Existing Office Use (Fully Reoccupied) ¹	April 2006 MUOD Proposal ²	200-unit 40B Residential Proposal ³
Weekday Daily	3,954	11,014	1,157
Weekday AM Peak	580	373	90
Weekday PM Peak	538	1,100	106
Saturday Daily	896	13,007	1,152
Saturday Midday Peak	116	1,228	101

- Notes:
1. Based on land uses from *Preliminary Traffic Impact and Access Assessment - Proposed Town Center* by Vanasse & Associates - June 14, 2005
 2. From Wayland Planning Board's 2006 proposed Mixed-Use Overlay District zoning proposal.
 3. Based on MassHousing Development Application for "The Residences at Wayland Center" submitted by Twenty Wayland, LLC on February 16, 2006

TEC's assessment found that "[i]f the April 2006 MUOD is approved and constructed, the morning peak hour should reflect an approximate 30% drop in overall trip generation for the site" as compared to an assumed fully re-occupied existing office use. However, during the weekday evening peak hour, the proposed 2006 MUOD is

expected to increase the number of new trips on the adjacent roadways by approximately 66% over an assumed fully re-occupied existing office use. Thus, the 2006 MUOD proposal generates more traffic over the course of an entire weekday.

The traffic assessment showed that “[t]he greatest difference in the number of new trips will occur during the weekend period when the traditional office use generates very few trips. During the Saturday daily and Saturday midday peak hour intervals, the number of trips associated with the 2006 MUOD is expected to increase substantially over the fully re-occupied office building use (>1000% increase).” Construction of a mixed-use project pursuant to the proposed 2006 MUOD “will elevate the traffic volumes on the adjacent street during the Saturday peak intervals to a level that is closer to that of the typical weekday commuter peak hours.”

The TEC Assessment found that the 40B residential proposal would introduce the lowest number of vehicle trips during the traditional peak hours even when compared with the fully re-occupied office building use. According to TEC, it is highly unlikely that other off-site traffic mitigation measures would be warranted.

Under full-build conditions for the 2006 MUOD proposal, TEC anticipates the need for new traffic signals at three major intersections – Route 20 at Proposed Site Roadway; Route 27 at Route 126 (north of Route 20); and Route 27 at Proposed Site Roadway. At the intersection of Route 20 at Routes 27/126, TEC assumes that the improvements currently under construction by MassHighway will be completed in conformance with the approved plans.

The intersection of Route 20 at Routes 27/126 will operate in an over-capacity situation during the weekday evening commuter peak period. During the weekday evening peak hour, it will continue to operate at a Level of Service (LOS) F as it does today. However, TEC expects the operating condition of this intersection to be better under the 2006 MUOD Proposal than with the full re-occupancy of the existing office building.

If the April 2006 MUOD proposal is accepted and constructed, it is likely that the risk of cut-through traffic along Glezen Lane and Bow Road can be reduced if there are longer delays for motorists attempting to turn left from the proposed Site Roadway onto Route 27 northbound. The introduction of a traffic signal at the intersection of Route 27 at Route 126 will also likely influence motorists leaving the site to use Old Sudbury Road (Route 27) southbound to access Concord Road (Route 126) northbound via Library Lane.

TEC recommends a through road between Route 20 and Route 27 as part of any development proposal for the site to alleviate the strain from the volume of traffic currently making turns to proceed west through the Route 20 at Routes 27/126 intersection in Wayland center.

Financial Impact Analysis

An April 20, 2006 fiscal and economic impact review performed by Community Opportunities Group, Inc. for the Planning Board looked at two proposed development options for the former Raytheon property – the April 2006 MUOD proposal and a 200-unit residential 40B development. The consultant’s scope of work specifically required that the Wayland Board of Assessors (or another consultant to the Town) provide an opinion as to the future assessed valuation of each of the development scenarios. Unfortunately, due to circumstances beyond the Planning Board’s control, the requisite opinion was not provided, thus delaying completion of the report.

In summary, the economic impact report detailed the estimated amount of positive (i.e., surplus) new net revenue that could result to the Town under each development scenario. The analysis included only the direct revenue and general expenses associated with each scenario. It did not take into account one time, non-recurring revenue and expenses nor impacts of “echo-effect” (i.e. housing re-sales activity that may occur due to in-town moves to the new housing units). The MUOD and the 200-unit 40B project generate similar echo-effect or secondary fiscal impacts (approximately 17 school age children could be added to the Wayland school system as a result of Wayland empty-nesters moving to the new housing units on the former Raytheon property or in-town owners moving to the 40B housing).

Estimated revenue to the Town (net of expenses) from a development pursued under the April 2006 MUOD zoning proposal (which would include 25 units of “affordable” housing), could be \$710,110. It must be noted that under existing conditions, the property is currently required to pay \$260,000 in annual property taxes. Thus, the new net

revenue to the Town could be \$450,000 – less than 1% of the proposed FY '07 budget and the equivalent of \$92 per household.

Estimated revenue to the Town (net of expenses) from a development pursued under a 200-unit residential 40B development proposal (which would include 50 units of "affordable" housing), could be \$207,600. After taking into account receipts from the current annual property tax, the development would be roughly break-even for the Town.

Throughout the report, the consultant emphasizes the difficulty in estimating revenue and expenses from development scenarios that are vague and have so little definition. Without a clear build-out program or commitments from commercial tenants, estimating the impact on the Town's resources for either development scenario poses a considerable challenge and leaves room for revenue and cost swings. At best, each of the proposals reviewed is abstract and will be subject to definition as the development program is fleshed out.

Planning Board Recommendation

The Planning Board recommends approval of Article 2, by a vote of 3 to 2.

Minority Opinion

Despite a desire to support some level of commercial development on this site, the design for this project is still not known. The Town only knows that there will be 372,500 square feet of building space. The continued lack of a defined plan and development program, including tenant mix does not allow voters to understand what will be built if this bylaw is approved.

There was no due diligence to corroborate that this project could be sustainable over the long term and generate sufficient revenues to cover the cost of providing Town services. The developer would not provide market studies, despite repeated requests by the Planning Board both this year and last, which might have demonstrated that such a mixed use project could be successful in Wayland.

In December 2005 the Planning Board, Board of Selectmen and the developers agreed to a process to reconsider a mixed-use zoning bylaw. The Planning Board required: a) the Board of Selectman immediately engage in an inclusive process with other Town Boards and committees to assess critical issues such as waste water, general water consumption, financial impact and the environment; b) the developer agree to minimal changes to the November 2005 bylaw in order to meet the tight time-frame to include a bylaw in the Warrant; and c) appropriate impact studies be completed to assure a comprehensive development agreement to protect the town, which would be signed in concert with the submission of the bylaw. This process was not followed.

Unfortunately, the Planning Board was compelled by intense pressure from the Board of Selectmen and the public (some of whom insisted they simply wanted the option to vote), to accept concessions. These compromises included: the overall size of the project and a distribution of store sizes similar to those of chain store shopping centers located near major highways; and the inability to reduce the project size to mitigate traffic. The compromises resulted in the inability to make material changes to address any potential adverse impacts. Without a collaborative process between critical land use boards and sufficient detail on the project being proposed, the impacts of this project cannot be fully understood. The Development Agreement was negotiated and signed based on a project lacking definition and without the benefit of traffic or fiscal impact studies. The Town has no way of knowing if the financial and other mitigation in the Development Agreement is sufficient to protect the Town.

The information would have enabled voters to assess the true financial, traffic and quality of life impacts and thus make an informed decision whether the perceived benefits of a Town Center plus the net new revenue estimate of \$450,000 (less than 1% of the FY07 proposed budget) outweigh the costs of increased traffic throughout the week and on weekends as well as potential adverse environmental impacts.

Members voting against did not think there was sufficient information to determine that the benefits of this project outweighed the costs, nor that the Development Agreement would adequately protect the Town against adverse impacts.

Majority Opinion

Wayland is best enhanced with a variety of services and uses within its town center. Normally such centers evolve over long periods of time, capturing the nuances and heritage of the community. Wayland lacks this point of focus. However, with architectural attention and layout consideration befitting a New England village, our hope is that a suitable center complex can be constructed on the former Raytheon site. We are presented with an opportunity that is unlikely to arise again.

It is appropriate that the Raytheon site, long a commercial property, continue to have a commercial presence. Adding retail, residential and municipal uses enhances that presence.

The MUOD Bylaw, in conjunction with the Development Agreement, contains controls over traffic, layout, architecture, and environment such that mitigation can be applied as required. An analysis by TEC, a traffic engineering firm engaged by the Planning Board, indicates that traffic volumes can be accommodated, with the mitigation recommended in their report.

Financially, there is a net positive gain for the Town, with enough margin for error that it is unlikely that even a sharp increase in cost of, say, public safety will result in a net loss. The Planning Board emphasizes, however, that while we do not want to the Town to incur costs for this project, neither are we driven by enhancing Town revenue in a major way.

The Planning Board recommends passage of this article by Town Meeting.

AMENDMENT NO. 1:

Jeffrey Porter moved and was duly seconded that the Town vote to amend Article 2 by adding the following paragraph to §198-2309.6 (Performance Standards, Streets):

2309.6.3. There shall be no vehicular access to or from Old Sudbury Road permitted other than by emergency vehicles; but use shall be permitted by vehicles of residents or guests of residents of the MUOD or of any property abutting said MUOD, provided that access from the residential portion of the MUOD to Old Sudbury Road is physically segregated from the non-residential portion of the MUOD.

Said amendment is substantially identical to Special Town Meeting Article 3 on Page 77 of the Warrant.

PLANNING BOARD REPORT ON ARTICLE 3 – Christopher Seveney

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, on March 16, 2006 and April 20, 2006, the Planning Board held a Public Hearing on a proposed amendment to the Town's zoning by-laws that would amend the proposed Mixed Use Overlay District as proposed by Article 2 of the 2006 Special Town Meeting Warrant. The proposed amendment would amend Article 23 of the Town's Zoning By-Laws, entitled Mixed-Use Overlay District, by adding a new subsection 2309.6.3: "There shall be no vehicular access to or from Old Sudbury Road permitted other than by emergency vehicles; but use shall be permitted by vehicles of residents or guests of residents of the MUOD or of any property abutting said MUOD, provided that access from the residential portion of the MUOD to Old Sudbury Road is physically segregated from the non-residential portion of the MUOD."

The Board received public comment both for and against the amendment.

There has been much debate and discussion concerning excluding access to the proposed MUOD from Old Sudbury Road, and limiting the "Access Road" for emergency vehicles use only. The board is sensitive to the petitioners' concerns regarding the possible effect of cut through traffic on surrounding streets and neighborhoods if the Mixed Use Overlay District Bylaw is approved. We have been assured by Town Counsel that under the Master Special Permit process the Planning Board will have the power to limit use of this road if traffic studies and if any proposed traffic mitigation warrants it. The developers have also agreed to abide by any Planning Board ruling as to the use of this road.

The Planning Board recommends against approval of Article 3 by a vote of 3 to 2.

VOTED ON AMENDMENT NO. 1: MOTION NOT CARRIED

AMENDMENT NO. 2:

John Dyer moved and was duly seconded that the Town vote to amend Article 2 by adding a new section as follows:

“2304.4.2.3. The Planning Board may, with developer concurring, shift up to 20% of total developed area from retail to office or residential use to improve traffic, water, sewer, or economics.”

PROCEDURAL MOTION:

Holly Lapp moved and was duly seconded that the Town vote to extend the time for debate on Article 2 beyond the one hour rule.

VOTED ON PROCEDURAL MOTION: MOTION NOT CARRIED

VOTED ON MAIN MOTION:

STANDING COUNTED VOTE:

IN FAVOR: 1752

OPPOSED: 441 MOTION CARRIED BY MORE THAN 2/3 REQUIRED MAJORITY

TELLERS:

Marcia Crowley	6 Wayland Hills Rd
Carol Osterer	11 Brook Trail Rd
Robert Mainer	45 Hillside Dr
Myra Snyder	604 Wisteria Way
Andrew Johnson	3 Brooks Rd
Marcus Cohn	81 Sears Rd
Iryna Priester	102 Loker St
Henry Norwood	58 Three Ponds Rd
Mathias Leupold	246 Old Connecticut Path
David Kunen	42 York Rd
Virginia Steel	22 Sylvan Way
Holly Lapp	15 Castle Gate Rd
Richard Brisk	27 Sedgemoor Rd
Karen Krowne	45 Woodridge Rd
Harvey Budner	8 Hobbs Rd
Lawrence J. Krakauer	15 Orchard Ln
John Dyer	287 Cochituate Rd
Paul Gardescu	135 Glezen Ln
Joanne Berry	15 George St
Frances Patterson	123 Commonwealth Rd W
Elizabeth Butler	7 Winthrop Rd
Sylvia Green	12 Pine Needle Rd

PROCEDURAL MOTION:

Michael Tichnor moved and was duly seconded that the Town vote to extend the time of adjournment from 10:30 P.M. until all the business of the meeting has been disposed of.

VOTED: MOTION CARRIED

ARTICLE 3: AMENDMENT TO MIXED USE OVERLAY DISTRICT ARTICLE

Proposed by: Petitioner

To amend Article 23 of the Town's Zoning By-Laws, entitled Mixed-Use Overlay District, by adding a new subsection 2309.6.3: "There shall be no vehicular access to or from Old Sudbury Road permitted other than by emergency vehicles; but use shall be permitted by vehicles of residents or guests of residents of the MUOD or of any property abutting said MUOD, provided that access from the residential portion of the MUOD to Old Sudbury Road is physically segregated from the non-residential portion of the MUOD."

MOTION:

Jeffrey Porter moved and was duly seconded that the Town vote to pass over the Article.

VOTED: MOTION CARRIED

ARTICLE 4: SELL SURPLUS PARCELS OF TOWN-OWNED LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

- (A) instruct the following boards and committees to transfer the care, custody, management and control of the parcels of Town-owned land listed below from the following Town boards and committees to care, custody, management and control of the Board of Selectmen for the purpose of conveying, selling or otherwise disposing of said parcels of land; and
- (B) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell or otherwise dispose of the following parcels of land, subject to such restrictions and limitations as the Selectmen deem appropriate.

Location	Custodial Board/Committee	Assessors' Parcel and Map #
0 Sycamore Road	Board of Road Commissioners	42D 69
0 Sycamore Road	Board of Road Commissioners	42D 70
8 Sycamore Road	Board of Selectmen	46B 47
8 Sycamore Road	Board of Selectmen	46B 48
59 Sycamore Road	Board of Road Commissioners	42D 112
0 Riverview Circle	Board of Selectmen	36C 061A
0 Riverview Circle	Board of Selectmen	36C 062A
7 Cedar Crest Road	Park & Recreation Commission	43A 13
0 Cedar Crest Road	Board of Selectmen	43A 14
7 Mayflower Road	Board of Road Commissioners	42D 50
52 Hawthorne Road	Board of Road Commissioners	42D 84
0 Stanton Street	Park & Recreation Commission	51C

		9
0 Dunster Avenue	Board of Road Commissioners	51B
		53

MOTION:

Douglas Leard moved and was duly seconded that the Town of Wayland

- (A) instruct the Board of Selectmen, Board of Road Commissioners and the Park and Recreation Commission, as the case may be, to transfer the care, custody, management and control of the parcels of Town-owned land listed on Page 84 of the Warrant for the May 3, 2006 Special Town Meeting from said Town boards and committees to the care, custody, management and control of the Board of Selectmen for the purpose of conveying, selling or otherwise disposing of said parcels of land; and
- (B) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell or otherwise dispose of the following parcels of land, subject to such restrictions and limitations as the Selectmen deem appropriate, and to deposit the proceeds of the sales of said parcels of land in the Sale of Town-owned Land Account, notwithstanding any prior town meeting vote to the contrary.

MOTION TO TERMINATE DEBATE:

Christopher Reynolds moved and was duly seconded to move the question.

VOTED ON MOTION TO TERMINATE DEBATE: UNANIMOUSLY IN FAVOR

VOTED:

1ST VOICE VOTE: SCATTERING OF NOES
 STANDING COUNT BY MODERATOR: UNDECIDED
 2ND VOICE VOTE: SCATTERING OF NOES
 STANDING COUNT BY MDOERATOR:
 IN FAVOR: 399
 OPPOSED: 54 MOTION CARRIED BY MORE THAN 2/3 REQUIRED MAJORITY

ARTICLE 5: EXPANSION OF HIGH SCHOOL BUILDING COMMITTEE

Proposed by: School Committee

To determine whether the Town will vote to amend the vote taken under Article 5 of the Warrant for the Special Town Meeting held on November 24, 2003 by authorizing an increase in the membership of the High School Building Committee, up to a total of fifteen members, with said additional or replacement members to be appointed by a joint committee composed of not more than two members of the School Committee, not more than two members of the Finance Committee and not more than two members of the Board of Selectmen.

MOTION:

Robert Gordon moved and was duly seconded that the Town amend the vote taken under Article 5 of the Warrant for the Special Town Meeting held on November 24, 2003 by authorizing an increase in the membership of the High School Building Committee, up to a total of fifteen members, with said additional members to be appointed by a joint committee composed of not more than two members of the School Committee, not more than two members of the Finance Committee and not more than two members of the Board of Selectmen.

VOTED: MOTION CARRIED

ARTICLE 6: INCREASE NUMBER OF ASSESSORS FROM THREE TO FIVE

Proposed by: Board of Assessors

To determine whether the Town will vote to increase the number of Assessors to be elected by the voters of the Town from three to five.

MOTION:

Susan Rufo moved and was duly seconded that the Town increase the number of Assessors to be elected by the voters of the Town from three to five for terms of three years.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 9: ADOPT BY-LAW RE: AUTHORIZING BOARDS AND COMMITTEES TO ADOPT RULES AND REGULATIONS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its General By-Laws relative to Boards, Commissions and Committees, Chapter 6 of the Code of the Town of Wayland, by adding to said Chapter 6 the following new section:

“§6-4. Rules and Regulations.

All appointed and elected boards, commissions and committees of the Town, except for temporary advisory committees and ad hoc committees, are authorized to adopt and amend reasonable rules and regulations relative to all matters and affairs under their jurisdiction for which authorization to do so is not otherwise provided or directed by statute.

Prior to adopting or amending such rules and regulations, the board, commission or committee proposing them shall hold a public hearing thereon, notice of which, giving the time, date and place shall be placed in a newspaper of general circulation in the Town, once in each of two successive weeks, with the first such publication being not less than fourteen (14) days before the hearing. Any such rules and regulations so adopted or amended shall be filed in the Office of the Town Clerk whereupon they shall take effect. After any such rules and regulation are so filed, they may be published and included in the Code of the Town of Wayland or in separate pamphlets and shall be posted on the Town’s official website or on the official website of the Town board, commission or committee that filed them and a copy shall be filed in the Town Library. The authority to adopt rules and regulations provided for in this by-law shall be supplemental to the authority that Town boards, committees and commission have from any other source.

MOTION:

Joseph Nolan moved and was duly seconded that the Town vote to pass over this Article.

VOTED: UNANIMOUSLY IN FAVOR

ARTICLE 10: FUNDING FOR PROFESSIONAL ARCHITECTURAL ENGINEERING SITE PLANNING AND RELATED CONSULTING SERVICES FOR THE FORMER NIKE SITE ON OXBOW ROAD

Proposed by: Board of Selectmen, Nike Site Reuse Advisory Committee and Community Preservation Committee

Estimated Cost: \$40,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen for the purpose of funding professional architectural, engineering, site planning and related consulting services in connection with the continued development of a site plan study for Lot 2 and a schematic building design for up to 16 units of housing (with a preference toward affordable units) on Lot 2 or Lot 2A of the former Nike Site located on Oxbow Road, and the creation of a comprehensive permit application or a request for proposal that can be sent to prospective housing developers; and to determine whether such appropriation shall be provided by transfer from the Community Preservation Fund, or, if needed, by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or the Federal Government, by borrowing, or otherwise.

MOTION:

Douglas Leard moved and was duly seconded that the Town that the Town appropriate 40,000. to be expended by the Board of Selectmen for the purpose of funding professional architectural, engineering, site planning and related consulting services in connection with the continued development of a site plan study for Lot 2 and a schematic building design for up to 16 units of housing (with a preference toward affordable units) on Lot 2 or Lot 2A of the former Nike Site located on Oxbow Road, and the creation of a comprehensive permit application or a request for proposal that can be sent to prospective housing developers; and provide for said appropriation by transferring 40,000. from the Community Preservation Fund.

VOTED: MOTION CARRIED

ARTICLE 11: ARTICLE 24 – SCENIC AND HISTORIC ROAD OVERLAY DISTRICT

Proposed by: Planning Board

To determine whether the Town will vote to amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by:

A. Inserting under section 198-302.1.7 thereof the following new section 198-302.1.8:

198-302.1.8. A Scenic and Historic Road Overlay District (herein referred to as the “District”) to include all land within the boundaries of the District. The boundaries of the District to be, as shown on the Plan entitled “Town of Wayland Scenic and Historic Road Overlay District” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated February 28, 2006, and as amended from time to time by a two-thirds vote of Town Meeting, a copy of which is on file in the office of the Town Clerk. The Hazel Brook Watershed, so-called, is an area in the Northeast section of the Town of Wayland that is included in the District as shown on the Plan. Within the Hazel Brook Watershed, in addition to all designated Scenic Roads, as defined in Section 158-4 of the Code of the Town of Wayland, the following Rights-of-Way, within the District are designated as Scenic District Roads for the purposes of the definitions in Section 198-2402 of Article 24 now or at such time as Section 198 of Article 24 is adopted into the Code of the Town of Wayland: Peartree Lane, and Folsoms Pond Road.

B. Adding said Scenic and Historic Road Overlay District to the Zoning Map referenced in Article 3 thereof (See Map at Appendix A).

C. To determine whether the Town will vote to amend its Zoning By-Laws, Chapter 198, of the Code of the Town of Wayland, by adding the following new Article 24:

Article 24

Scenic and Historic Road Overlay District

198-2401. Purpose.

198-2402. Definitions.

198-2403. Overlay District.

198-2404. Permit Required for Regulated Activities.

198-2405. Approval Processes.

198-2406. Development Standards.

198-2407. Allowed Activities.

198-2408. Administration.

198-2409. Regulations and Fees.

198-2401. Purpose.

2401.1. The purposes of the Scenic and Historic Road Overlay District (hereinafter referred to as the “SHROD”) include but are not limited to:

2401.1.1. preserving the woodlands and open space which contribute to the rural landscape and vistas along the ways of Wayland within the SHROD;

2401.1.2. maintaining the semi-rural character of Wayland;

2401.1.3. protecting and enhancing the scenic and historic features of the SHROD;

2401.1.4. promoting, as mutually compatible objectives, reasonable use of land and protection of natural resources and scenic views; and

2401.1.5. recognizing the value of rural landscape and vistas.

198-2402. Definitions.

2402.1. In addition to the definitions provided in Chapter 198, the following definitions shall apply to this Article.

Cutting or Removal of Trees: The removal of one or more trees, trimming of branches, cutting of roots, or grading or filling sufficient to impair the viability of a tree, but not including ordinary plant husbandry such as but not limited to pruning and removal of dead or dying branches, cultivation, or planting of new trees.

Excluded Way: Any Right-of-Way within the geographic area at the time such geographic area is included in the SHROD that is not at that time a Scenic Road or a Scenic District Road.

Hazardous Tree: A tree which has a structural defect or disease, which impedes safe sight distance or traffic flow, or which is in a condition that poses a threat to life or property.

Regulated Activity: Any construction, reconstruction, alteration, expansion or structural change of a structure within a Scenic Buffer, and any Cutting or Removal of Trees or the replacement of trees within a Scenic Buffer, removal of an Undesirable Tree and any Cutting or Removal of Trees within the bounds of a Scenic Buffer.

Right-of-Way: As defined in Section 198-104 of the Code of the Town of Wayland.

Road: As defined in Section 158-6 of the Code of the Town of Wayland and that is entirely maintained by the Town of Wayland and is open to public use.

Street: As defined in Section 198-104 of the Code of the Town of Wayland.

Scenic Buffer: All land along each side of a Scenic District Road within the greatest distance of (i) twenty-five (25) feet from the edge of the Way, (ii) twenty-five (25) feet from the side of any stone wall facing and bordering on the Way, or (iii) fifty (50) feet from the centerline of the Way but not greater than twenty-five (25) feet as measured into the lot from the lot line bordering on a Way, and notwithstanding the foregoing subparts (i), (ii) and (iii), no greater than the setback applicable to that lot line in the zoning district.

Scenic District Road: Any Way that is not an Excluded Way within the SHROD.

Scenic Road: As designated in the Town of Wayland pursuant to M.G.L. 40, Section 15C and the Scenic Road Bylaw (Article IV, Scenic Roads, of Chapter 158, adopted 5-4-1995 by Art. 32) (Art. 34 of the 1973 Bylaws) as of the time of the adoption of this Article 24.

SHROD: The Scenic and Historic Road Overlay District as defined in Section 198-302.1.8.

Structure: As defined in Section 198-104 of the Zoning Bylaw.

Tree: A living tree in its naturally standing position, the trunk of which has a diameter of four inches or more one foot above the ground and any clump of two (2) or more trunks belonging to the same tree whose two (2) trunks or whose three (3) largest trunks together have in the aggregate a cross-sectional area of thirteen (13) square inches or more one foot above the ground. Nothing in this definition shall be construed to permit a person, other than the Tree Warden, to trim, cut down or remove a public shade tree.

Undesirable Tree: A Tree that in the opinion of a certified arborist, landscape architect or Tree Warden is considered an invasive species or has grown in a manner such that it no longer adds to the scenic values of Sections 198-2401 and 198-2406.

Way: Any Road, any Street, any Right-of-Way that is not private and that is open to public use or common driveway or other common access to two or more lots that has been or in the future is approved by the Planning Board as part of a subdivision, a cluster development or under any other bylaw or regulation and any Right-of-Way adopted or accepted by the Town of Wayland that currently exists or that may be constructed or altered in the future.

198-2403. Overlay District.

2403.1. The SHROD shall be construed as an overlay district superimposed on the Town of Wayland's zoning districts and other relevant bylaws, including but not limited to the Scenic Roads Bylaw. All requirements of the underlying district(s) shall remain in full force and effect. Uses that are prohibited or restricted in the underlying zoning district are not permitted in the SHROD.

198-2404. Permit Required for Regulated Activity.

2404.1. No person or the Town of Wayland or a Town of Wayland Department shall undertake any Regulated Activity without first obtaining approval of the Planning Board.

198-2405. Approval Processes.

2405.1. Prior to the commencement of any Regulated Activity, the applicant must submit to the Planning Board the following:

2405.1.1. A plot plan acceptable to the Planning Board prepared by or on behalf of the property owner or other person showing the proposed activity, and all stone walls, the location of all trees, the boundary of wetlands, prominent rocks, and other natural features within the Scenic Buffer and the boundaries of any Ways.

2405.1.2. Documents photographs or graphics that depict existing Trees, Structures, topography, large shrubbery, stone walls and fences within the Scenic Buffer in which the applicant proposes to conduct a Regulated Activity and the adjacent side of a Way and immediately surrounding area of the affected lot within fifty (50) feet of the Scenic Buffer.

2405.1.3. A plan showing the proposed activity and its effect on existing conditions.

2405.1.4. Any mitigation and restoration plans for the Scenic Buffer as required by the Planning Board.

2405.2. Along with the application, the applicant must provide to the Planning Board (i) the text of the notice of the public hearing that identifies the location and nature of the proposed activity in reasonable detail and (ii) a statement that all other Town of Wayland boards or commissions that may have jurisdiction over some or all of the proposed activity have been consulted and that the appropriate applications for relief have been or will be made.

198-2406. Development Standards:

2406.1. Regulated Activity shall be designed to preserve and protect scenic, ecological and historic features in the Scenic Buffer. Within the SHROD the following site planning standards apply:

2406.1.1. For the purpose of reducing the visual and other impacts of roadside development in wooded areas and to preserve the canopy of mature trees in the SHROD, a strip of natural vegetation within the Scenic Buffer shall be retained along the Way. No Regulated Activity shall take place without prior Planning Board approval and a determination that such activity, as proposed, will preserve to the maximum extent feasible and not impair the scenic, ecological and historic features, which are to be protected in the SHROD.

2406.1.2. Stone walls shall not be removed from the Scenic Buffer without Planning Board approval except for the construction of a driveway of minimum feasible width under applicable Town of Wayland bylaws and regulations or for construction of a road, common driveway or other common access to two or more lot under approval of the Planning Board as part of a subdivision, a cluster development or any other bylaw or regulation.

2406.1.3. No new Structure and no expansion of an existing footprint of a Structure shall be permitted within the Scenic Buffer.

198-2407. Allowed Activities:

2407.1. The provisions of 198-2404, 198-2405, and 198-2406 shall not apply to the following activities:

24207.1.1. Removal and or pruning of a Hazardous Tree.

2407.1.2. Mowing and routine maintenance of vegetation and removal of dead or diseased limbs necessary to maintain the health of a Tree, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety.

2407.1.3. Agricultural activities conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.

2407.1.4. Repairs to an existing Structure.

2407.1.5. Reconstruction of any Structure damaged by casualty in accordance with the building and zoning laws and regulations.

2407.1.6. Maintaining, repairing, or replacing, but not substantially changing, or enlarging, an existing and lawfully located Structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that the work conforms to performance standards and design specifications in the bylaws of the Town of Wayland.

2407.1.7. Performance by the Town or a Town Department of normal maintenance and care of trees.

2407.1.8. Erecting, repairing, or replacing a mailbox conforming to the rules and regulations of the United States Postal Service.

198-2408. Administration.

2408.1. No Regulated Activity may occur without the prior approval of the Planning Board, which approval shall not be granted unless the proposed alterations are not contrary to the purposes and development standards of this Article.

2408.2. Applicants seeking to perform a Regulated Activity within a Scenic Buffer shall submit an application therefore in accordance with Section 198-2405. The Planning Board shall administer all applications for any Regulated Activity and monitor the Regulated Activity to determine compliance with this Article.

2408.3. Notice. The Planning Board shall give notice of a public hearing on the application by advertising in a newspaper of general circulation in the area at the expense of the applicant, with publication of the notice to be at least fourteen (14) days and then at least seven (7) days prior to the hearing and mailing of the notice at least fourteen (14) days prior to the hearing to abutters of the land (as determined by the most recent Assessors' records) on which the proposed activity is to take place and to such other persons as the Planning Board may determine and by posting in the Town Building. Copies of the notice shall be sent to the Conservation Commission, Historical Commission, Tree Warden and Wayland Highway Department.

2408.4. Timing of the hearing. The Planning Board shall hold a public hearing within thirty (30) days and shall make a decision within sixty (60) days of receipt of a properly filed request, unless a longer time is agreed to by the applicant.

2408.5. Reporting of decision. The Planning Board shall, within ninety (90) days of receipt of a properly filed request, submit a written determination of consent or denial to the applicant and send a copy thereof to the Tree Warden, Wayland Highway Department and the Town Clerk.

2408.6. Enforcement

2408.6.1. When a Regulated Activity occurs without the prior approval of the Planning Board, the Building Commissioner/Zoning Enforcement Officer shall require the landowner to restore the features impaired. The restoration shall consist of replacing stone walls, replacing the trees cut on a square-inch-per-square-inch basis (the combined cross-sectional area of the replacement tree trunks measured one foot above ground level shall equal the total cross-sectional area of the cut tree trunks as measured at the stump at ground level) at or as near as possible to the locations of the cut trees and restoring topography and other natural features. In addition to and not in lieu of any obligation to restore the features impaired, any violation of this Article shall be punishable by a civil penalties or fines not to exceed (a) twenty-five dollars for the first offense, (b) fifty dollars for the second offense, c) one hundred dollars for the third offense, and d) three hundred dollars for the fourth and each subsequent offense, with each day that the restoration is not completed being a new offense, to be enforced in accordance with Section 198-205 of the Zoning Bylaw.

2408.6.2. Regulated Activity may be permitted within a Scenic Buffer in the event of an emergency to restore or repair interrupted sewer, water, gas, electric, telephone and other such essential services, in which event the

Building Commissioner/Zoning Enforcement Officer shall be notified as soon as practicable of the Regulated Activity by the owner of the land affected and by the person performing the Regulated Activity.

2409. Regulations and Fees.

2409.1. The Planning Board shall adopt and publish within twelve (12) months of the effective date of this Article, and may amend from time to time, regulations that shall conform to the requirements of this Article that the Planning Board deems necessary to govern applications and their approval and concerning performance standards in the SHROD. Said regulations shall consider activities such as but not limited to de minimis activities, expedited application review and processing, notice and publication. Said regulations shall also include a provision that the Planning Board may waive strict compliance with said regulations only when, in the written judgment of the Planning Board, said waiver is in the public interest and is not inconsistent with this Zoning Bylaw, this Article and said regulations.

2409.2. The adoption or amendment of said regulations shall be after a public hearing, which shall be advertised two different weeks in a newspaper of general local circulation, the first advertisement to appear no less than seven calendar days prior to the date of the hearing. Adoption or amendment of said regulations shall be by majority vote of the Planning Board.

2409.3. The Planning Board shall establish, and from time to time may amend, a schedule of fees for applications submitted as required by this Article. No application hereunder shall be considered complete unless accompanied by the required fees.

MOTION:

Ira Montague moved and was duly seconded that the town that the Town amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by adding thereto a new Article 24 as set forth in Pages 88 through 93 of the Warrant for the May 3, 2006 Special Town Meeting with two exceptions:

1. Section 198-302.1.8. (A) Delete the last sentence and replace with the following new sentence : “In addition to all designated Scenic Roads, as defined in Section 158-4 of the Code of the Town of Wayland, within the Hazel Brook Watershed, the following Rights-of-Way within the District are designated as Scenic District Roads for the purposes of the definitions in Section 198-2402 of Article 24 now or at such time as Section 198 of Article 24 is adopted into the Code of the Town of Wayland: Peartree Lane, and Folsoms Pond Road.
2. In “B” – (See Map at Appendix A) should read (See Map at Appendix H)

PLANNING BOARD REPORT

The Planning Board held its public hearing as required by law on March 16, 2006.

Article 24 creates a new Scenic and Historic Road Overlay District (SHROD) and places a section of northeast Wayland, known as the Hazel Brook Watershed, into the District. The SHROD can be applied elsewhere in Wayland by placing land areas in the District by a two thirds vote at Town Meeting.

The bylaw protects a 25-foot buffer of land along the sides of some roads in the District by defining approved and regulated activities within the buffer. The twenty-five (25) foot buffer was set to be less than the thirty (30) foot front yard setback for that zoning district. Planning Board approval is required for regulated activities.

The Hazel Brook Watershed is an area reflective of the semi-rural quality of our community that is a characteristic of Wayland that is sought to be preserved, as described in the Wayland Master Plan. Its roads are the historic portal between Wayland and the semi-rural and open farming lands to our North and East. The woodlands and open space along its roads create landscapes, vistas and recreational resources available for all to enjoy.

The proposed amendment would protect the scenic vistas along scenic roads within the Hazel Brook Watershed. Furthermore, the SHROD would help to reduce the visual impact of roadside development in wooded areas and to preserve the canopy of mature trees over many of District’s scenic roads.

The application of the Scenic and Historic Road Overlay District in the Hazel Brook Watershed is designed to encourage the responsible development of this scenic area and not infringe on the rights and desires on homeowners

wishing to maintain and improve their property consistent with the positive values that already exist in the neighborhood.

Public Comments

The following is a brief summary of comments that were received from the public during public meetings, hearings, forums, and in written submissions.

Supporters of the Zoning By-Law have noted

Supporters endorse the SHROD because it serves to protect and preserve scenic vistas along scenic and historic roads within the Hazel Brook Watershed.

The SHROD bylaw would limit the amount of clear cutting developers could do when building new homes and subdivisions.

The SHROD is in keeping with the Master Plan.

The Bylaw provides guidance to the Zoning Board of Appeals to help preserve the neighborhood characteristics that residents want to protect.

One resident stated that he wished the bylaw had been in effect when the house he purchased was built over 10 years ago by a developer that had clear cut the land. The resident had to plant numerous trees and bushes to replace the vegetation cut down by the developer.

The SHROD bylaw does not prevent planting, plant husbandry and care, but preserves trees, stone walls.

Opponents of the Zoning By-Law have noted

Opponents perceive that the SHROD bylaw limits the ability of property owners to perform basic landscaping or use their property as they see fit and creates a process that requires Planning Board approval before certain maintenance and landscaping activities can take place.

Some residents perceive that the bylaw will require plot plans to be drawn up by surveyors at the expense of the property owner.

Open space is private land and there isn't that much developable land within the District.

The SHROD bylaw would limit the amount of clear cutting developers could do when building new homes and subdivisions.

Key Elements of the SHROD Bylaw

Purpose

The purposes of the Scenic and Historic Road Overlay District (hereinafter referred to as the "SHROD") include but are not limited to:

- A. preserving the woodlands and open space which contribute to the rural landscape and vistas along the ways of Wayland within the SHROD;
- B. maintaining the semi-rural character of Wayland;
- C. protecting and enhancing the scenic and historic features of the SHROD;
- D. promoting, as mutually compatible objectives, reasonable use of land and protection of natural resources and scenic views; and
- E. recognizing the value of rural landscape and vistas.

What Roads are Included in the SHROD as Protected Roads

Scenic roads within the Hazel Brook District (parts of Draper Road and Glezen Lane, Hazelbrook Lane, Lincoln Road) and Folsoms Pond Road and Peartree Lane which opted into the SHROD. Roads created after the District is established will also have protected road sides.

How the SHROD Bylaw Works/Approval Process

Before beginning any regulated activities (Please see below for a listing of approved and regulated activities.) within the scenic buffer the applicant must apply for a permit from the Planning Board by submitting:

1. a plan (for example, a sketch on a plot plan) acceptable to the Planning Board showing the proposed activity, and all stone walls, the location of all trees, the boundary of wetlands, prominent rocks, and other natural features within the scenic buffer and the boundaries of any Ways;
2. any documents, photographs or graphics that depict existing trees, structures, topography, large shrubbery, stone walls and fences within the scenic buffer in which the applicant proposes to conduct a regulated activity and the adjacent side of a way and immediately surrounding area of the affected lot within fifty (50) feet of the scenic buffer;
3. any mitigation and restoration plans for the scenic buffer as required by the Planning Board;
4. the text of the notice of the public hearing that identifies the location and nature of the proposed activity in reasonable detail; and
5. a statement that all other Town boards or commissions that may have jurisdiction over some or all of the proposed activity have been consulted and that appropriate applications for relief have or will be made.

The application paperwork, in many instances, can be drawn up using a tape measure, a camera and the plot plan available when the property was purchased by the applicant.

Development Standards

The following site planning standards will be applied by the Planning Board in its review and approval or disapproval of regulated activities within the scenic buffer:

1. A strip of natural vegetation within the scenic buffer shall be retained along the way (e.g., a road, street, public way or right of way) to reduce the visual and other impacts of roadside development in wooded areas and to preserve the canopy of mature trees in the SHROD.
2. Before beginning any regulated activities, the property owner must submit an application to the Planning Board for its review and determination that the proposed regulated activity will preserve to the maximum extent feasible and not impair the scenic, ecologic and historic features, which are to be protected in the SHROD.
3. Stone walls shall not be removed from the scenic buffer without Planning Board approval except for the construction of a driveway of minimum feasible width under applicable Town of Wayland bylaws and regulations or for construction of a road, common driveway or other common access to two or more lot under approval of the Planning Board as part of a subdivision, a cluster development or any other bylaw or regulation.
4. No new structure and no expansion of an existing footprint of a structure shall be permitted within the scenic buffer.

Allowed Activities

The following activities are allowed within the scenic buffer without coming before the Planning Board:

1. Ordinary plant husbandry, yard work, mowing and trimming.
2. Removal of dead or diseased limbs necessary to maintain the health of a tree, to contain noxious weeds and/or vines.
3. Planting of trees, shrubbery, flowers and other plant material.
4. Repairs to an existing structure.

5. Reconstruction of structures within the scenic buffer that may be damaged by a casualty
6. Installation, repair, or replacement of a mailbox conforming to the rules and regulations of the United States Postal Service.
7. Gaps in stone walls are allowed at the minimum feasible width to allow access for a driveway or a road approved under the Town's subdivision regulations.
8. Activities permitted under an approved Forest Management Plan, Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.

Regulated Activities

The following activities within the scenic buffer require prior approval from the Planning Board:

1. Any construction, reconstruction, alteration, expansion or structural change of a structure within a scenic buffer with the exception of repairs to existing structures or reconstruction of structures damaged by a casualty.
2. Cutting or removal of trees or the replacement of trees within a scenic buffer.
3. Removal of an undesirable tree (e.g., a tree deemed by a certified arborist, landscape architect or Tree Warden to be an invasive species or has grown in a manner that does not add scenic value to the district).
4. Any cutting or removal of trees (e.g., the removal of one or more trees, trimming of branches, cutting of roots, or grading or filling sufficient to impair the viability of a tree) within the bounds of a scenic road or a scenic road within the SCHROD.

Planning Board Comments:

According to Massachusetts Audubon Society *40 acres of open space are developed every day*. The Scenic and Historic Road Overlay District Bylaw (SHROD) protects what makes Wayland special for the many residents who moved to town for its scenic vistas of meadows, woodlands and farmland. By creating a scenic buffer, the SHROD preserves stonewalls dating from colonial days and mature tree canopies. Residents can plant trees, shrubbery, flowers and other plant material within the scenic buffer. Within the scenic buffer, repair to existing structures or reconstruction of structures due to casualty is also allowed. Residents can perform plant husbandry to trim dead or diseased branches. Regulated activities, such as removal of trees in the scenic buffer, require a simple approval from the Planning Board. The site plan can be drawn up using a tape measure, a camera and the plot plan available when the property was purchased by the applicant.

The Planning Board recommends for the article, by a vote of 5 to 0

AMENDMENT NO. 1:

Samuel Fardy moved and was duly seconded that the Town vote to amend the motion under Article 11 by excluding 31 and 35 Waltham Road.

VOTED ON AMENDMENT NO. 1: MOTION CARRIED

AMENDMENT NO. 2:

Deborah Tempesta moved and was duly seconded that the Town vote to amend the motion under Article 11 by excluding lots that are non-conforming to the Zoning Laws of Wayland therein.

VOTED ON AMENDMENT NO. 2: MOTION CARRIED

MOTION TO TERMINATE DEBATE:

Colleen Sheehan moved and was duly seconded to move the question.

VOTED ON MOTION TO TERMINATE DEBATE:

1ST VOICE VOTE: UNDECIDED
2ND VOICE VOTE: SCATTERING OF NOES

EXECUTIVE SUMMARY

The Landfill Review Panel (the "Panel") was established in August 2004, to review allegations that recyclable and other materials were being improperly disposed into the Landfill. What emerged from this review was an in-depth analysis of a Town function that has long been viewed as a source of both great pride and enormous tension in the community.

The Wayland Landfill, one of the few active municipal landfills still operating in Massachusetts, has long been a source of taxpayer savings for trash disposal. Due to Wayland residents' commitment to recycling, year after year, the Landfill recycles more material than it buries. Its statewide recycling statistics have long been among the best in the Commonwealth, and the Landfill is well recognized as a place that is cleanly operated and user-friendly. It also serves as an informal meeting ground where, for example, local fundraising and campaigning takes place.

In the summer of 2002, after an exhaustive two years that included the Town's successful defense of a criminal investigation initiated by the Commonwealth, the Town settled a civil action brought by the Commonwealth which alleged one instance of recyclables reportedly improperly disposed into the Wayland Landfill. Under the Settlement, in which the Town admitted no wrongdoing, the Town paid a \$15,000 penalty, and an additional \$10,000 penalty was waived as long as the Town did not commit a violation of the same regulation during the next two years.

In the summer of 2004, the Massachusetts Department of Environmental Protection and the Attorney General's Office (together, "the Commonwealth") informed the Town that, based on their receipt of new allegations, the Commonwealth was considering asserting a demand for the remaining \$10,000 from the 2002 Settlement and the possible imposition of new charges. In response, the Selectmen established the Landfill Review Panel to investigate these recent allegations and to determine if additional unreported improprieties may have occurred since the 2002 Settlement.

To ensure an impartial volunteer Panel that was well-balanced in terms of knowledge of the Town and without involvement in the issues leading to the 2002 Settlement,¹ the Selectmen appointed the Chair of the Board of Selectmen, Betsy Connolly; the Chair of the Board of Health (which oversees the Landfill), Michelle Wolf; and a Town resident, Ross Petty, who had no prior involvement in any Town governmental board or committee. The Panel was also assisted by Special Environmental Counsel, Lauren Stiller Rikleen of Bowditch & Dewey, LLP, also a Wayland resident. The Attorney General agreed to delay any legal action until the Panel could investigate and issue its report.

Panel members volunteered hundreds of hours to conduct a detailed and comprehensive investigation regarding the Landfill's operations. Panel members interviewed 35 Town employees, contractors, and residents over the course of 47 total interviews. Several of these individuals were interviewed more than once.

Despite extensive efforts by the Town and the Panel to meet with them, two of the three parties who made allegations to the Wayland Police and the Commonwealth refused to talk to the Panel unless, among other requests, immunity from further legal action was provided by the Town. Although the Panel was disappointed that they declined to participate, it did receive substantial information regarding the subject of their prior complaints from the Commonwealth, the Wayland Police, and interviews with employees, contractors and residents. All individuals interviewed were asked if they were aware of any questionable environmental activity in the two years covered by the Panel's investigation. With one exception, no one had any direct knowledge of questionable activity.

Further relevant to the Panel's investigation, the Commonwealth provided the Panel with 35 photographs of alleged or questionable environmental violations taken by the Commonwealth's informant(s). Many of the individuals interviewed were shown the pictures. Again, with one exception, no others corroborated any of the allegations tied to the pictures.

Many photos appear to be of normal Landfill operations: for example, empty cans and containers are routinely disposed into the scrap metal container or household rubbish. Others fail to distinguish between hazardous wastes, (e.g., oil-based paints) and non-hazardous wastes, (such as latex paint). A few photos examined by the

¹ Prior to Ms. Connolly's election to the Board of Selectmen, the Board in a meeting on April 22, 2002, voted unanimously to agree in principal to specific terms of the proposed Settlement and authorized Counsel to finalize a Settlement Agreement in line with the agreed-upon terms. Ms. Connolly was subsequently elected to the Board and was present on July 15, 2002, when the Board unanimously voted to execute the Settlement Agreement with the financial and other terms consistent with the Board's vote of April 22, 2002. Other than her attendance at this July meeting when the final vote took place, Ms. Connolly had no other involvement or participation in the enforcement history of this case. Ms. Wolf did not join the Board of Health until April, 2003.

Panel appear to have been submitted to the Commonwealth simply to see if they did, in fact, represent a possible environmental violation.

In light of the pervasive lack of corroboration of all but one of the allegations,² and lack of specific detail in many of the others, the Panel was particularly interested in photographs regarding two allegations: a load of trash which included a box of containers of an allegedly hazardous substance and a load of recyclable paper/cardboard apparently being disposed into the Landfill. The Landfill employee responsible for these photos reported to other parties that he was ordered to bury these loads in the Landfill by the Landfill Superintendent. Burying material in the Landfill is normally a two-person operation. However, the other Landfill employees interviewed stated that they had no knowledge of these two burial incidents. Further, the Landfill Superintendent says he did not authorize any such disposal. As noted in the report, these allegations are not credible.

The Panel is concerned that the Landfill Superintendent disposes of cans containing latex paint into the trash compactor, where the paint is absorbed by/dried onto the household trash before it is taken to the Landfill. The Panel confirmed that the Landfill Superintendent had previously discussed this occasional method of disposal with the Town's environmental consultant, who stated that the practice was not explicitly prohibited by regulation. Although the Panel confirmed with a Department of Environmental Protection official that the Town's environmental consultant and Landfill Superintendent's opinion is technically correct, the Panel believes this practice is both ambiguous to observers and not a best practice for latex paint disposal.

In conclusion, as a result of its exhaustive investigation, the Panel finds substantial doubt concerning the validity of the allegations regarding the disposal of recyclables in the Landfill or of containers alleged to contain oil-based paint or other hazardous wastes. With respect to these particular two incidents, the Panel was left with serious concerns about the credibility of the photos and the information provided by the informants.

Based on its analysis, the Panel proposes numerous detailed recommendations addressing future operations at the Landfill, as set forth in the Recommendations Section of this report. For example, the Panel recommends that the Town hire a consultant or other independent expert to be designated as the first authority or contact for anyone with environmental questions about the Landfill. This person should be authorized to resolve questions regarding the proper handling of materials at the Landfill and to assist in timely and effective responses to questions and concerns about Landfill operations. This should be supplemented by updating Landfill policies and training of employees as well as users of the Landfill regarding the latest, best environmental practices. Panel recommendations also address security concerns and improved management of the Landfill, including alternative organizational structures.

Employee relations are not the subject of this report, nonetheless these issues are relevant background to any understanding of Landfill operations. A deep level of distrust, anger, and resentment exists among a number of individuals who spend their daily lives working there. Since at least 1999, issues regarding the Landfill have resulted in the Town's expenditure of thousands of hours of time spent by Town volunteers. Similar amounts of time have been spent by Town employees, resulting in significant cost implications, including lost opportunities to spend on other Town business. In addition, in excess of \$250,000 in legal fees and environmental consultant costs have been spent on issues regarding the Landfill.

The Panel respectfully presents this Report with the hope that all involved—elected Town officials, Town administrative personnel, Landfill employees of all levels, and those who use the Landfill—will work together to ensure that the Town can preserve and enhance this valuable resource within the Town.

² One allegation was corroborated by a second Landfill employee, although the facts stated were somewhat inconsistent.

RECOMMENDATIONS

As emphasized previously, the objective of our investigation was to focus on the allegations of improper disposal of hazardous waste and recyclables. In the course of our investigation, however, we learned an enormous amount about the Landfill operations. As a result, our recommendations address all aspects of the Landfill, including recommendations to improve the handling and disposal of materials as well as recommendations to address the longstanding tension that exists between Landfill management personnel and certain Landfill employees.

It is important to note that some of the recommendations which follow are already in the process of being implemented. The Panel seeks, however, to ensure that all recommendations are included to ensure that there will be a comprehensive list and appropriate follow through. This is particularly important in light of the upcoming transition to a Town Administrator, and the periodic routine changes that occur in the composition of elected and appointed Town Boards that may have a role in Landfill operations, particularly the Board of Health and Board of Selectmen.

1. Operational Issues

1.1 Develop Landfill Environmental Oversight. The Panel recommends that the Town implement a process for independent oversight and review of environmental questions and concerns by a knowledgeable environmental professional. This professional oversight should be available to the Landfill Superintendent, employees and residents with questions about operations, and should serve as the required first step for raising and addressing environmental issues. Once an issue is raised, the expert should collect relevant facts, determine the applicability of relevant regulations and Town policy, and recommend appropriate steps to address the issue.

1.2 Create/Update Landfill Environmental Policies and Procedures. Currently, new and temporary Landfill employees are trained “on the job,” with little written documentation about how the various items of solid waste and recyclables should be handled. The Landfill operates, however, under significant regulatory requirements which require constant vigilance to ensure compliance. The foundation of such compliance is to create and update policies and procedures that address how various items and recyclables are to be handled under all applicable requirements including, for example, the disposal of: hazardous wastes (oil, anti-freeze, oil-based paint, etc.); latex-based paint; sharps (used hypodermic needles); thermometers; and other regulated materials. This recommendation also includes the fact that the Landfill Superintendent has been told to cease disposing of cans containing liquid Latex paint into the trash compacter.

1.3 Update Landfill Customer Service Policies. Apart from issues of what is permitted to be disposed of in the Landfill under law, many interviewees expressed significant confusion and concern about who was allowed to access the Landfill. This question is addressed in a document entitled, “Town of Wayland Sandhill Sanitary Landfill and Recycling Facility Rules and Regulations (1996)” (the “Wayland Requirements”). This document addresses issues such as Landfill hours of operation, sticker sales, limited collection of certain items, and access by Wayland commercial businesses. Of particular importance, the Wayland Requirements allow the Superintendent to use discretion to waive temporarily a provision if “an unreasonable burden would be incurred by a user or by the Landfill operation.” The Panel strongly recommends that the Landfill Superintendent and the Board of Health, with input from the Landfill employees, make reviewing and updating of this 1996 document a top priority. It is critical to update and clarify the many provisions of this document in order to minimize the confusion and concern of Landfill employees and residents who use the Landfill, particularly with respect to issues which may be in the Superintendent’s discretion.

1.4 Update Training. In addition to ensuring the appropriate documentation of applicable requirements, employees should receive periodic training to reinforce and update this information, and should be required to acknowledge in writing that they have received such training.

1.5 Develop Landfill Regulatory Manual. To ensure that all required permits and reporting requirements are kept current, a Regulatory Manual should be developed to articulate the various record-keeping and reporting

required by the Commonwealth and other agencies with jurisdiction over the Landfill. This Manual would identify the regulatory requirements for disposal of various items and would include a summary and explanation of all existing Landfill permits and related operational documents, including anticipated renewal dates.

1.6 Update/Create Educational Materials for Landfill Customers. Once the documents discussed in Section 1.1, 1.3, and 1.4, above are completed, new educational materials should be created for Town residents to provide them with the most up-to-date information concerning waste handling and disposal. These materials should be updated annually, highlight any new procedure(s), and be distributed with each sticker purchase. The Landfill might also consider scheduling “orientation programs” for new Landfill users to help them learn about proper disposal.

1.7 Document Collection Schedule and Costs for Town Departments. Existing trash collection arrangements between the Landfill and various Town Departments, including the schools, save the Town significant disposal costs. The Landfill Superintendent should document the current schedule and procedure for collecting trash and recyclables from the schools and other Town buildings. This documentation should also address the cost of this service, and allocate associated costs among the Town Departments.

1.8 Staff Environmental Committee. The Town’s Executive Secretary has recently set up an Environmental Committee staffed by relevant department heads with environmental knowledge, representing the areas of Town with ongoing environmental concerns. New issues are brought to the Committee for review, discussion and disposition. The Committee should work with the Town’s environmental consultant to develop a priority list of issues to address during the next fiscal year.

2. Landfill Management

2.1 Board of Health Oversight. The Board of Health must take a more active role in overseeing the operations and management of the Landfill. The Panel recognizes that the operations of the Landfill are unique, and may be outside the scope of many Board of Health members’ expertise. To ensure, however, that Board of Health members develop and maintain understanding of this important Town function under its jurisdiction, the Panel recommends that all Board of Health members participate in a tour of the Landfill as part of their orientation process. The Panel also recommends that the Board of Health require routine reporting from the Landfill Superintendent concerning Landfill operations and management.

In addition, the Board of Health would benefit from a more in-depth understanding of the recycling markets. Accordingly, as part of the annual budget process, the Board of Health should conduct a detailed review of the financial arrangements that exist between the Board of Health and the Landfill contractors, including an evaluation of equipment maintenance costs.

2.2 Implement Monthly Incident Reports to the Board of Health. To facilitate Board of Health oversight, we recommend that the Landfill Superintendent and Health Director implement a monthly report to the Board of Health. Included in this report would be a summary of incidents and other unusual events, including, for example, customer complaints, concerns, and recommendations, employee grievances, equipment failure and employee injuries and accidents. An “incident” form should be available for reporting occurrences to management, employees, and residents and for documenting appropriate follow-up. Reports of environmental incidents should include the recommendations and actions of the environmental consultant.

2.3 Resolve Human Resource Issues. The foundation of any employer-employee relationship is the common understanding of job-related expectations and periodic communication concerning whether those expectations are being met. Accordingly, the Panel recommends the following several steps:

- A. Implement an Ongoing Series of Management Training Programs. As part of a Town-wide program, we recommend that the Health Director and Landfill Superintendent receive periodic management training that addresses among others, the following areas:
 - Effective management/employee communication;

- Effective management/communication with the rest of the Town, including the Board of Health, Executive Secretary, Human Resource Director, the media, and others;
 - Developing, recommending and implementing policies and procedures (upon Board of Health approval); and
 - Records management and retention.
- B. Set Goals for Landfill Management and Staff. There must be a commitment throughout the Town, including the Board of Health and Landfill, to set clear goals and objectives for the various positions, and to conduct annual performance reviews to identify any shortcomings, define ways to correct issues, and ensure implementation of corrective actions.
- C. Improve Employer/Employee Communications. The Board of Health's recent adoption of the Landfill Guidelines is a first step toward effecting communication around job-related activities. There must be a commitment by everyone to adhere to the Guidelines and to discuss, evaluate and take proper steps to address issues and incidents once identified. The Board of Health, Health Director, Landfill Superintendent, and the Landfill employees must improve their communications with each other regarding feedback – positive and negative – relating to work performance and attitude.
- D. Resolve Employee/Employer Issues More Quickly. The Human Resource Director, Executive Secretary, Town Counsel, Personnel Board, Board of Health, and Board of Selectmen must improve the timeliness of response to employee/employer issues.
- E. Conduct Routine Staff Meetings. The working atmosphere at the Landfill has been challenging for all levels of Landfill employees. The Panel strongly recommends additional interaction between the Board of Health, the Health Director and the Landfill employees, and suggests that routine staff meetings be scheduled to encourage and facilitate training and interaction.

2.4 Institute Customer Service Training. It appears that a significant source of the tension at the Landfill stems from interactions with customers. The Landfill Superintendent takes pride in and should be commended for his commitment to customer service. In addition to making the Landfill an enjoyable experience, this approach encourages and facilitates the appropriate disposal of waste and minimizes the harmful environmental impact of waste disposal. In some cases, however, the Landfill Superintendent exercises his discretion, (as allowed under the policies and procedures), to temporarily waive a rule that the Landfill employees are otherwise expected to strictly enforce. This could be as simple as allowing customers who arrive just after Landfill closing to enter and dispose of their waste, allowing something to be left in the Give and Take area that might not ordinarily be allowed, or allowing a resident to leave wood behind if they are moving or will be out of Town for the next wood day. The result of the Superintendent's proper exercise of his discretion may inadvertently leave the employees feeling that they have been undercut and embarrassed in front of Town residents. The Superintendent should communicate to employees the basis for such decisions and ensure that, when he overrules an employee's decision, he does so in a way that is professional. All Landfill employees should receive additional training to identify these challenging customer service issues and to develop professionally appropriate ways to respond to customer requests and complaints.

3. Revise Organizational Structure

The Town is considering several structural changes that, if adopted, will impact the organizational structure of the Landfill. The Panel does not express a view on any particular outcome, but supports studying the feasibility of the following changes:

3.1 Create a Department of Public Works (DPW). The Board of Selectmen has developed a charge for a new committee to evaluate the feasibility of moving to a DPW. Several of the Town's operating departments, potentially including Highway, Water, Waste Water Treatment, the Landfill, and Parks and Recreation could become part of a DPW. The consolidation of the administration of various departments may result in cost savings to the Town overall and may lead to an improvement in Town services. Such a consolidation may also

facilitate the cross training of employees who could be more effectively and efficiently deployed to various Town projects.

3.2 Assess Privatization of Landfill Operations. As discussed above, most of the individuals with whom we spoke had very positive comments about the operation of the Landfill. The Panel is impressed with the considerable and continued effort by the Landfill Superintendent and employees to both maximize the life of the Landfill and to transfer certain waste and recyclables off-site for minimum costs. It is prudent, however, for the Town to develop a clearer understanding of the alternatives to Town operation of the Landfill, including the financial impact of the alternatives, particularly as the Town faces increasing challenges to fund and implement new projects.

4. Security

4.1 Improve Landfill Security. The Town recognizes its responsibility to prevent improper disposal at the Landfill. Since the Landfill is open only during specific hours, it is important to secure the facility when it is closed, to minimize the opportunity for illegal disposal. However, the extensive physical layout of the Landfill, and the need to share access with the Highway Department and Septage Treatment Plant are obstacles to completely securing the Landfill facility. The Panel recommends that a review of security be undertaken, with the assistance of a security consultant or the Police Department, to ensure reasonable additional efforts to secure the facility are identified and implemented.

Proper security at the Landfill requires that two additional topics in particular must be addressed: (1) the distribution of keys to the Landfill; and (2) installation of enhanced surveillance (e.g. video monitoring) to deter inappropriate access to the facility when it is closed. Additional areas for a security review might also include whether there are other ways to ensure residents comply with disposal rules. Finally, this review should address whether current efforts to secure off-site containers (e.g., at the individual schools) are sufficient.

5. Implement Town-Wide Recommendations

5.1 Review Town Document Policy. The Town should review and enhance, if necessary, its document maintenance policy to address when and how Town-owned documents are shared with the public. This policy should also identify the Town's "custodian" of records and address how individual Departments and/or employees should respond to public records requests, with proper notification to Town officials.

5.2 Create and Implement a Notification and Coordination Policy. The Town has had numerous incidents occur which require notification of and coordination with other Town departments. This is certainly true for both human resource issues and environmental issues; in both emergency and non-emergency situations. Consistent with our recommendation for an environmental expert, the Town should anticipate potential situations and identify in advance the proper notification and coordination actions, and track outcomes. A Town-wide policy should be created that includes both Town employee and department head notification and communication, as well as notification and communication to relevant Board and Committee members and residents.

5.3 Correct Inconsistencies in the Chain of Command in Addressing Town Issues. Sometimes the chain of command is administrative (via town employees, such as the Health Director, Executive Secretary or Human Resources Director) and sometimes the chain of command is Board-driven (via the Board of Health, Personnel Board, and Board of Selectmen). In some cases the chain of command is both administrative and Board driven, but certain parties may be left out of the chain of command. For example, The Board of Health has historically been left out of the employee grievance process when dealing with Health Department employees, despite the fact that the Board of Health is the Town's designated employer of these employees. The Town's policies need to be reviewed and an appropriate and consistent chain of command needs to be identified.

5.4 Enhance Police Department's Investigatory Efforts. In September of 2003, the Police Department referred the allegations it had received to the Commonwealth because it concluded that it could not effectively conduct the investigation with its existing resources, including the Department's lack of environmental expertise. In the future, the Panel recommends that the Police Chief and Town officials collectively evaluate the resources necessary for the Town to conduct its own investigations and make a determination whether to seek additional resources, if necessary. In this case, additional police work, including reviewing employment, repair, and other Landfill records may have allowed these issues to be appropriately addressed without further involvement of the Commonwealth.

BACKGROUND

Attorney General investigation and July, 2002 Settlement Agreement

On July 17, 2002, the Commonwealth of Massachusetts and the Town of Wayland entered into a Settlement Agreement to resolve a dispute arising out of allegations that the Town had violated certain provisions of the Solid Waste Disposal Act (M.G.L. c.111, § 150-150A) (the "Solid Waste Act"), at the Wayland Sandhill Sanitary and Recycling Facility ("the Landfill"). This settlement culminated an investigation which the Commonwealth had initiated more than two and a half years before these final documents were executed.

The Commonwealth's investigation was apparently initiated on December 19, 1999 when representatives of the Commonwealth, acting in response to informants, visited the Landfill to determine whether recyclable materials had been disposed into the Landfill in violation of the Solid Waste Act's Waste Control Regulations ("the Waste Control Regulations").

At the time of this visit, the daily cover had been placed over all of the day's operations in the working face of the Landfill, with the exception of a small area of plastic materials which had been left exposed, presumably in anticipation of the Commonwealth's inspection. For months following this inspection, the Town did not receive any follow-up information from the Commonwealth regarding the status of that inspection.

Although the Town was not notified, the Commonwealth convened a Grand Jury in 2000 to investigate allegations it received regarding activities at the Landfill. The Grand Jury process continued for more than a year as the Grand Jurors analyzed, among other things, thousands of pages of documents provided by the Town and interviewed witnesses, including Town volunteers and employees. Finally, in October of 2001, more than a year and a half after the Commonwealth's December, 1999 Landfill visit and the convening of the Grand Jury, the Town was pleased to be informed that no criminal charges would be brought by the Commonwealth.

Subsequently, however, the Town was informed that the Environmental Protection Division of the Office of the Attorney General (the "Attorney General") was considering the filing of civil charges against the Town based on some of the allegations that had previously been the subject of the Grand Jury investigation. By that point, the Town had invested enormous resources in refuting the allegations before the Grand Jury. Although the Town believed the civil allegations also lacked merit, the Town believed it was in the best interests of the Town to see if matters could be resolved without incurring the costs of litigation. Accordingly, the Town and the Attorney General began negotiations with respect to a possible settlement of this civil matter.

Finally, on July 17, 2002, the Town and the Commonwealth entered into a Settlement Agreement ("the 2002 Settlement") which included the following:

1. The Commonwealth asserted that the Town had violated the Waste Control Regulation³ by the placement of restricted material (i.e., recyclables) into the Landfill.
2. The Town denied the allegation, but agreed to a negotiated resolution of the matter, rather than litigation.
3. As part of the Settlement, the Commonwealth asserted a \$25,000 penalty against the Town: \$15,000 would be payable within 30 days of the Settlement; the remaining \$10,000 would be suspended, and then fully waived if the Town did not violate the Waste Control Regulation within two years after entry of the Settlement Agreement.
4. If, within this two-year period, the Town received notice from the Attorney General of additional violations of the Waste Control Regulation, then the \$10,000 would be due within 60 days, unless the Town

³ See 310 CMR 19.019 (3).

petitioned the Superior Court, which retained jurisdiction over the matter, for relief from the additional penalty. The burden of proof would be upon the Town to demonstrate that no additional violations were committed.

5. The Town was also required to provide the Commonwealth with quarterly submissions of receipts from all entities that receive material from the Landfill for recycling. Each submission was required to contain a certification by the Superintendent of the Landfill, signed under the pains and penalties of perjury, that: the records submitted were complete, true and accurate to the best of his knowledge; all reasonable efforts were made to prevent dumping into the Landfill of any material prohibited by the Waste Control Regulation; and, in fact, no such disposal had occurred or, if such disposal did occur, the Landfill Superintendent was required to identify the material and explain why it was disposed into the Landfill.

Post-Settlement Actions of Note

Since the 2002 Settlement, considerable attention and resources continue to be devoted to Landfill matters both within the Board of Health, the Personnel Board and among Town administrative personnel. In addition, following the resignation and termination of two Landfill employees in 2002, the Board of Health added two new full-time employees and one administrative assistant who were not employed at the Landfill at the time of the 2002 Settlement.⁴ The Town formed an Emergency Response Team to address threats of violence in the workplace that stemmed from concerns of Landfill personnel. Because complaints and personnel grievances by Landfill and other Health Department employees continued, the Town established two Task Forces in July, 2003, to address Landfill issues. One Task Force was created to develop more specific human resource guidelines for all employees regarding work place behavior and job related responsibilities. The other Task Force was established to identify and review the Board of Health responsibilities and requirements under Commonwealth law and determine how the Board of Health and its staff would carry out their responsibilities.

Creation of Landfill Review Panel

In July 2004, the Attorney General notified the Town that it had received information alleging that the Town had violated the Waste Control Regulation which was the subject of the 2002 Settlement. On or about July 15, 2004, the then Acting Chair of the Board of Health, the Chair of the Board of Selectmen, and Special Environmental Counsel for the Town met with representatives of the Commonwealth to discuss these allegations. At that meeting, the Commonwealth notified the Town that informants had alleged that recyclables, paints and other materials had been improperly disposed into the Landfill. As a result of these informants' statements, the Commonwealth stated its intent to assert its demand for the \$10,000 previously suspended in the 2002 Settlement and to consider opening a new enforcement action to address the additional claims.

The representatives of the Town requested that the Commonwealth provide the Town with an opportunity to undertake its own investigation. The Town officials present at the meeting felt strongly that the Town should investigate and take control of its own Landfill issues to bring them to a final resolution. The Commonwealth agreed to provide a limited period of time in which the Town could undertake such an investigation.

In determining the appropriate way for the Town to conduct a comprehensive investigation of this matter, the Town considered a number of options. Of primary concern was a need to create a process that would anticipate and respond to objections that had been raised by individuals in the past. For example, Town officials were mindful of previous criticisms that Town personnel had not adequately investigated prior allegations. To avoid this criticism arising again, the Board of Selectmen opted to create an independent panel, rather than appoint an administrative employee to lead the investigation.

The Town also was concerned that, in order to ensure witnesses responded honestly and openly to the Panel's inquiries, confidentiality would be an important part of the process. Indeed, the Town knew that the Commonwealth's informants sought confidentiality when they brought their current allegations to the Commonwealth. Accordingly, in August, 2004, the Board of Selectmen created the Landfill Review Panel pursuant to M.G.L. Chapter 41, Section 23B, which authorizes the Board of Selectmen (the "Board") to conduct an investigation.

⁴ Of relevance to several of the allegations addressed in this report, another employee also was hired at the Landfill but was terminated at the conclusion of his probationary period.

The Panel was, therefore, established as an investigatory body under Massachusetts Law to review allegations made to the Commonwealth relating to the Town's Landfill disposal operations. The Board appointed to the Panel: the Chair of the Board of Selectmen, Betsy Connolly; the Chair of the Board of Health, Michelle Wolf; and designated Lauren Stiller Rikleen to serve as Special Environmental Counsel to the Committee. The Board also authorized the Panel members to identify an independent resident of Wayland to serve as a third member of the Panel. Subsequently, Ross Petty, a Wayland resident and college professor with no prior involvement in Town government, was appointed to the Panel.

Under the statute authorizing the investigation, the Final Report (the "Report") of the Panel will be placed on file with the Town Clerk and included in the Annual Report of the Town.

At the outset, the Panel developed operating Guidelines by which it would conduct its business. The Panel was established as an investigative body, not to be a governmental body subject to the Open Meeting Law. In order to maximize the likelihood that people would come forward and speak openly and honestly, the Guidelines stated that the witness interviews would be conducted in closed sessions.

The Guidelines also stated explicitly that interviews were voluntary. No Town employees—or any other individual—would be required to meet with the Panel if they otherwise chose to decline the Panel's invitation. The Guidelines also noted that the process was not a quasi-judicial proceeding and, therefore, individuals would not be under oath nor would the interviews be documented verbatim. Finally, and also of significance, the Guidelines stated that the Report would incorporate all relevant facts that could be reasonably substantiated, regardless of the potential consequences to the Town.

Subsequently, however, a lawsuit challenged this status and asserted that the Panel was a governmental body subject to the Open Meeting Law. A Superior Court decision concluded that the Panel had to comply with the Open Meeting Law requirements. Rather than spending the time and resources to appeal this decision, the Panel continued its work in accordance with the Court's ruling, attempting to sort through the long list of allegations, complaints and grievances as quickly as possible so as to bring the investigation to closure.

The Panel began its investigation by developing a list of potential witnesses to interview. The Panel chose to be as widely inclusive as possible in identifying individuals to contact. For example, the Panel included on its list of potential interviewees every employee of the Board of Health, including those whose functions were primarily administrative, as well as those who work at the Landfill. Additional potential witnesses included employees from other Town Departments who may have worked occasional part-time hours at the Landfill, as well as several former Landfill employees. Key administrative personnel in the Town whose job responsibilities may have involved addressing Landfill-related issues were also included, in addition to volunteers and other Town residents identified as having significant knowledge of Landfill activities. Others identified as potential witnesses were third-party contractors whose responsibilities brought them into regular contact with the Landfill, including the consulting firm responsible for environmental oversight of the Landfill and the firm performing the work necessary to cap the Landfill. In addition, at the conclusion of every interview, the Panel asked the interviewee if he or she could identify any individuals who would be helpful for the Panel to include in its list of witnesses.

By the conclusion of the process, the Panel had interviewed 35 individuals over the course of 47 interviews; only 7 declined the Panel's request to meet. Among these were one past and one present Landfill employee who have repeatedly made public allegations of improper disposal at the Landfill. Yet, notwithstanding repeated requests, these individuals refused to share their information with the Panel unless certain conditions were imposed, including that the interviews took place in a public meeting, immunity was granted, and in accordance with other demands that the Panel determined were neither acceptable to the process established, nor fair to the numerous other witnesses who shared information with the Panel without conditions.

LANDFILL OPERATIONS

The Panel was struck by the frequency with which it heard positive comments expressed about the efficient and clean operation of the Landfill. Several interviewees with experience at other landfills commented that Wayland was the best-run landfill they have seen. Some of the statistics provided to the Panel or culled from public records include the fact that, from 1990-2003, the Town recycled in excess of 50 thousand tons of material and buried 42 thousand tons of trash in the Landfill. It generated more than \$245,000 from the recycling program, and saved the roughly 75 percent of town households that use the Landfill over \$6 million in disposal fees.⁵ Moreover, the Landfill has received numerous awards for recycling.⁶

The Town charges \$195 for the full use of the Landfill. For this, Wayland residents obtain a one-year automobile sticker which authorizes them full access to the Landfill on the days it is open to the public--typically Saturdays, Tuesdays, and Thursdays. There, residents find large containers to dispose of their household refuse and to recycle cardboard and paper, plastics, metal cans and foil, and glass. Those who wish to forgo their deposit can leave returnable bottles and cans as well.

A "recycle only" sticker is available for a minimal fee to residents whose household garbage is picked up by a private contractor. Those sticker holders use a smaller, separate area for recycling located to the immediate left of the facility after entering. Residents can also purchase a one-time-only disposal permit for \$35.

Approximately 3,000 households choose to purchase the full service sticker; approximately 300 households typically purchase a "recycle only" sticker. Under a Department of Environmental Protection program to encourage commercial recycling, Wayland businesses also may use the facility either to recycle or to dispose of other materials, but they pay by the weight of the load.⁷

In addition, the Landfill houses containers for the collection of a number of items such as large metal objects, tires, computer monitors and TVs, used videotapes, eyeglasses, styrene packing "peanuts," ink and toner cartridges, and both automotive and household batteries. Containers also are available to collect paint thinner, antifreeze and used motor oil, as well as oil filters. There also is a "Give and Take" area for useable household items, a book exchange, and charity drop-off stations that collect useable clothing and other household items.

The first Saturday of each month is "Wood Day" when residents are allowed to dispose of yard wood and brush, as well as unwanted finished wood products. Twice a year, the Landfill offers a Hazardous Waste Collection Day to which residents can bring paints and other chemicals which require special handling and disposal.

Previously, residents had to sort plastics, various types of paper and cardboard and different colors of glass into separate containers. Since October 2001, Derosa Contracting, Inc. of Lynnfield, MA ("Derosa") has been picking up cardboard and paper in one container, all types of glass in another, and plastics, tin cans and foil in a third. This opportunity to combine certain recyclable materials makes recycling easier for residents. Not only is this new service easier for residents, but Derosa provides two compactors and several trash containers for Town use and picks up the recycled materials at no cost to the Town. As a result, Landfill employees no longer have to transport these materials for disposal, thereby saving the Town money by reducing employee overtime. With the exception of material deposited in the Landfill, all other materials are picked up by various contractors and charities. For example, printer and toner cartridges also are collected at no cost to the Town by Lasertone. Landfill employees deliver car batteries to Framingham Salvage which accepts them at no cost to the Town.

Market conditions for waste and recyclable materials vary over time. Currently, two firms pay the Town for materials: Flow, Inc. accepts refundable bottles and cans and earns 10 percent of the total of returned deposits. Framingham Salvage pays \$5 per ton for scrap metal and iron that Landfill employees deliver.

The Town currently pays other contractors to dispose of less desirable and hazardous materials. Table A sets forth the current arrangements in place at the time of the Panel's investigation.

⁵ See document entitled "How Wayland Measures Success, Board of Health, Landfill Division, 14 Years from 1990-2003."

⁶ See Joe Sulman, "King of the Recycling Hill" *Wayland Town Crier*, 1, 5 (Aug. 16, 2001), the Landfill has received the following awards: 1996-House of Representatives Municipal Recycling Award; 1997 MASSPIRG Award for Recycling Excellence; 1998 Senate Citation as No. 1 Recycling Community in Massachusetts; 1999 House of Representatives Recognition of Commitment to Recycling; 2000 House of Representatives Leadership in Recycling; 2000 Massrecycle Municipal Recycling Award; 2001 House of Representatives, Dedication to Recycling Award; 2002 The Department of Environmental Protection Recycling Award.

⁷ See Town of Wayland, Sandhill Sanitary Landfill and Recycling Facility Rules and Regulations (1996).

TABLE A

Household batteries	Northeast Lamp	\$1.64 per pound
Electronics	CRT Recycling	\$7 each or \$.10 per pound
Plastic bags	Conigliaro Industries	\$.09 per pound
Tires	Mainline Tire	\$1.50-\$5 each
Fluorescent lamps	Northeast Lamp Recycling	\$.12 per linear foot
Antifreeze, thinner	Advanced Liquid Recycling	\$.65 per gallon
Oil filters	same	\$275 per container
Paint thinner	same	\$175 per 55-gallon drum
Waste oil	Cyn Environmental	\$.20 per gallon
Propane tanks	Tank Recyclers	\$1 each
Wood grinding	Waste Management and Commercial Paving & Recycling	\$90-\$100 per ton

In addition to the above, materials from the “Recycle-Only” area (plastics, glass, cardboard/paper) is delivered by Landfill employees several times a month to E. L. Harvey to whom the Town pays \$55 per ton for disposal.

The Landfill employees work Tuesday through Saturday, and the Landfill is generally closed on Sundays and Mondays. Wednesdays and Fridays are workdays for Landfill employees even though the facility is closed to residents. The employees pick up trash and recyclables from Town buildings and schools on those days. Refuse is typically buried in the Landfill on Wednesdays. This is a two-person operation, requiring one person hauling the large containers up onto the Landfill, and another using a bulldozer to cover the refuse with dirt. Friday is a five-hour work day where, among other tasks, the employees also ensure that all areas are ready for the busy Saturday ahead.

While the gates are locked when it is closed, Landfill employees and the Superintendent have keys, and it is relatively easy to enter on foot. During the winter, highway employees enter to load salt/sand for road treatment from the shed located on Landfill property.

The Landfill has developed various back-up systems to help in its response to such challenges as equipment malfunctions and unexpected employee absences. For example, the Landfill has an agreement with Sudbury and Lincoln to borrow each others’ trucks when needed and, in return, the Town agrees to take in Lincoln’s brush.⁸ When Landfill employees are absent, under the union contract, Highway Department employees and then Recreation Department employees are offered overtime to work at the Landfill.

Over a period of several months in late spring and summer, 2003, Nonantum Corporation (“David Welch”) capped part of the Landfill and had several employees on-site, at different times, during weekdays. Through an arrangement with other contractors who needed to dispose of clean fill, the Landfill capping project resulted in a payment to the Town of approximately \$400,000 to cap this section of the Landfill. As part of this project, the Town’s environmental consultant, Camp Dresser & McKee (“CDM”) designed and supervised the capping project and was on-site full-time. Under a separate arrangement, CDM inspects Landfill operations every other month, samples gas every quarter, and tests groundwater twice a year. CDM also serves as a consultant on disposal issues for the Landfill Superintendent. The Town also engaged an environmental consultant from Harvard Project Services who occasionally conducts audits or training activities if requested.

⁸ See Composting and Brush Pilot Program between the Town of Lincoln Department of Public Works and the Town of Wayland Transfer Station, signed May 27, 1999.

THE ALLEGATIONS

The Panel has identified a total of 10 allegations of improper handling and disposal of material since the July 2002 Settlement. As noted below, some of these incidents were withdrawn, and several pictures provided to the Commonwealth did not include any accompanying allegation reported by the Commonwealth in any of the statement sources or witness interviews.

The Panel has looked extensively into each of the allegations, including asking each witness if they knew of any environmental improprieties at the Landfill. The Panel has also discussed each allegation with Commonwealth officials.⁹ The discussion below summarizes the details of each allegation and analyzes whether an environmental violation took place.

Further, the Panel looked at whether anyone else corroborated the allegation. In light of the number of people who are at the Landfill site on any given day, one would reasonably expect at least some of the alleged incidents to be witnessed by more than one person. Next, the Panel also provides a summary of the Landfill Superintendent's response. Finally, the Panel offers comments that are relevant to reaching a conclusion.

1. November 5, 2003—Contaminated cardboard buried in the Landfill without notification to the Commonwealth

Source:

This allegation is based on two sources, Informant No. 1's report to the Commonwealth and seven pictures provided to the Commonwealth by Informant 1.

Summary of Allegation:

Informant 1 alleged that the trash compactor broke and the Landfill Superintendent instructed the employees to have the residents put their household trash into the cardboard compactor which would contaminate the cardboard load. Informant 1 told the Commonwealth that he was directed by the Landfill Superintendent to bury the entire load of contaminated cardboard in the Landfill. Informant 1 reported to the Commonwealth his belief that the Commonwealth was not notified about the incident as required by the 2002 Settlement. Informant 1 also noted that McGuire of Readville was called and that they fixed the compactor within two hours.

Pictures:

The pictures show a Wayland Landfill truck cab with a container marked with a U.S. Postal Service logo on it apparently at the top of the Landfill with a large load of paper and cardboard on the ground and in the process of being disposed from the container; the photos also included close-ups of the paper and cardboard material. Each of the photos provided by the Commonwealth have a handwritten date of November 5, 2003 on the back, presumably written by Informant 1.

Landfill Superintendent's Response:

The Landfill Superintendent initially did not recall any knowledge of this incident. He told us that the compactors do break on occasion, although not frequently. He subsequently recalled what appears to be the same incident. He stated that when the trash compactor broke down, he closed the ram to the cardboard compactor, thereby preventing any further material from entering the container. He then asked Informant 1 to pull the cardboard container, set it aside for Derosa Contracting, Inc., to pick up, and then connect an empty container to the cardboard compactor to collect garbage. Meanwhile residents placed their trash on top of the closed ram, which was

⁹ The Commonwealth shared with the Panel information from informant interviews. However, the Commonwealth did not identify their informants by name and we have followed that format. The Commonwealth provided the Panel with pictures provided to them by Informant 1. To preserve anonymity, we refer to all witnesses as "he." During a December 2004 interview with a Landfill employee, the employee made reference to the disposal of a partially full can of driveway sealant into the trash compactor. He also noted that a disposed couch had sealant on it and that the sealant also splattered onto the bulldozer when the container was crushed by the dozer's treads. Because the employee indicated that the incident occurred during that day's operations, the Panel then asked to speak both with the other Landfill employee who reportedly was present when the can was disposed into the compactor as well as with the Landfill Superintendent. A Panel member then went to the Landfill to inspect the bulldozer but found no evidence of driveway sealant on the bulldozer treads. The reporting employee and others present seemed to acknowledge that there was no problem that day and that the container of driveway sealant must have been empty. This was the only example of a possible incident that the Panel was able to investigate at the time of its alleged occurrence.

opened only after the empty container had been attached. The Landfill Superintendent also directed that an empty, open-top container be moved into position for use by the residents to dispose of cardboard. The Landfill Superintendent did not order the cardboard container disposed at the Landfill.

Analysis:

Did the witness see the items disposed in a Landfill compactor?

Although trash was temporarily placed on top of the cardboard compactor, the Superintendent stated the container with the recyclables was sealed off from the compactor while a new container was attached, thereby avoiding any contamination. The informant does not comment on whether the ram was open or closed and may not have seen this detail because he was busy moving the containers.

Did the witness confirm that the containers still held hazardous materials when they were placed in the compactor?

The alleged violation in this case involves improperly disposing of recyclables in the Landfill, not hazardous waste.

Were the materials actually buried in the Landfill?

Informant 1 told the Commonwealth that, at the direction of the Landfill Superintendent, he buried this load of cardboard contaminated with trash in the Landfill. He also took pictures of the material on top of the Landfill before it was buried. The Landfill Superintendent denied knowledge of any contaminated cardboard and denied ordering its burial into the Landfill.

The other employee who worked on burying containers that day stated he was not involved in the disposal of this container and also did not see pictures being taken.

Additional Comments:

The Panel confirmed the compactor broke on Saturday, November 1, 2003 based on an invoice from McGuire for repairing the compactor that day. According to attendance records, the Landfill Superintendent, Informant 1 and two temporary employees worked that day. The first temporary employee did not remember this incident. The second temporary employee had limited memory of the incident, but thought the back-up system (as previously described by the Landfill Superintendent above) was appropriate. The second temporary employee did not know if the ram was open or closed.

We have not discovered that anyone else reported this incident to the Police, Town officials, or the Commonwealth. November 5, 2003 (the date of the photos) was a Wednesday; the regular day Landfill trash is buried. We confirmed that Informant 1, the Landfill Superintendent, and a second Landfill employee were all working that day. We met with the Landfill Superintendent and the second employee, who both denied any knowledge of the burying of this material on the Landfill. The second employee pointed out that burying trash is a two-person job and said he would have been present at the top of the Landfill with Informant 1 as he was on duty that day. The second employee has no knowledge of pictures being taken by Informant 1 on this day or any other days they worked together burying trash. The Landfill Superintendent confirmed that burying trash is always a two-person job.

The Landfill Superintendent identified the U.S. Postal Service container as belonging to Derosa Contracting, Inc. of Lynnfield, MA, the contractor who collects recyclables at the Landfill; Mr. Derosa confirmed for Counsel of the Panel that it was their container. According to the Landfill Superintendent, Derosa's containers are not supposed to be hauled by Wayland Landfill trucks or by Wayland Town employees, and should not have been at the top of the Landfill. The photos clearly show cardboard and paper, but witnesses disagreed on whether they could identify household trash in the load as well. The Panel also inspected the tonnage of recyclables removed from the Landfill by the contractor, and saw no abnormalities in the amounts during this particular week in November compared with other weeks during the year.

2. Oil-based paint cans disposed into scrap metal bin.

Sources:

This allegation is based on four sources: (1) A signed complaint by Informant 2 dated June 13, 2003; (2) Police Report dated June 19, 2003 documenting an interview with Informant 2 on June 18, 2003; (3) a Letter to the Editor of the Wayland Town Crier; and, (4) statements made to the Commonwealth. The Commonwealth had no pictures directly related to this allegation.

Summary of Allegation:

Informant 2 alleged that he saw the Landfill Superintendent: "...come out of the Hazmat trailer [the shed] with 4 to 6 gallons of oil-base paint that were half-full to full. The paint cans had been in the trailer for over a week. [The Landfill Superintendent] took them to the scrap metal dumpster and threw them in. Later that morning I went over to confirm that the cans of paint were in the metal dumpster. This happened sometime in March [2003]."¹⁰

As part of this allegation, Informant 2 stated that the cans were located behind some batteries and that he "picked the cans up and found them to be approximately three-quarters full." Informant 2 told the Police that, "Another Landfill employee, [Informant 1] had also seen the cans."

Landfill Superintendent's Response:

The Landfill Superintendent denied the allegations verbally and in writing to the Health Director and Human Resources Director, and in writing to the Board of Health and verbally to the Landfill Panel.¹¹

The contents of the scrap metal container are regularly removed to Framingham Salvage. In June, 2003, the Landfill Superintendent had his administrative assistant type a letter that would be from Framingham Salvage. The letter, dated June 18, 2003, was signed by the President of Framingham Salvage. The President of Framingham Salvage subsequently confirmed to Counsel for the Panel that he had signed this letter. The letter states that they "are required to inspect every load for hazardous waste because we have to follow strict EPA and Commonwealth guidelines and any contaminated load would be rejected. Loads containing empty cans or cans with dried up paint are accepted, but any load with liquid paint is rejected." It is the Panel's understanding that Framingham Salvage has never rejected a load of scrap metal from Wayland.

Analysis:

Did the witness see the items disposed in a Landfill compactor?

Informant 2 says in his written complaint dated June 13, 2003 that he saw the Landfill Superintendent throw the cans in the scrap metal dumpster, but in his interview with the Police, he states that he did not see what the Landfill Superintendent did with the cans because he was out of view of the scrap metal bin. In his Letter to the Editor (Wayland Town Crier), Informant 2 states that he had reported previously to the Human Resources Director that the Landfill Superintendent disposed of four to six gallons of oil-based paint "directly into the Landfill."

Did the witness confirm that the containers still held hazardous materials when they were placed in the compactor?

In his written complaint dated June 13, 2003, Informant 2 states that the cans were four to six gallons of oil-based paint. In the Police Report, Informant 2 says he noticed four to eight one-gallon cans of oil based paint in the hazardous waste trailer. He says he picked up the cans and noticed they were approximately three-quarters full of paint. He stated that this was on a Tuesday or Thursday and the cans were disposed of on Saturday. There was no confirmation that the same paint cans were placed in the scrap metal bin or that they still contained any paint at that time. Metal paint cans are routinely disposed of in the scrap metal bin once they are emptied of their contents or their contents have dried out. We confirmed with the Commonwealth directly that applicable regulations allow the disposal of such containers.

¹⁰ The Police Report of June 19, 2003, contained a written statement by Informant 2 dated June 13, 2003.

¹¹ The written denial is dated June 23, 2003.

Were the materials actually buried in the Landfill?

In his reports to the Police and the Commonwealth, Informant 2 indicated that the cans were placed in the scrap metal bin that is hauled to Framingham Salvage, not buried in the Wayland Landfill. In his Letter to the Editor, he says the cans were disposed into the Landfill.

Additional Comments:

Although the Letter to the Editor states that this incident was reported to the Human Resources Director in March 2003, according to the Panel's interview and review of documentation, there is nothing documenting any written or verbal report of the incident to the Human Resources Director, the Police or the Commonwealth by Informant 2 in March 2003 when the incident allegedly occurred. Informant 2 told the Commonwealth that the incident occurred in March 2003 but the Commonwealth meeting was not held until January 8, 2004. Based on public information,¹² the following points are relevant:

1. Employees go through a minimum six-month probation period in Wayland (putting Informant 2's hire date at November 29, 2002 and end of six-month probationary period on May 29, 2003).
2. Informant 2's one-month extension of his probationary employment status was scheduled to expire on June 29, 2003.
3. It was not until June 13, 2003 after Informant 2 knew his employment status was uncertain that Informant 2 provided a written statement about the incident. The statement was reviewed and discussed with a Police detective on June 19, 2003.¹³
4. Informant 2 kept a personal log of Landfill issues during his employment and provided the log to the Board of Health. Despite numerous other events that are documented between February 8, 2003 through early May 2003, including two non-environmental incidents in March, the log does not mention this incident at all.
5. On June 20, 2003 Informant 2 was notified that his employment status would be discussed at the Board of Health meeting on June 24, 2003.
6. Ultimately a motion to terminate Informant 2 was passed at the June 24, 2003 Board of Health meeting.
7. Despite the fact that Informant 2 indicated that Informant 1 had also seen the cans, the allegation is not mentioned at all in Informant 1's Police Report nor did he mention it to the Commonwealth.

3. September 18-20, 2003 – Two Allegations that adhesives and solvents were disposed in the trash compactor and then into the Landfill.**Sources:**

These two allegations are based on four sources: (1) a Police record dated September 18, 2003; (2) information from two separate Commonwealth informants; (3) pictures provided to the Commonwealth; and (4) Panel interviews.

Incident 1

Informant 1 reports that on Wednesday, September 17, 2003 he saw hazardous material one-quart and one-gallon size cans containing adhesives and on [Thursday] September 18, 2003, he "observed [the Landfill Superintendent] transfer these cans in a shopping cart from the oil trailer [hazardous material shed] to the household trash compactor. The Landfill Superintendent then deposited the cans into the trash compactor." Informant 1 stated that a second employee, Informant 3, observed the Landfill Superintendent's actions. Informant 1 asked Informant 3 if he also witnessed what Informant 1 observed; Informant 3 responded affirmatively. The following day, Friday, September 19, 2003 the Landfill Superintendent reportedly instructed Informant 1 to bury the compacted waste into the Landfill.

¹² June 20, 2003 material provided to Board of Health for employment status discussion and June 24, 2004 Board of Health minutes regarding the extension of the probationary period to June 29, 2003 and motion by Board of Health to terminate employee.

¹³ Wayland Police Report dated June 19, 2003.

Incident 2

In addition, according to the Police Report, Informant 1 also stated on September 18, 2003 that “there are currently three boxes of one-gallon cans containing paints and solvents (combustible) in the garage on the property. He believes that [the Landfill Superintendent] may dispose of these items improperly as well. He has witnessed [the Landfill Superintendent] accepting hazardous materials from persons visiting the Landfill.” The Police Report says that Informant 1 will be contacting him with further information.

Informant 1 also told the Commonwealth that on Saturday, September 20, 2003 when he was on a day off, he called the Landfill and Informant 3 told him that he witnessed the Landfill Superintendent throwing more paint-related material from the shed into the compactor.

Informant 3 stated to the Commonwealth that he has witnessed the Landfill Superintendent “come out of the shed with cans of paint thinners and solvents and saw him dump them into the trash compactor at the Landfill. The compactor is then emptied into the Landfill.” In addition, on or about September 20, 2003, Informant 3 found “boxes stored outside the restroom facilities and wondered what they were doing there.” Informant 3 “looked into the boxes and pushed the container and saw they had liquid in them.” Later that morning, Informant 3 “witnessed [the Landfill Superintendent] walking toward the compactor with this paint-related material and observed him dump it into the compactor.” Informant 3 told the Commonwealth that “the paint was carried in [the Landfill Superintendent’s] hands.” Informant 3 told the Commonwealth that “later this morning he related the incident to Informant 1.”

Pictures:**Series 1 – Uncompacted trash at top of Landfill**

Three pictures provided to the Commonwealth are marked on the back with the date of September 19, 2003, and show what appears to be uncompacted household trash being disposed of at the top of Wayland’s Landfill. At the top of the uncompacted trash is a box marked Itek Graphix which contains non-compacted jugs which appear to be full of some type of liquid (one of the jugs was provided to the Commonwealth for testing by Informant 1). There is also a fully intact white five-gallon bucket in the pictures.

Series 2 – Container and paint

According to the Commonwealth, this one picture of containers and paint thinner on the hopper in the trash container was tied to the incident depicted in the Series 1 photos above in which the Itek Graphix solvent jugs were allegedly improperly disposed in the compactor and buried in the Landfill by Informant 1.

Series 3 – Containers in hazardous waste shed (Not a reported allegation.)

Informant 3 took this one picture (a Polaroid marked with the date 7/26/03) of containers in the hazardous materials shed. According to Informant 3, this picture was taken at the suggestion of the Informant 1 who provided all the other pictures to the Commonwealth. According to the Commonwealth, there was no specific allegation related to this picture; just documentation of hazardous material accumulated at the Landfill (although it is not clear from looking at the picture that the material is hazardous waste).

Series 4 – Three boxes of containers stacked in garage

Four pictures provided to the Commonwealth show a stack of three cardboard boxes with cans/containers of various products in each of the boxes. The stack is located near the restroom door in the Landfill garage.

Series 5 – Cans on cinder blocks in back of Landfill 2003 (No reported allegation.)

Three pictures provided to the Commonwealth show about 20 cans of alleged hazardous waste (paints and solvents) placed on the cinder blocks at the back of the Landfill transfer station area. The background of the pictures shows the Landfill during the capping process with grass growing in the background. We learned that hydro seeding of the capped portion of the Landfill began the first week of October 2003. Therefore, the pictures were taken in October 2003 or later. There is no allegation that these materials were improperly disposed of in the Landfill, and there is no allegation that any hazardous materials were improperly disposed during this time period. The Commonwealth reported to the Panel that these photos were related to the above incidents, but there is no specific allegation of improper disposal involving these materials.

Landfill Superintendent's Response:

The Landfill Superintendent denies that he improperly disposed of hazardous materials. The Landfill Superintendent further stated that because latex paints are not a hazardous waste, he will, on occasion, empty the residual contents of latex cans onto the accumulated materials in the dumpster which dry as paint on the other trash before the trash is subsequently disposed in the Landfill. The Landfill Superintendent stated that he had consulted with the independent environmental consultant hired by the Town who had told the Landfill Superintendent that he could not come up with any regulation that would prohibit Landfill personnel from disposing of cans containing some amount of liquid latex paint into the trash compactor.

The Landfill Superintendent further observed that he believes the trash in the photograph is the plastic "recycle only" material that is an open bin (not compacted trash) that a contractor, E. L. Harvey, hauls away. He based this observation on the fact that the dark bags in the pictures looked like those used by the Wayland schools for disposing of milk jugs. The Landfill Superintendent commented that also present in the pictures are large plastic pails that are too big to fit through the grid on the plastic compactor. For this reason, they also are disposed of in the E. L. Harvey container, rather than compacted.

Analysis:**Did the witness see the items disposed in a Landfill compactor?**

Informant 1 states that on September 18, 2003 he saw the Landfill Superintendent dump hazardous material that had been in the shed, from a shopping cart into the compactor. He did not see the second incident that reportedly took place on or about September 20, 2003 as he was on vacation that day. But both Informants 1 and 3 reported to the Commonwealth that Informant 1 nonetheless called on that vacation day and spoke to Informant 3, and Informant 3 told him that the Landfill Superintendent disposed more hazardous material into the compactor.

On or about September 20, 2003, Informant 3 saw the Landfill Superintendent push the shopping cart of material from the garage and dispose of the contents into the compactor. However, when Informant 3 met with the Landfill Panel on two occasions, he told the Panel both times that while he saw the Landfill Superintendent push a shopping cart with two boxes of hazardous material across the parking lot and carrying hazardous materials in his arms, he did not actually see the Landfill Superintendent dump the material in the compactor either time.

Did the witness confirm that the containers still held hazardous materials when they were placed in the compactor?

With respect to Incident No. 2, Informant 3 told the Commonwealth that he looked into the boxes and pushed the container and noted they had liquid in them.

Were the materials actually buried in the Landfill?

Informant 1 told the Commonwealth that, at the direction of the Landfill Superintendent, he buried this contaminated trash in the Landfill. The pictures of apparently uncompacted trash provided by Informant 1 do not appear to match the allegation that the hazardous material was deposited in the trash compactor. No other source observed this alleged burying.

Additional Comments:

While the shopping cart incident is reported by two separate informants, their accounts differ on several important aspects. Informant 3 stated to the Panel during two separate interviews that he was alone when the incident took place. Informant 1 reported that Informant 3 was present, and he confirmed that they had both seen the same thing. Informant 3 told the Panel that the shopping cart contained two of the boxes of materials that were photographed in the garage, yet the photographed Itek materials on the Landfill do not match the materials in the garage photograph. Informant 1 told the Commonwealth that the material came from the shed. It seems unlikely that the Itek bottles would remain intact, remain in the box, and land upright in the Landfill through the compacting and dumping process. Furthermore, Informant 1 admits to taking one bottle out of the box after the photo was taken and giving that bottle to the Commonwealth. Almost as easily, he could have removed the entire box of containers before burying the remaining trash.

The pictures provided by the informants to the Commonwealth show a substantial amount of paint cans and bottles/jugs at the Landfill (e.g., cans on cinder blocks, three boxes in the garage, barrel in the hazardous waste shed). The amount of apparently hazardous material represented in these pictures was of concern to us and the Commonwealth. However, when we met with permanent and temporary employees and residents who are “regulars” at the Landfill, the resounding view of these pictures was that the volume of paint cans and bottles/jugs was out of the ordinary. Other than the photographs themselves, we have no information about when or why these items were placed on the wall and whether they contained any liquids and whether any were disposed of in the Landfill. At least one of the cans is clearly labeled “latex.”

4. February 2003 - Two 55-gallon oil drums were dumped into the scrap metal bin.

Sources:

This allegation is based on four sources: (1) the Police Report dated June 19, 2003; (2) a memo dated June 23, 2003 from the Landfill Superintendent to the Health Director and also provided to the Board of Health; (3) four pictures provided to the Commonwealth by Informant 1; and (4) statements made to the Commonwealth. The Commonwealth investigator told the Panel that Informant 1 had discussed this allegation with her and that she informed him that oil residue is permissible in the scrap metal container; consequently, according to the Commonwealth, Informant 1 withdrew this allegation. But, for purposes of completeness, we include the allegation in this Report.

Summary of Allegation:

Informant 2 alleges that on a Thursday in February, 2003, he and Informant 1 discovered two fifty-five gallon oil drums containing 10-15 gallons of oil inside the scrap metal bin. Informant 2 indicated that he and Informant 1 removed the drums, placing them on the parking lot. Informant 2 states that on Friday, he noticed the drums were still where they left them, in the parking lot. But, he states that “on Saturday morning, he and Informant 1 noticed the oil drums were back in the scrap metal bin.” Informant 2 speculated to the Police that only the Landfill Superintendent could have done this. Informant 2 said that Informant 1 took photographs of the oil drums in the bin while Informant 2 watched. Informant 2 and Informant 1 “left the oil drums in the bin and the bin was removed the following week, likely transported to Framingham Salvage.”

Pictures:

The Commonwealth provided the Panel with four pictures showing one red and one black drum in the scrap metal bin. The black drum appears to have been moved as the label of the black drum is in various positions in the pictures, sometimes facing up and sometimes down. People interviewed by the Panel stated that the red container is likely for oil and the black container for anti-freeze; however the black container appears to have oil residue on it.

Landfill Superintendent’s Response:

The Landfill Superintendent denied any knowledge of this incident to the Panel and to the Police Report. On June 23, 2003 the Landfill Superintendent denied this allegation in a memo to the Health Director, Human Resource Director, and Board of Health.

The contents of the scrap metal container are regularly removed to Framingham Salvage. The Framingham Salvage letter responding to Allegation No. 2 stating that it inspects each load and has never rejected a load from Wayland would appear to apply to this allegation as well.

Analysis:

Did the witness see the items disposed in a Landfill compactor?

Informant 2 did not see the Landfill Superintendent put the barrels in the scrap metal container. Instead, he speculated to the Police that “only [the Landfill Superintendent] could have done this.”

Did the witness confirm that the containers still held hazardous materials when they were placed in the compactor?

Informant 2 reported that the barrels contained 10-15 gallons of oil.

Were the materials actually buried in the Landfill?

Informant 2 stated that the barrels were placed in the scrap metal bin that is hauled to Framingham Salvage, not buried in the Wayland Landfill.

Additional Comments:

Despite his statement to the Police that this occurred in February 2003, the Panel could not find any record of Informant 2 reporting this incident to anyone when it occurred. There is not any mention of this incident in Informant 2's personal log, in the statement he signed on June 13, 2003 or the information he provided to the Commonwealth. In addition, this allegation is not mentioned in any of the information provided by Informant 1 to the Police or the Commonwealth.

5. On or About February 28, 2004, two five-gallon pails of dark liquid were disposed by the Landfill Superintendent into the compactor.**Source:**

Informant 1 made this allegation to the Commonwealth.

Summary of Allegations:

Informant 1 alleged that on or about Saturday, February 28, 2004, he saw the Landfill Superintendent walking with two five-gallon pails of dark liquid (these are reportedly the same pails that waste oil is dumped into by residents who cannot reach the top of the 500-gallon waste oil tank). According to Informant 1, one pail was about half-full and the other a little less, and the 500-gallon tank was not full. Informant 1 told the Commonwealth that the Landfill Superintendent dumped the pails into the trash compactor.

Landfill Superintendent's Response:

The Landfill Superintendent denies the allegation.

Analysis:**Did the witness see the items disposed in a Landfill compactor?**

Informant 1 states that he saw the Landfill Superintendent dispose of the pails into the compactor.

Did the witness confirm that the containers still held hazardous materials when they were placed in the compactor?

According to the information he told the Commonwealth, Informant 1 stated the pails contained a dark liquid. Since these buckets are the same as those used for waste oil, the unsubstantiated presumption is that the dark liquid is waste oil.

Were the materials actually buried in the Landfill?

Although there were no statements about the burial of the contents of the trash container in the Landfill, it is reasonable to assume that it would have been buried in the normal course of business.

Additional Comments:

The Panel found it unusual that this incident is alleged to have occurred on a Saturday, a traditionally busy day at the Landfill, without a single additional witness to the event. Further, given the history of employee tensions at the Landfill and the 2002 Settlement, it is difficult to believe that the Landfill Superintendent would commit this act in view of an employee who is known to have made numerous environmental allegations about him to the Commonwealth in the past. If the pails contained waste oil, it would have been easier for the Superintendent to dump them in the waste oil container.

6. On or about February 28, 2004, the storage closet was emptied of new and used product that the Landfill employees use on a daily basis and the Landfill Superintendent threw it out.

Source:

Informant 1 made this allegation to the Commonwealth.

Summary of Allegations:

Informant 1 alleged that the storage closet was emptied of both new and used product that the Landfill employees use on a daily basis. According to Informant 1, when he asked the Landfill Superintendent if he threw it out, the Landfill Superintendent denied throwing it out.

Landfill Superintendent's Response:

The Landfill Superintendent told us that the storage closet does get cleaned out from time to time but that the contents are always disposed of properly.

Analysis:

Did the witness see the items disposed in a Landfill compactor?

Informant 1 did not state that he saw the Landfill Superintendent dispose of the products into the compactor.

Did the witness confirm that the containers still held hazardous materials when they were placed in the compactor?

The allegation does not specifically identify the products.

Were the materials actually buried in the Landfill?

As noted above, there is no direct evidence of the ultimate disposal of these items. The contents of the trash compactor are routinely buried in the Landfill.

Additional Comments:

One Landfill employee did mention assisting with the cleaning of the storage closet before hazardous waste day and bringing items up to the septage facility for disposal on hazardous waste day.

7. David Adams, Commonwealth inspection of May 14, 2004

Source:

Mr. Adams had received a letter of complaint from an unidentified person about an area of the Landfill only open to employees.

Summary of Allegation:

Mr. Adams noted four concerns during his visit: (1) Grit/sludge from the treatment plant; (2) Markers for the toes of the Landfill slope; (3) Tires incompletely buried that could hold water creating a mosquito problem; and (4) Stockpile of construction wood in open top containers.

Landfill Superintendent's Response:

The grit/sludge was delivered from the septage facility, but was not buried immediately because of rainy conditions. Informant 1 had told a second Landfill employee not to bury it because it needed to dry – which is why it was there on the day of inspection. The markers had been made by the surveyor to mark the edge of the Landfill cap liner. The tires were used as barriers and subsequently were moved. The wood was being saved for a chipping demonstration for Earth Day. The Commonwealth later sent a letter approving its storage for that purpose.

Analysis:

The Landfill Superintendent's responses to Mr. Adams satisfactorily resolved this matter. Mr. Adams reportedly told the Landfill Superintendent that the Landfill overall was in good condition.

8. **May 2004 Mercury Thermometers stored in trailer “disappear.”**

Source:

This allegation is from the Commonwealth interview with Informant No. 3.

Summary of Allegation:

On or about fall 2003, the Landfill offered a thermometer exchange program to collect old mercury thermometers from residents in exchange for new digital thermometers. According to Informant 3, about four thermometers and one broken one were kept in a box in the Landfill office trailer in a desk drawer. During a hazardous waste day, Informant 3 went to get the box and it was missing. Informant 3 asked the Landfill Superintendent about the box, and the Landfill Superintendent reportedly suggested that the cleaners must have thrown it out.

Landfill Superintendent’s Response:

The Superintendent had kept thermometers in the office until Northeast Corp. or CRT did a pick-up.

Analysis:

There is no information to identify who removed the thermometers or that the thermometers were disposed of improperly.

Additional Comments:

Clean Harbors conducts hazardous waste day pick ups, but other contractors pick up thermometers. It is therefore likely that the mercury thermometers had been disposed of before hazardous waste day. Actual disposition of thermometers is unknown.

9. **On August 12, 2004 a container with unacceptable amounts of cardboard was delivered to Waste Management’s Transfer Station in Marlboro, MA by a Wayland Landfill employee.**

Source:

This allegation was made by the Attorney representing Informants 1 and 2 in an October 16, 2004, letter to the Attorney General.

Summary of Allegation:

On August 12, 2004, the cardboard recycling container from Claypit Hill School was picked up by a Landfill employee. When he reported it was contaminated with construction debris, he was instructed to take the load to Waste Management for disposal instead of to the Landfill where this load of cardboard ordinarily would have been taken. Landfill employees picking up recyclables at Wayland schools is a routine assignment.

According to a letter dated September 28, 2004 from the Recycling Coordinator of Waste Management to the Board of Health, the load contained more than 20 percent cardboard, exceeding the Commonwealth’s requirements. In a letter to the Attorney General about the August 12, 2004 incident, the Attorney alleges, “I have good reason to believe that other waste ban violations are occurring at least weekly at the Wayland Landfill and that Wayland officials are not ignorant of this fact.”

The Coordinator of Waste Management informed one member of the Panel that the September 28, 2004 letter was a form letter Waste Management is required to send to meet the State’s requirement that, when a failed load occurs, notification is made to the load originator. The Coordinator indicated that it is not unusual for Waste Management to receive large loads of cardboard from schools in late August when large orders of school supplies are being received. The Coordinator stated that the load was accepted by Waste Management, not rejected, and that this was an isolated instance and not a routine problem in dealing with loads from Wayland. The Coordinator, a long-term Waste Management employee responsible for receiving the unacceptable load receipts/tickets and for sending out these types of notices, noted that if Wayland was frequently dropping off loads with banned material, she would be familiar with it. The Coordinator reviewed Waste Management records and confirmed that there were no other receipts/tickets or notifications of unacceptable loads delivered from Wayland in Waste Management’s files.

The Attorney wrote a subsequent letter to the Attorney General's office on October 27, 2004. In this letter, the Attorney alleges another Waste Management violation occurred on October 5, 2004 when a Landfill employee dropped off another container with more than 20 percent cardboard at Waste Management's Marlboro transfer station. According to the Attorney, two witnesses are prepared to testify to this incident. Unlike the August 12 episode, the transfer receipt from Waste Management contains no notation that the load was of concern. The Waste Management Coordinator subsequently confirmed that, according to Waste Management's records, no unacceptable loads were delivered by Wayland other than the August 12, 2004 load.

Landfill Superintendent's Response:

The Landfill Superintendent stated that on August 12, 2004 he received a call from the Landfill employee who delivered the unacceptable load to Waste Management informing him of the incident. The Panel met with the Landfill employee involved with this incident who agreed with the facts presented to the Panel by the Landfill Superintendent. The Landfill Superintendent told the Panel that he called the School Department Facilities Manager to discuss the incident with him and to understand what happened. They discussed how to prevent similar incidents in the future. The Landfill Superintendent kept handwritten notes about this incident and meeting.

The Landfill Superintendent subsequently drafted a memo to his Supervisor, the Health Director, explaining his understanding of the incident. The official copy of this memo, dated October 5, 2004 and stamped as received by the Board of Health on November 2, 2004, stated that Landfill Superintendent met with the School's Facility Manager on October 8th. The memo states that the Facility Manager assured Landfill Superintendent that he would discuss the matter with his workers and ask them to keep strict control over the contents of the containers.

The Attorney wrote again to the Attorney General in a letter dated November 15, 2004, stating that he had a copy of the previously described memo written by Landfill Superintendent. He implies that the Landfill Superintendent improperly back dated the memo from when it was written on October 28, 2004 to October 5, 2004. The Landfill Superintendent told the Panel and the Health Director that he was reflecting the date of his written notes from the meeting and not the date the memo was typed.

Analysis:

The allegation does not involve improper Landfill disposal, but a load sent to Waste Management which accepted the load, with knowledge that it contained more than 20 percent cardboard.

Additional Comments:

The Facilities Manager demonstrated solid working knowledge of the Commonwealth's rules and regulations and coordinated the school's recycling operations well with the Landfill. Subsequent to his interview, in a telephone call to one of the Panel members, the Facilities Manager confirmed the incident and the approximate timing of the discussion he had with the Landfill Superintendent about ensuring other incidents are avoided.

The Attorney's allegation that a second violation occurred on October 5, 2004, and that two witnesses are prepared to testify about it appears mistaken. Concerning the Attorney's vague assertions of other violations occurring "on a weekly basis," Panel members invited the Attorney to appear before the Panel, but he declined to meet unless he could impose certain conditions unacceptable to the Panel.

10. September 4, 2003 Letter from Informant 1 to Board of Health.

This letter contains numerous allegations concerning human resource violations at the Landfill. In addition, it contains two environmental allegations.

Summary of Incident 1:

Informant 1 alleges that the Landfill Superintendent ordered him and another employee to bury 55-gallon drums in the Landfill. The drums ruptured while they were being buried covering 15 to 20 seagulls with oil. Informant 1 alleges that because the seagulls were so contaminated with oil, they had to kill the seagulls.

This allegation is undated in Informant 1's letter. However, it is known to have been discussed prior to the July 2002 Settlement. Although the Panel has limited its scope to allegations made after July 2002, the Panel chose to note it in this Report since it has been reported publicly. The Panel, however, did not specifically ask witnesses about it as part of its investigation.

The Landfill Superintendent's Response:

Landfill Superintendent verbally denied any knowledge of the allegation to the Panel.

Summary of Incident 2:

Informant 1 alleges that "numerous large loads of recyclable plastic, cardboard, paper, batteries, fluorescent lights tubes, and hazardous waste such as paint cans, thinner cans, and solvents were also buried in the Landfill." No specific dates are associated with these incidents.

Landfill Superintendent's Response:

The Landfill Superintendent denies all allegations of improper disposal of recyclables and disposables.

Analysis

With respect to Incident 2, there is insufficient information in the statement to determine whether Informant 1 alleges incidents beyond those already covered in this Report. Many witnesses noted that the Town cannot control what residents may throw away as household refuse in the trash compactor, nor are Landfill employees required to inspect the contents of a resident's trash. Consequently, occasional materials of the type mentioned above may make it into the Landfill in the refuse of residents.

As the September 4, 2003, letter contains numerous allegations concerning human resource issues, the Board of Health sent the letter to the Personnel Board for review. With respect to the two environmental allegations, the Town, with the assistance of Special Environmental Counsel who worked on both the prior and present cases, determined that these allegations were the same allegations as those made by Informant 1 when the initial Grand Jury investigation was commenced in 1999. The allegations did not appear to be new ones. Several attempts to schedule a meeting to discuss the letter with Informant 2 were not successful.

CONCLUSIONS

After detailed analysis, the Panel has concluded that there is no reasonable basis for a new enforcement action and that there is no reasonable basis to support an assertion that a violation of the 2002 Settlement occurred.

Careful review of the enumerated allegations reveals that one informant is the sole source or co-source of nearly all of the allegations. Two other informants are the source of one additional allegation each. Only one allegation was reported by two sources. This observation is telling, in light of the number of employees normally at the Landfill, the fact that burying trash in the Landfill is a two-person operation, and the larger number of temporary employees, contractors, inspectors and residents who are at the Landfill on a regular basis. In addition, in some cases the same informant reported an incident to one authority but did not include it in other reports. Even critics of the Landfill management, when interviewed, did not report knowledge of a single incident that could be a potential environmental violation.

The Panel is disappointed that two witnesses who have been publicly critical of the Landfill Superintendent's practices chose not to be interviewed. But the Panel is confident, in light of the substantial number of in-depth witness interviews, the information and pictures provided by the Commonwealth, detailed review of documents, and extensive analysis of each allegation, that their refusal to participate in the process did not compromise the results of its Report.

As the Panel reviewed the pictures provided to the Commonwealth by Informant 1, the pictures initially appeared to raise compelling questions. However, after careful, detailed analysis of both the photos and the conflicting information received from several sources, including independent observers of the Landfill, the Panel was left with serious concerns about the credibility of these photos and the information provided by the informants.

As noted above, most of the allegations have no corroborating witness. Allegation No. 3 is the only corroborated allegation and offers a prime example of why there are significant credibility issues. As described in this Report, there are numerous factual inconsistencies. It strains credulity to think that the Landfill Superintendent could have disposed of an entire box of jugs in the compactor, which was then compacted, and when dumped from the container, the jugs landed upright, in the center of the pile, completely intact and still in the box. Informant 1 then took pictures, and got out of the bulldozer to remove one jug to give to the Commonwealth as evidence. Further, to happen as alleged, the Landfill Superintendent's improper disposal into the compactor would have taken place within sight of an employee who he knew has regularly reported alleged violations to authorities in the past

and who was known to take pictures of Landfill activities. Finally, the alleged burial in the Landfill would have occurred without the knowledge of the other employee who worked that day and who would have routinely participated in the burial of trash, because it is always a two-man operation.

Similarly, the photographs associated with Allegation No. 1 are troubling because they appear to show a substantial amount of paper and cardboard about to be buried in the Landfill. The allegation by Informant 1 is that this cardboard was contaminated with trash, he was ordered to dispose of the material into the Landfill, and it was not reported to the DEP as required. The Landfill Superintendent denies Informant 1's statement and states further that, to the extent the materials were at the Landfill, they were there without his knowledge or authorization. The Panel finds Informant 1's statement to be troubling, in light of the fact that: (1) disposal of materials into the Landfill is always a two-person operation; (2) neither the photos nor other employees had corroborated the disposal; and (3) co-mingling of the trash with the recycling was easy to prevent.

The Panel is concerned about the Landfill Superintendent's disposal of latex paint cans into the compactor. The Panel recognizes that the Landfill Superintendent confirmed with the Landfill's environmental consultant his interpretation that such a disposition of these materials is a technically permissible interpretation of the Commonwealth's regulations regarding free liquids. The Panel, however, concludes that this practice invites misinterpretation and does not serve as a "best practice" which a well-run landfill should follow. Accordingly, the Panel recommends that alternative practices be immediately implemented, as noted in the Recommendations Section of this Report.

The Panel's extensive investigation leads to serious doubts that the alleged incidents took place as reported, and The Panel is confident that the Town will take appropriate steps to address the issues and recommendations identified in this Report.

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